



**THE ROLE OF CIVIL SOCIETY IN DEMOCRACY-
BUILDING: THE CASE OF THE TRANSFORMATION
RESOURCE CENTRE (TRC)**

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ABSTRACT

This study explored the role of civil society in Lesotho's democracy-building project, using the Transformation Resource Centre (TRC) as a case study. TRC is a local civil society organization with a mandate to promote democracy and good governance practice in Lesotho. The study used qualitative methods of research to establish the efficacy of CSOs in Lesotho in promoting democratic consolidation. With a sample of seven (7) participants drawn from the wide-spectrum of the CSO movement and the academia in Lesotho. Using a purposive sampling method, the study has been able to unearth crucial information on this subject matter. The study applied semi-structured interviews to gather data.

The study examined TRC's role in building a culture of human rights and assessed the CSO's effectiveness in holding the government accountable. It has determined the CSO's efficacy in promoting public participation among citizens and assessed good governance practice as a result of TRC's advocacy and lobbying programmes.

Findings point to the fact that, generally, a culture of human rights in Lesotho is at its lowest ebb. One of the key conclusions drawn by the study is that while there are formidable strides taken by CSOs like TRC to inculcate a culture of human rights among citizens, the state remains recalcitrant and views the advocacy initiatives of CSOs in the negative light.

It is therefore recommended that for CSOs to make real impact with their advocacy programmes for building a society that appreciates, observes and respects human rights, they must be focused in their selection and implementation of their programmes of action.

Key words: Civil society. Democracy-building. Democratic consolidation. Human rights culture. Good governance practice. State.

DECLARATION

The Registrar Academic
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I, Mzimkhulu Sithetho (Student number: 214535275) declare that the dissertation titled: The Role of Civil Society in Democracy-Building: The Case of the Transformation Resource Centre (TRC) is my original work. I therefore declare that:

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Mzimkhulu Sithetho

Professor Oliver Mtapuri

DEDICATION

To the Almighty God, my wife, Nowezile and my two sons, Siviwe and Siyabonga

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ABBREVIATIONS

AGOA	African Growth Opportunity Act
APRM	African Peer Review Mechanism
AU	African Union
BCP	Basutoland Congress Party
BNP	Basotho National Party
CAT	United Nations Convention against Torture (UNCAT)
CBOs	Community-Based Organisations
CCJP	Catholic Commission for Justice & Peace
CSOs	Civil Society Organisations
DCEO	Directorate on Corruption & Economic Offenses
DPE	Development for Peace Education
FPTP	First-Past-the-Post
GB	Great Britain
HRC	Human Rights Commission
IMF	International Monetary Fund
LCD	Lesotho Congress for Democracy
LCN	Lesotho Council of NGOs
LDCs	Least Developed Countries
LDF	Lesotho Defense Force
LMPS	Lesotho Mounted Police Service
LHDA	Lesotho Highlands Development Authority

LHWP	Lesotho Highlands Water Project
LPC	Lesotho People's Congress
LSA	Law Society of Lesotho
MCC	Millennium Challenge Compact
MMP	Mixed Member Proportional
NGOs	Non-Governmental Organisations
NSS	National Security Service
NSAs	Non-State Actors
NSDP	National Strategic Development Plan
NUL	National University of Lesotho
OECD	Organisation for Economic Cooperation & Development
OSISA	Open Society Initiative for Southern Africa
PAC	Public Accounts Committee
PCA	Police Complaints Authority
PR	Proportional Representation
PRSP	Poverty Reduction Strategic Paper
RCC	Roman Catholic Church
SADC	Southern African Development Community
SALGA	Southern Africa Litigation Centre
TRC	Transformation Resource Centre
T4T	Training for Transformation
UN	United Nations

UNDP United Nations Development Programme
WSPD World Summit on Political Development
WSSD World Summit on Sustainable Development

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CHAPTER 1: BACKGROUND & INTRODUCTION

1.1 Introduction

This Chapter provides an overview and background to the study. It also provides a context within which the study was conducted, especially the case study context, which is the Transformation Resource Centre (TRC). The various contexts that influence the operation of civil society organizations (CSOs) in Lesotho are political, socio-economic, legal and geopolitical/global, but the study highlights the political context. This is important because understanding and application of the concept 'civil society' differs from society-to-society. The chapter further outlines the rationale for conducting the study, a statement of the problem, research objectives and research questions. Lastly, it provides an outline of how the research report has been organized, chapter-by-chapter.

1.2 Overview

Democracy has been universally-accepted as a model for ruling nations and for governments to conduct their national affairs on behalf of the people (United Nations, 2018). Arguments of where the concept originated and its presumed advantages or imperfections are immaterial for this study. The fact is that democracy has been accepted as an ideal norm of conducting a country's national affairs (Archibugi 2012; Dingwerth, 2007; Dryzek, 2006 et al). Clayton (2000), Oakley (2000) and Taylor (2000) write that immediately after the cold war, democracy has been universally embraced as an ideal political ideology to be followed by countries. By their mere formation, governments are products of democratic elections, which grant citizens the latitude to choose their political leadership. Even the minimalist definition of democracy places the issue of having elected representatives at the centre of democracy (Rosema, Denters Aarts, 2010).

A critical question that is of materiality to the study is whether democratic norms and belief systems of society are upheld to build a solid and vibrant democracy, especially as a result of advocacy campaigns of Civil Society Organizations (CSOs). The role of inculcating norms and belief systems that undergird a solid democracy is placed on the shoulders of non-state actors (NSAs). The fact that civil society is an arena of voluntary collective action around interests which are shared by the larger society, goals, purposes and values is buttressed by Merkel and Lauth (2004). NSAs are entrusted to exercise oversight over the state through advocacy programmes crafted to put pressure on the state to observe the universally-accepted norms that underpin a functional democracy.

Many definitions have been proffered on what is democracy, but it is basically understood as 'a rule of the people by the people and for the people.' This foundational definition of democracy is rooted in the Greek mythology of the demos, referring to the people and the kratia, referring to power (Fluckiger, 2008). By implication, in a true democracy, 'people hold power', though it is vested on a few to run the affairs of the majority (representative democracy).

The study underscores the fact that states sometimes deviate from what is universally-accepted as a democratic norm, by flouting the basic principles that undergird a functional democracy. Therefore, to keep states on a democratic path, NSAs, which are formed by community mobilisers and societal opinion leaders are central to filling that void, hence positioning themselves as an alternative voice for the people (Fluckiger, 2008). Fluckiger (2008) asserts that there is a risk that elected representatives sometimes stray away from the mandate conferred upon them by the voters and tend to use their power to defend their self-interests or those of a particular group associated with them.

CSOs are therefore charged with a responsibility to put recalcitrant states on a democratic path, a call which other scholars have argued is placed on CSOs to become a substitute for failed states.

Though, their destiny is not to assume political power per se, nor to seek to become an unelected government to replace the state, but to become a formidable force to be reckoned with by the marginalized, the poor and the voiceless within society. The above ideals have long become a contested terrain by scholars who have sharply differed on the role, place and posture of a civil society, either in complementarity or in juxtaposition to the state.

The concept of civil society is traced to the 18th and 19th centuries, particularly in Western Europe and the Americas. It is associated with thinkers of the Enlightenment era in Scotland, particularly Adam Ferguson and Adam Smith (Reichardt, 2017). Civil society is further believed to have emerged in the Enlightenment period in Europe and gradually spread out in the 19th and 20th centuries and largely influenced the works of thinkers of the time such as Hegel, de Tocqueville and Gramsci (Lewis, 2010).

Operating on the sidelines of the general society, CSOs are expected to offer services that the state has failed to offer, backed by donor assistance to do so. However, there are several theoretical perspectives on the role of civil society (as will be seen in this study), which argue that civil society is not supposed to be juxtaposed against the state, or to act as a realm outside the purview of the state, but to play a complementary role to that of the state (Desse, 2012). Foucault (2016) has critiqued the positioning of civil society as a sphere outside the realm of state and economy, breaking away from the conventional notion of a sphere of interactions, institutions and communication that sustains public life.

Other scholars pit civil society directly against the state, giving it a posture of a 'third force' that has to give citizens a modicum of hope, after the state, family and economy have failed to do so (Keane, 2009). Reinforcing this argument of the position of CSOs, Lund (2006) characterizes civil society in Africa, particularly post-independence as those institutions which have come to compete with the state for public authority.

Emergence of CSOs in providing checks-and-balances buttresses what other scholars term 'the substantive definition of democracy' in which accountability is given prominence as a precondition for a functional democracy, couched on good governance principles (Siegle, 2010).

CSOs in Lesotho and everywhere else have taken many forms – from livelihood providers (philanthropies), semi-political, and those aligned to political parties, but still holding governments of those parties accountable (Monyane, 2009). Some are labour unions, which fight for the rights of workers, while others are religious in character and take the form of church denominations. The media also come to the party as some form of CSO (Selinyane, 2007).

It is in this context that this study seeks to unearth the role of CSOs in deepening the roots of democracy within society. CSOs are an important agent of democratic consolidation. According to Gorokhovskaia (2017), "there must be a vibrant civil society for the regime to be regarded as consolidated." Lesotho' CSOs are diverse, but have one common agenda of exercising oversight over the state.

1.3 Background and context

Lesotho is one of the few remaining monarchies in Africa, a tiny Kingdom of about 2.1 million people (Lesotho Population Census 2016), which lies right at the belly of a powerful economy, South Africa. Lesotho attained political independence from the Great Britain in October 1966. Since then, the Kingdom has traversed a not-so-palatable political journey in the last five decades (Monyane, 2009). Its political trajectory has been punctuated by a series of nasty episodes, which have adversely affected the small country's efforts to consolidate democracy (Vhumbunu, 2015).

Lesotho has been stuck with the project of democratization since attaining political independence from the Great Britain, more than five decades ago.

One of the major stumbling blocks to the Kingdom's consolidation of democracy is attributed to a weak state (Matlosa, 2007). Rocha (2007) argues that many countries are trapped in unfinished and even piecemeal democratisation processes, especially poor ones. She asserts that they are not only trying to consolidate democratize, but to do so, requires that they build effective and capable states, which are a precondition for democratic consolidation. She therefore puts across the argument that democratization is thrust in strong states and that imperfect and crawling states face a hurdle in their efforts to democratize. Siegle (2010) argues that there is a correlation between democracy and prosperity attainment by a country. His sentiments are prompted by the fact that some countries embraced democracy when they were not ready, giving impetus to the argument of a democracy-development nexus.

Lesotho's measures to consolidate democracy have been influenced from outside the country. Sometimes these measures have come with stringent conditions and this has meant the country, highly dependent on foreign aid from the Organization for Economic Cooperation for Development (OECD) has had to compromise its political sovereignty in pursuit of aid and the quest to resolve its long-standing political impasse. However, little has been gained from these exercises.

According to Lesotho Times Newspaper (26 January 2017), the United States of America (USA) sent a strong missive to Lesotho Government that during the previous eligibility review for 2016 for the African Growth Opportunities act (AGOA), the US Government identified serious concerns of Lesotho's adherence to certain criteria (Lesotho Times, 26/01/2017). This was in light of the fact that Lesotho's economy is supported by factories and textile firms which export to the USA under AGOA and the country has been able to employ more than 40, 000 Basotho. If AGOA goes, Lesotho government will have to find an alternative for these multitudes in terms of jobs, this was the message conveyed by the USA statement to Lesotho Government.

In an effort to arrest the disunity and lack of social cohesion among the various shades of society, Lesotho has embarked on reforms, which have however yielded little.

These reforms have been patchy and disparate in character. Lesotho is currently implementing multi-sectoral reforms, which came as a result of a political instability that ensued two years after the 2012 parliamentary elections, which bore the country's first coalition government. Reforms are not a new phenomenon in Lesotho, as mentioned above, but little political will and lack of leadership fervor across the spectrum of the country, have undermined success of previous reforms. Already, a dull shadow is cast on these ones, as they are mired in controversy as regards participation of other sectors of society and the mentioned political will to drive them to their finality.

The current reforms have external influence and are largely supported from outside, sometimes with vested political, economic and other interests. Also, they are laced with stringent conditions from donor agencies and countries, with a threat of pull-out if there is no clear signal they will succeed. Most importantly, there seems to be polarization and lack of unison among players in the reform process, with juxtaposition between ruling and opposition parties. Basotho have not been rallied to support the reforms.

Lesotho's CSOs have historically played a catalytic role in the democratization exercise in the country (Kapa, 2014). Selinyane (2007) argues that there are two tiers of Lesotho's civil society – one that surfaced during the colonial era and those that emerged post-independence. The latter according to the Lesotho Council of NGOs (LCN) Strategic Plan (2014) aligned to the grassroots-oriented Basotuland Congress Party (BCP) while others were part of the religious body, particularly the protestant churches. Matlosa (2004) criticizes civil society in Lesotho as a weak force that is not able to push for the views and interests of their members to be heard and as a result, unable to hold the government accountable.

1.4 Case study context: Transformation Resource Centre (TRC)

This section provides a political context, which may influence the functioning of CSOs in Lesotho. The political context can affect and dictate the extent to which CSOs perform their fiduciary responsibilities to society. The section starts with a detailed description of TRC, tracing its historical origins and the role that it plays within society.

1.4.1 The Transformation Resource Centre

The Transformation Resource Centre (TRC) started off in the late 1970s as a haven for refugees who had skipped the then oppressive South Africa, which was acting under the aegis of an apartheid regime (TRC Annual Report, 2017). TRC was formed in 1979 by James & Joan Stewart of South Africa, a couple which had sought refuge in Lesotho in the early years of 1978. At its inception, the CSO had a project of providing refugees fleeing South Africa with shelter and of becoming a platform for information-sharing on the latest political developments in the then apartheid regime (<http://www.trc.org.ls>).

TRC runs various programmes intended to achieve its democracy and good governance promotion mandate. It has a parliamentary affairs and public participation programme, whose aim is to promote public participation in parliamentary affairs as well as to build the capacity of the Members of Parliament (MPs) on their roles, functions and responsibilities (<http://www.trc.org.ls>). The CSO also has the civic and electoral education programme, intended to empower youth, women in particular and other stakeholders to participate in civic life (<http://www.trc.org.ls>).

The civil and political rights programme is aimed at promoting respect for human rights and focuses on strengthening human rights institutions and oversight bodies to protect, promote and respect human rights of citizens. Furthermore, the programme facilitates that victims of human rights violations also get redress (<http://www.trc.org.ls>). Others are for strengthening of human rights institutions, with the aim of advocating and lobbying for strong and effective human rights protective mechanisms (<http://www.trc.org.ls>).

Furthermore, the socio – economic rights programme focuses on communities affected by Lesotho’s large dams, extractive activities and emerging industries continue to generate community grievances over compensation, development, resettlement, and access to services (<http://www.trc.org.ls>). Equally important is the advocacy for participatory national compensation policy programme, whose main thrust is in advocating for facilitation for legislation of standard participatory national compensation policy (<http://www.trc.org.ls>).

1.4.2 Political Context

Nash (2006) argues that it is imperative for CSOs to understand a political context within which they operate. He underscores the fact that a political context includes issues such as how power is distributed and organisations involved and their interests. He further states that a political context of a country also has to do with how policy processes work and how they are shaped to suit certain interests, either those of the state or ruling elites to achieve certain ends. Therefore, CSOs have to understand the political context within which they operate if they are to have influence on policy (Nash, 2006).

The political context includes elements such as corruption levels, rule of law, effectiveness of state in providing service to the people, decentralization, and political competition in the country’s party system and fundamental freedoms. If corruption is high in a country, it definitely influences the operation of civil society in terms of its outputs. Though, it is the role of CSOs to help root out corruption.

Lesotho’s CSOs are subject to these elements as those who work in the CSO sector are bogged down by the slow pace in service delivery. Lesotho’s CSOs, including TRC operate in a relatively politically-conducive environment. There is freedom to form and join any association of a Mosotho’s choice (Lesotho Constitution, 1993). CSOs can freely express their views on the national traditional media, social media platforms and other media-related forums (Section 14, Lesotho Constitution, 1993). However, rule of law is still a wanting terrain and this affects the role of CSOs.

1.5 Rationale for conducting the study

The rationale for conducting the study presents those factors that triggered the researcher to undertake the study. The researcher was prompted by the existence of the civil society movement in Lesotho since the second wave of democratic dispensation in the early 1990s. This was a time when political winds across the globe, in the Southern African region particularly, were blowing heavily towards democratization of states and the abolition and abhorrence of governments seized by the barrel of a gun.

For Lesotho, it was at a time when the country was transforming from military rule, which itself, was a sequel to a single-party dictatorship. The new atmosphere of entrenching democratic rule was received with an aura of expectability among civilians that the years preceding the end of the 20th century and the dawn of the new millennium would bring about a new political dispensation.

Therefore, this saw emergence of non-state actors (NSA), most of which were trade unions, media outlets, civil society organisations and the revitalization of the church to play a more meaningful role within society. However, the question has been, to what extent have these social groupings, seemingly juxtaposed against the state have contributed to the democracy-building project of the country? This question has begged many answers as more NSAs came to the party.

Therefore, it is this million-dollar question of what role is played by the CSOs in promoting democratic rule in Lesotho that has prompted conduct of this study. The question sprouts to further sub-questions such as - are NSAs just adding numbers? Are they formed by money-hungry people who pose as representatives of the people with a hidden motive? Are they just social bodies with no concrete vision for seeing Lesotho transformed into a fully-fledged democracy since its attainment of independence from the Great Britain in 1966? This is the rationale behind this research.

1.6 Statement of the problem

A statement of the problem is a claim that outlines the problem addressed by a study, which briefly addresses the question: What is the problem that the researcher intends to address by embarking on this study? (Bwisa, 2017). The Constitution of Lesotho (1993) guarantees fundamental human rights and freedoms that citizens have to enjoy. These are enshrined under the Bill of Rights, prescribed in Chapter 2 of the Constitution and under Chapter 18 respectively.

Against these constitutional imperatives, there are pockets of human rights violations meted out by the state on innocent civilians, mostly using armed forces, usually to quell dissent. There is also perceived denial of citizens to fully enjoy their freedom of expression of opinion through pluralistic national media platforms. Also, there is no adherence to the cardinal tenets of good governance in Lesotho, which is a precondition for a functional democracy. There is perceived low level of transparency, service delivery to the people and citizen participation in the development agenda of their country. The state is found wanting in many respects in as far as complying with international standards on building a firm and vibrant democracy is concerned.

These and other deficits of a functional democracy, the one couched on the mentioned norms underpinning democracy, warrant investigation of the role of CSOs in entrenching a culture of democracy, which is predicated on the aforementioned pillars that undergird a functional democracy.

Therefore, the study sought to explore the role of civil society in Lesotho's democracy-building project, using the Transformation Resource Centre (TRC) as a case study. TRC is a local civil society organization with a mandate to promote democracy and good governance practice in Lesotho. The study examined TRC's role in building a culture of human rights. It has assessed the CSO's effectiveness in holding the government accountable. It has determined the CSO's efficacy in promoting public participation among citizens. The study has also assessed good governance practice as a result of TRC's advocacy and lobbying programmes.

1.7 Research objectives

The study sought to achieve the following objectives:

- a) To examine the role of Lesotho's CSOs in entrenching a culture of human rights observance and respect among citizens of Lesotho, with particular focus on TRC.
- b) To assess the effectiveness of advocacy programmes of TRC in holding the government accountable for human rights observance, respect as well as reporting on international human rights instruments,
- c) To explore the efficacy of TRC's advocacy programmes with respect to principles of good governance;
- d) To assess TRC's advocacy campaigns for public participation levels and inclusivity of the citizens in the development agenda of their country.

1.8 Research questions

There are many factors that influence the researcher's choice of research questions such as the literature reviewed by the researcher, the researcher's own experiences with the topic or values, logistical constraints, results that cannot be explained, and stakeholder expectations (Plano, 2012, Clark, 2016 & Badiee, 2016).

In this study, the research questions have been influenced by two factors; the researcher's experience with the topic and the research objectives which are stated above. The study asked the following questions:

- a) What is the role of Lesotho's CSOs in entrenching a culture of human rights observance and respect among citizens of Lesotho, with particular focus on TRC?
- b) How effective are advocacy programmes of TRC in holding the government accountable for human rights observance, respect as well as reporting on international human rights instruments?
- c) What is the efficacy of TRC's advocacy programmes with respect to upholding the principles of good governance?
- d) What is the effect of TRC's advocacy campaigns for public participation levels and inclusivity of citizens in the development agenda of their country?

1.9 Significance of the study

The significance of the study looks into the general contribution of the desired study, its importance to society as a whole and particularly how it adds value to the existing body of knowledge on the subject matter under investigation (Plato, 2012). It is envisaged that after this study, national CSOs will undertake a self-introspection and reinforce whatever loose ends exist in their advocacy for entrenching a human rights culture within society. The study is expected to trigger a sense of inward-looking among CSOs, particularly TRC as regards its advocacy for upholding good governance practice in Lesotho. It is also expected to enhance the CSOs' quest for engendering public participation as an important virtue for realizing real development in Lesotho, underpinned by democracy.

The study also looks forward to influencing an inclusive culture among all actors, both state and non-state in the development trajectory of Lesotho. Therefore, local CSOs are expected to use the findings of the study as building blocks for their envisaged impact in the arena of advocacy for adherence to good governance principles, human rights observance, inclusivity and public participation, which are currently limited. The study contributes to the body of knowledge necessary for societal enlightenment, which is a conduit for general democratic development in Lesotho, cushioned by virtues mentioned above. The study is further expected to become an important reference point for political analysts, political and other researchers as well as media practitioners on matters related to democracy-building, particularly as being advocated for by CSOs. It is further expected to trigger more research to be undertaken on civil society's role in democracy-building.

1.10 Structural outline of the study

Chapter I introduces the topic to readers, providing a historical and contextual background. The chapter delves on the gist of the paper in a summative manner, highlighting in brief, major arguments provided in the study. It provides the main concern to the researcher, the reason that prompted him to embark on the study.

It also outlines the research objectives which the study intends to achieve. It also dwells on the key questions which the study asks. The chapter further discusses some contexts, which influence civil society's operation, particularly the political context that influences the operations of TRC.

Chapter II Discusses what other authors have said and written on the topic under discussion. It looks predominantly at secondary literature, which is related to the topic as a subject of research. It shows to the reader that the researcher is not reinventing the wheel with the study, but builds on existing knowledge on the subject matter, particularly closing observed gaps in the existing knowledge on the subject under investigation. The Chapter defines the theoretical framework, which is assumptions on which the phenomenon being discussed from a certain is based. It looks at a set of theoretical underpinnings of the study. This helps to explain why some things happen the way they do and why some people think or behave the way they do, from a theoretical point-of-view. It helps in shaping thinking over some thesis, which is the subject of the study.

Chapter III is an outline of the research design of the study and the methods used to gather data. It looks at the study target population, sampling methods and data collection methods. It further delves into the data analysis methods used in the study.

Chapter IV presents the data collected during interviews with participants in the study and then analyses the data collected. The chapter answers the research questions outlined in Chapter I.

Chapter V presents an in-depth discussion of the findings or results of the study. It is a narrative that brings about a thesis and/or anti-thesis as well as the synthesis brought about in the various discussions. It tells the reader what position the researcher takes on the subject matter under discussion, either an affirmative/proponent position or antagonistic/opponent position. The chapter also presents a conclusion to the critical issues raised in the study. It outlines the final thoughts of the researcher, which are formulated by the outcomes of the study, as outlined in the findings section.

The conclusion is also what the researcher makes of the discussions, which have been brought about by the study. It also outlines material that the researcher used in his study. The Chapter presents references made during conduct of the study, which authenticate the study as not being the opinions of the researcher.

CHAPTER II: LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

This chapter presents a review of literature on the evolution of civil society during the Enlightenment Period and drawing a comparison with the development of civil society in Africa, during independence and post-independence. It reviews literature on the relationship between the state and civil society in Europe and America and draws comparisons with the African experience. The chapter reviews literature on the real motive for the International NGOs funding African civil society to support democracy initiatives. The chapter also reviews literature on the real motive for emergence of African civil society.

The chapter further discusses theories that have been used to underpin the study and one framework on whose basic assumptions the study has drawn its basis.

2.2 Literature Review

A literature review presents an account of what other authors have published on a topic under discussion and whose work is accredited to those scholars and researchers. It allows the researcher to look at what has not been covered in the subject being investigated and close any gaps in academic knowledge on the subject under investigation (Arlene, 2014).

Literature abounds about the concept of civil society – what it is, what it is not, its role (both perceived and actual), its relation with the state and also its role in democracy-building, which is the focus of the study. Discussion on civil society is three pronged as presented by various scholars – the material aspects of civil society, discussed mainly by Karl Marx and Hegel, institutional/organizational aspects of civil society (de Tocqueville and Ferguson) and the ideological debates of civil society as presented by Gramsci and Havel.

2.3 Tracing evolution of civil society to the Enlightenment Era in Scotland

The concept of civil society is traced to the 18th and 19th centuries, particularly in Western Europe and the Americas. It is associated with thinkers of the Enlightenment era in Scotland, particularly Adam Ferguson and Adam Smith (Reichardt, 2017). Conversely, another school of thought of Lewis (2010), argues that civil society is a concept that emerged in the Enlightenment era in Europe and gradually spread out to other parts of the world in the 19th and 20th centuries and largely influenced the works of thinkers of the time such as Hegel, de Tocqueville and Gramsci. Reichardt, (2017) states that it was in the 18th century when the term civil society was closely connected to the expressions 'civil' and 'civilizing' on the one hand, and to free, independent and self-reliant individuals on the other. Civil society has gone through a series of renaissance and metamorphoses.

According to DeWel (2008), civil society was originally viewed in the same light as a political society in Western Europe. The trajectory of civil society has been that of its emergence and influence in the thinking about a sphere outside the realm between the family, the state and the economy (Keane, 2009). Also critical in the discussion about civil society is the issue about its change in meaning, which depended largely on geography, political perspectives (liberalism or socialism) and historical waves. Therefore, the study looks closely at the geographical perspective of the concept in as far as its origins are concerned, and analyses the meaning of the concept from political persuasions of liberal and social thought. It also touches on the ideological underpinnings of the concept.

Civil society has been associated with the weakening of the state, which warranted a 'third force' after the family and the state. In other circles, it was referred to as the 'fourth state', following the family, the state and the economy (Desse, 2012). It is further associated with the fight against totalitarian and authoritarian regimes, pitted against these as an alternative platform to the people.

According to Brown (2000) civil society emerged as 'a historically-specific construct' from a special moment in the history in some parts of Western Europe. Another narrative on the emergence of civil society in East Central Europe indicates that it was associated with transition from socialism to post-socialism (Gagy & Ivancheva, 2016). A further narrative suggests that in Europe, civil society started in the Italian Renaissance and was used to underscore a 'republican conception' of what positive freedom meant Pocock (2006). Pocock (2006) posits that in the Great Britain, civil society has been described as the voluntary sector due to the fact that 'membership and engagement in the civil society sector is voluntary.'

2.4 Western conception of civil society outside the realm of the state

Keane (2010) states that in the second half of the 18th century, there was a dramatic shift in how civil society had been conceived. He argues that this shift saw a new concept being gradually formed and elaborated, which distinguished civil society away from the state, as a force which has its own forms and principles. He further notes that from this particular period onwards, civil society was seen as a concept oriented towards the state, but also acting as a check on how the state dispenses its powers and sometimes even counteracting them. As a result, civil society was beginning to be viewed as a means of resistance against dictatorship and other power abuses by political leaders (Bratton, 2004).

Thereafter, discussion of the relationship between civil society and the state began slowly, but what made it more intricate was juxtaposing civil society with state, particularly positioning the former as an alternative to the latter (Desse, 2012). Desse (2012) posits that CSOs' emergence in Europe and America was prompted by the failure of the state, thus positioning the former as a substitute to the state. This is in sharp contrast to Carothers' (2011) position on the concept, as he argues that civil society was first equated to the state, but was later discussed 'as a domain parallel to the state'.

Civil society is also said to have grown in prominence as a result of an increasing demand for freedom, and this was during the French and American revolutions. But as well, it is said to have also fallen out of place as it got disused, particularly in the industrial revolution (Carothers, 2011). It later regained prominence immediately after the World War II. According to Carothers (2011), civil society's return and occupying its place in the political space made it become a buzzword in the early 1990s, particularly among political leaders. Former dictatorships which were then democracies opened up the space for civil society. The emergence of public interest causes such as human rights, good governance, accountability and civil liberties gave rise to the prominence of NGOs in the Western European and American democracies.

Vujadinović (2009) brings another nuance to the discussion of civil society as implying those organisations, which agitated for the limitation of the state power and for promoting individual citizen rights. Meanwhile, Clayton, Okaley and Taylor (2000) argue that the view of 'a good government' in Eastern Europe, former Soviet Union and other parts of the developing world, the wave of democratization ushered in civil society as an anchor of these changes. Vujadinović (2009) is of the view that civil society is an arena of political activity, which he characterizes as a platform for improving democratic decision-making and of overcoming deficits that may surface in the discourse of democracy. In the same vein, Ware (2007), argues that civil society discourages a dominant state from manipulating the people.

Hegel (2007), nonetheless, is skeptical of the civil society's much-acclaimed contribution to democratic consolidation, arguing that, instead, civil society has been at the centre of societal conflicts. His sentiments hinge on the notion that some civil society organisations work to undermine democracy. To the contrary, Mutfang (2003) advances the view that the CSOs' demands input into the democratic process that every society requires. He argues that CSOs hold an elected government accountable for its actions by approving and disproving what it is doing. He further posits that a weak civil society is a signal of a failure of democracy.

2.5 Gramscian theorization of civil society

Brighenti (2016) posits that Gramsci theorized civil society as an expression of power relations among social groups found in an established state. Gramsci pits two societies – the political society and the civil society, arguing that the former is coercive while the latter is consensual. He argues that Gramsci's conception of hegemony was that there must be a nexus between the political society, which is coercive and the civil society, which is consensual. In simple terms, hegemony is not necessarily domination of society, but using the power of ideas to lure people to gradually consenting to the coercive authority of the political elite, without realizing they are doing it. Gramsci's belief was that all humans are intellectual, though not professionally intellectual, thereby no need to use force to make them toe the line. Through a set of ideas, they could be enticed to give in to dominance of the elite. The re-emergence of the concept of civil society is attributed to the dictatorships that emerged post-World War II, especially as being depicted by Gramsci (2014), which gave credence to the positioning of the civil society as an alternative force to the state.

Gramsci (2014) used civil society as a space to fight against tyrannical governments of the time, seeing CSOs as providing an alternative voice to the people against a repressive state. In his prison books, Gramsci wrote: "man is not ruled by force alone, but also by ideas." This assertion is in response to the force of the Italian Republic, which had imprisoned him using force. He found ideas more powerful than mere physical force and argued that the Western civilization was predicated on creative and conservative use of ideas to change the mindset of others in order to toe the line (Rates, 2017). He says civilization survived due to a set of ideas indoctrinated on others until they submitted and followed. Rates (2017) argues that Gramsci's reliance on the power of ideas to rule people as opposed to force (Ideological State Apparatuses vs Repressive State Apparatuses) hinges on the notion that political leadership win the support of those who challenge them by gradually making them consent to their ideology. He says that in Gramsci's thought, consent by the led is secured through 'diffusion and popularization of the world view of the ruling class.'

Therefore, following on Gramsci's theorization of the dominance of the ruling class using a set of ideas to win the support of the led, hegemonic states are those that do not use force to beat people to follow their course. It is argued that he believed hegemonic states popularize their cause, using diffusion as a means to make their challengers succumb to their own wounds and follow suit. Lenin () picks the argument on hegemony of a state and discusses the power of a state to instruct the masses and divert their interests away from their demand for reform without using force. He terms this 'winning the allegiance of an antagonistic and toxic group' towards one's cause.

2.6 The two publics and the conception of civil society in Africa

Osaghae (1997) argues in his presentation of the two publics in Africa that civil society in Africa was a unique case. His argument stems from the fact that in Africa as opposed to other parts of the world like in Europe and America, ethnic differences have played a major role in defining the role of civil society. While the colonial period, particularly in Africa is viewed as a period during the time African states were striving to attain independence and a couple of years thereafter, it may not be the same for others.

Meanwhile, Robbison (1994) posits that a robust and autonomous civil society in Africa has been able to reduce the hegemony of a state to an extent that it remains a precondition for democracy. He further argues that post-independence, the vigour of civil society declined markedly as they got taken away that roots of democracy would be deepened. But that was not to be the case as many states gradually became authoritarian after obtaining independence. According to Jirankova (2014) some African countries, particularly those in the Arab Spring or the Middle East such as Egypt, Tunisia and Lybia have experienced decades of dictatorships and were not per se, democratic. Events of social uprising in 2010 and 2011, saw massive political transformation in this region. To mention a few, the demise of Hosni Mubarak's three decades on the helm of Egypt and Muamar Gadhafi's fall and his death after 40 years of dictatorship.

These dramatic political changes in this region are activities that are attributed to the work of civil society (Jirankova, 2014). The state according to Mohan (2010) has been demonized as being undemocratic and non-existent, in-so-far-as it did not comply with the western ideology of what is democratically-upright. On a different note, UNESCO (2009) asserts that emergence of civil society in Africa can be ascribed to the globalization process and the end of the East-West conflict, whose pace increased in momentum in the late 1980s.

UNESCO (2009) further argues that at the time, collapse of the communist bloc in Eastern Europe, which was a precursor to African democratization, was a breeding ground for independent and voluntary groups and associations that identified with the civil society. Pinkney (2005) argues that the prominence of CSOs in Africa was registered mostly during the transition period, when African countries were democratizing. Though, Robinson & Friedman (2005) warn against overestimation of the political influence of CSOs, particularly in Africa, chiefly post-independence. Sentiments about the relationship between civil society and the state in Africa are somewhat similar to those in the rest of the world, particularly in Europe and North America. This is where civil society has been viewed in the light of providing an alternative to the state, particularly on issues of human rights and good governance (Lund, 2006).

On the other hand, Neubert (2011) posits that the emergence of civil society organisations was given rise by the support that these organisations got from global development politics in the 1980s. Lund (2006b) characterizes civil society in Africa, particularly post-independence as those institutions which have come to compete with the state for public authority. Meanwhile, Foster (2009) brings another nuance to the discussion of civil society in Africa, particularly in juxtaposition with the state; in that unlike in Europe and America, the African civil society did not automatically fill the space left by the ineffective state. His views refute allegations that civil society's rise to prominence in Africa and other parts of the world has been a result of a failing state, and thus, provided an alternative or some form of substitution.

Hassan (2009) is of the view that the concept of civil society has been a subject of misuse in North Africa with intent to exclude civil society formations, particularly those which were Islamic in character. At the same time, he argues, opposition movements, particularly in the Arab world, tended to resort to use of the concept of civil society when they wanted to entrench themselves in opposition to state repression. He further posits that the development of civil society in Africa was tied to anything outside the realm of the family and state. This he says, was associated with civilization and tolerance and would lead to integration of the continent. Still on emergence of civil society in Africa, Okuku (2002) promotes the idea that the centrality of civil society in the continent both in the development and democratic discourse was given rise by a weak state.

In the case of Botswana, Solomokae (1998) posits that the relation between the state and civil society had to be solidified by a policy, which defines the bounds of cooperation between the two, particularly the principles of engagement. The process of engagement between the state and civil society was coordinated by the NGO umbrella body, the Botswana Council for Non-Governmental Organisations (BOCONGO) Solomokae (1998).

2.7 Civil society and social liberalism

There is debate in some scholarly circles that a system of beliefs and values as well as norms in which political action takes place creates a fertile ground for democracy to thrive. This is premised on the notion that creation of platforms for exchange of ideas, tolerance of dissent, divergence of opinion and opening of the public sphere for debate and dialogue is a recipe for a successful democratic dispensation. All these are values that are cherished by a civil society, which in fact becomes a platform which favours citizens against the will of the state (Kim, 2017). There was a time during the Enlightenment period in Europe and America when civil society was viewed in the same light with a political society (DeWiel, 2008).

Singh (2012) argues that civil society used to be known as the civilized society, but now, the concept is socially-located in the social groups that emerged outside the political space. This school of thought by Singh defies the conception that civil society is part of the political society mentioned above. But it holds water to suggest that civil society operates outside the realm of the political arena, but uses the arena to advance the needs and expectations of the marginalized and poor people within society. In the same vein, Perez-Diaz (2011) views the notion of 'civil' as a sphere of political thought by asserting that civil society was introduced into Africa as an agenda of those practices and institutions which systematically brought together a political sphere. This is defined by limiting government's power by subjecting it to a representative body and to public opinion. The latter school of thought buttresses the idea earlier discussed that civil society is a public sphere for various and sometimes opposing views, and plurality of thought, which enriches the ideals of democracy.

Democracy is in itself, based on plurality of thought, cross-pollination of ideas, tolerance of dissent, consensus-building, and participation of people in the democratic discourse. Civil society provides a space for these to take place among members of society. To further seal validity of the above line of thinking, civil society therefore appears as a domain upon which people converge in groups to pursue common interests and communicate important matters of mutual value to them (Chambers, 2009).

Carothers (2006) has argued that the rise in prominence of NGOs as active actors in the political space is such that they have come to shape policy. This they do by exerting pressure on governments and providing policy-makers with technical expertise. Also, CSOs are said to have fostered citizen participation and civic education among members of society (Carothers, 2006). All these are ingredients of a functional democracy. Habermas (1996) holds the view that civil society has increasingly become a trusted partner in creation of a public sphere for citizens' public opinions, ideas and views. The mentioned virtues undergird what is perceived to be a working democracy – the one that grants people unfettered leeway to express their views on national issues.

In what he terms 'the communicative public sphere', Habermas (1996a) had envisaged an open space where people expressed their views on national developmental issues, shared ideas and advanced their common interest.

The idea of political culture fitting in well with democracy is given credence by the fact that it is in those countries in which political activity thrives where democracy is likely to take route. But in counties where political activity is throttled, there is little room for democratic dispensation (Habermas, 1996). These are seen in absolute monarchies of Swaziland under King Mswati III and dictatorships of Zimbabwe under the deposed Robert Mugabe. Though, the latter case was a severely controlled political activity under a heavy hand of the state. At the heart of it was a personality cult (Robert Mugabe) holding the reins of power, ruling with a small political clique, which was on the helm of the country.

Political activity has in it, a free playing field of multiple political parties, ruling and opposing, exchange of ideas on national issues and adoption of varying viewpoints on an issue viewed to be of national importance. Issues discussed are of interest to society such as granting of freedoms, human rights, rule of law and equality as well as public participation. All these are the domain of democracy. Civil society therefore comes as a platform for discussion and debate on these issues and a force that compels the state to trot on democratic principles as well as holding it accountable for any deficiencies on upholding the above.

Hont and Ignatief (1985) defend this idea by stating that politics, which is a battlefield for plural thought, and the economics, a battlefield for economic interests were never detached from civil society. This they say happens as people are granted a forum to debate and dialogue in an open public sphere about issues of good governance, human rights and freedoms, which underpin a democracy. Civil society is at the centre of these as it facilitates debates and assures people their innate freedoms. Chambers (2008) presents another nuance to the discussion of civil society within the realm of political culture in that it acts as a public sphere that facilitates dialogue with the state.

In his presentation of five layers within which civil society comes into contact with the state discussed earlier, he states that civil society brings to the table of discussion, a myriad of issues that bother society. These are accountability, civilian rights and freedoms, rule of law and many others. All the mentioned are issues that underlie a political culture where many voices have to be heard on one discourse in order to arrive at a point of agreement or disagreement (consensus-building), which in turn is an ingredient of a functional democracy (Chambers, 2008). Solomokae (1998) on the other hand, asserts that the dialectical relationship between civil society and democracy is such that political sphere is a struggle for political power, while civil society is the source of mandate for the state to govern. This he asserts, brings civil society closer to the state, which mediates the various struggles which civil society groups wedge on behalf of the citizens to fully enjoy their rights and freedoms. On the contrary, Mulutsi (1995) argues that the difference between the political space and civil society is not so real, rather it is theoretical and methodical.

Brumberg (2002) and Heurlin (2010) argue that in autocratic societies, civil society organisations are co-opted by the state and tend to be weak as they are beaten to the core of the state to pursue its goals. This has been the case in Zimbabwe, whereby the Mugabe regime established its own NGOs which distributed food handouts and also that defended the regime's position and maintained the status quo.

This also was the case for the media sector, which became largely polarized with those supporting the regime and those radically opposed to it. Bresser-Pereira (2010) argues that the extent to which civil society identifies with the people is a grand barometer for the degree of democracy in a social system. He therefore contends that people are a constitutive element of a state, but not an object of it. Democracy is underpinned by the principle that democracy thrives where political power is thrust in the people, whose interests and expectations are in turn, thrust in an effective civil society. Therefore, for people-power to be really claimed by the citizens, civil society plays a crucial role of opening the public sphere for expression of opinion by citizens who enjoy these freedoms as a result of civil society organisations.

In support of this school of thought, Somolekae (1998a) suggests that for civil society to be effective in Africa, it should be granted the necessary legal and political space to rally society towards enjoyment of rights and freedoms without fear or favour. Conversely, Berman (1997), Bermeo and Nord (2000) maintain that civil society organisations are not completely without criticism from cynics who believe that CSOs do the opposite of what they are universally believed to do. They advance the argument that they can weaken democracy. These scholars contend that a too active civil society is dangerous to society in that it can lead to regimes that are intolerant, especially those that fear losing legitimacy at the behest of the civil society's antagonism.

2.8 Civil society in Africa and democratic consolidation

Bratton (2003) suggests that where civil society organisations have been effective in Africa, they were outlets that pursued shared goals of good governance, respect for human rights and observance of citizen rights and freedoms. On the other hand, Helin (2010) brings to the fore, the argument that civil society in Africa, came as a result of dissatisfaction with the state by citizens. She argues that in Nigeria as an example, most of the civil society movements that emerged came as a result of corrupt government systems that tended to plunge the state into chaos. Carothers (2000) posits that in the late 1980s, donors and policy-makers developed interest in the work of civil society organisations in Africa as a result of their disappointment with the state, on which they had previously over-concentrated aid. He argues that the rise in prominence of civil society at the time was prompted by their massive expansion in the discourse of human rights and holding the state accountable, which resulted in democratic governance in some countries.

Ewoh (2000) charges in a similar note with Vujadinović that the civil society movement in Africa was intended to cement pluralistic and multi-party politics. Reisinger (1997) advances the argument that civil society in Africa has played the role of being a check-and-balance against the state, which became authoritarian in character.

Fattom (2013) is of the view that the remedy to arrest African authoritarianism lies in creation of democratic mechanisms of accountability and representation, which are thrust in civil society. The motive was to ensure that former socialist states were transformed into fully-fledged democracies that held regular elections, observed human rights and were accountable to the citizens (Ishkanian, 2007).

In what some scholars refer to as 'NGO-isation of civil society', there has been remarkable growth of CSOs in many parts of the world, but mostly in Africa, where international development agencies feel the democratic and good governance deficits are most prevalent (Ottaway and Carothers 2000). Kaldor (2003), instead, argues that international donor and development agencies' abandoning the state and their concentration on CSOs for democratic consolidation was prompted by the fact that the latter had become what he called 'islands of civic engagement'.

The premise of his argument on reliance on CSOs by the international community was that they were largely autonomous and self-organised than states to drive the democratic consolidation project. Political reform in some parts of Africa, particularly at the door of the democratization wave that swept throughout the continent in the late 1980s, donors placed civil society at the centre of the project to drive this change (Clayton, Okaley and Taylor, 2000). Mohan and Stokke (2000) argue that post-cold War, civil society organisations in Africa have been used as vehicles for what has been termed 'development' by the international and multilateral bodies such as the World Bank and International Monetary Fund (IMF).

Mohan (2001) argues that civil society was viewed in the sense that it would work against delinquent states by opening up civilian choices, promote good governance practices and also exert pressure on these states to democratize. According to Mohan (2010) the donor community saw civil society as a platform for parroting their agenda of 'democratisation' through conduct of periodic elections, granting citizens their liberties, upholding good governance principles and a litany of the so-called tenets of a functional democracy.

Neubert (2009a) argues that the emergence of civil society in Africa was none other than being a platform for donor aid to advance interests of the Western world on Africa. These he says, they had perceived as underdeveloped as a result of democratic deficiencies, which needed to be addressed.

The question of the role of civil society in democracy-building has long been debated, in particular, in the Africa context, where other forces such as colonialism preceded democracy and played a role in shaping the continent's democratic dispensation. Jacobs (2011) argues that development of a strong civil society in Africa was viewed as a catalyst for a functional democracy, particularly against the purview of the state. Jacobs (2011a) further puts a strong case that the emergence of a strong media sector would provide room for democratic debate and expose the wrongs of the state. Hence, this creates a platform for democracy to thrive.

Somolekae (1998) furthers this thinking by asserting that the concept of civil society long became a catchword when the discourse of democracy cropped up in Africa. This view gets a nod from Okuku (2002a), who posits that the weakness of the state in Africa made civil society to re-emerge as a 'cutting edge' of the continent's efforts to build a firm democratic order. His sentiment is more inclined to the view that the civil society's success in making inroads into the political sphere has been necessitated by the state's weakness. This he says, opened up opportunities for the state to agitate, mobilise and bargain from a position of strength. Meanwhile, Mouna (2018) writes about the Moroccan experience that throttling of democracy in the North African country became a fertile ground for emergence of civil society to demand a political space for the citizens.

He argues that it was these deficits to democracy – alienation of opposition parties, low public participation and decision of dissent that drove civil society leaders to agitate for democratic change. Sydow (2001) argues that civil society in Africa, represents an important democratic fibre, which acts as a platform that affords citizens to express their ideas and views in a manner different to that of the state.

Ojo (2011) emphasizes the pre-eminence of civil society in consolidating democracy in Nigeria. He asserts that it was civil society organisations in Nigeria that brought the military junta to a standstill between 1993 and 1999 with student strikes, civilian protests, civil obedience and marches across the length and breadth of the country.

2.9 Civil society and funding for democracy-promoting initiatives in Africa

The 1980s saw a new wave emerging in the democracy-building discourse, whereby international donors and development agencies showing interest in the advocacy work of civil society organisations. They therefore used them as conduits for channeling funding for advocacy on good governance and democracy-building initiatives in Africa. The EU Commission Report (2012) argues that the new approach of the European Union for supporting civil society was driven by the quest to ensure that it plays a meaningful role in the governance and democratic processes. The Report (2012) had broached the civil society as a strategic partner that played a mammoth role in cultivating a culture and values of democratic governance. What came to be known as 'social renewal' gained momentum, particularly in American and Western European governments, which were tired of old-fashioned political systems.

Interestingly, the Western European and American governments' fascination with civil society was not that it would transform their own societies, but that they would help perform the midwifery role in democracies in transition – especially those in the developing world. Therefore, donors and policy-makers had realized the indispensability of civil society in development, democratization and successful transitions from dictatorial governments to democratic ones (Carothers, 2000a). This view is buttressed by Ishkanian (2007), who argues strongly that international development agencies forked out huge sums of money on building and nurturing civil society organisations to strengthen their democracy-consolidation initiatives.

He posits that since the late 1980s, it had been realized that transitional and developing countries needed a strong advocate for human rights and good governance that would educate citizens while holding the state accountable for any deficits in these areas. For Clayton, Oakley & Taylor (2000), development of civil society in the developing world, Africa in particular, was to advocate for policies that limit state interference and reduce public sector corruption. They argue that civil society's main emphasis, particularly in the donor-recipient world was thrust in improving a record in democratic elections, human rights and rule of law, which are the main reform areas for a state operating in these countries. Their leaning is that donor support for civil society in the developing world was intended to build a strong civil society that was able to demand a more democratic, accountable and transparent state, leading to good governance.

Solomokae (1998) on the other hand, suggests that the evolution of civil society in Africa, particularly in the 1980s, was a function of the failure of the state to deliver development services which were thrust in it since independence. He therefore argues that the donor community resorted to the civil society to provide these services. In the same vein, Biekart (1998) Robinson (1996) & Van Rooy (1998) argue that donor organisations carefully identify those civil society organisations whose programmes are likely to promote the ethos attached to a functional democracy and support them with funding.

The school of thought is further buttressed by Van Rooy (1998), Howell (2011) and Pearce (2011) who argue that global development agencies also found civil society as a conduit through which they could channel donor aid to counter tyrannical states which reneged on their promise to deliver on democratic norms. The view above is supported by Hudock (1990), who posits that CSOs in Africa exist to propagate the Western imperial agenda, whose architects instill through dangling a carrot on who gets donor funding and who does not. He says this further creates overdependence and vulnerability of CSOs.

Conversely, Hearn (2007) argues that the fact that civil society are dependent on donor aid for their survival and for the effectiveness of their advocacy programmes is another form of imperialism coming through the back door. His sentiments are premised on the notion that as a result of overreliance of CSOs on donor funding coming from the Western governments and international NGOs, African CSOs are dictated upon in terms of the direction of their advocacy. Hashmi (2006) argues that civil society grew in prominence in the Western Europe and America because paymasters in these parts of the world used civil society as a platform for democracy and governance initiatives. He posits that the donor-civil society relationship gained momentum, but was not an ideal solution to the problem of recalcitrant states. He also critiques the relationship as being oblivious of 'non-institutional civil society' and being 'mired in western organizational view of civil society.

The Western European and American governments' interest in civil society was driven by the pursuit to pour financial aid to developing countries through civil society, away from corrupt and unaccountable states, post-independence. Neubert (2011b) wrote that the advent of civil society organisations in Africa gained momentum in the 1980s as a result of support they obtained from the international community. This view has been buttressed by Hassan (2009) who argued that the donor agencies had strengthened civil society in developing countries with donor support in order to entrench democratic governance in Africa. This was after realization that post-independence states were tyrannical, abused power obtained from colonial masters to subject people to human rights abuses and other ills, which were alien to democratic practice bequeathed by the colonial masters.

The support to civil society by donor agencies was prompted by among others, their ability to hold the government accountable, provide governmental legitimacy, giving people a voice, eliciting participation and also putting pressure on government. Meanwhile, Carothers (2000) is of the view that international development agencies and donors chose to focus their funding on CSOs because they could be easily transformed into democratic institutions, which could in turn advocate for transformation of states.

2.10 Civil society in Lesotho and the democratization project

Civil society in Lesotho is traced to the pre-independence period, when they were aligned to political parties, but were still able to hold those parties accountable (Selinyane, 2007). The media, civil society organisations (CSOs) and opposition parties have featured prominently as important players in the nation-building and democracy-creation efforts (Selinyane, 1997). These bodies ideally exercise oversight over the executive branch of government. The media is universally referred to as the fourth estate, following the legislature, judiciary and the executive. The question is whether they perform this function effectively (Kapa, 2018).

CSOs take many forms, but with one mandate of representing the marginalized members of society, who have no strong voice to speak against excesses of power by the elected elite. They take forms such as livelihood providers (philanthropies) and some are semi-political in character and aligned to political parties, but still holding governments of those parties accountable (Matlosa, 2007).

Some are labour unions fighting for the rights of workers, while others are religious in character and take the form of church denominations (Monyane, 2009). NGOs are membership-driven in character and normally speak the language of politicians, but from the perspective of the masses. They bring feedback from politicians, undertake studies on various courses of action and feed the social movements with credible and empirical data, which the latter uses to face the powers-that-be (Kuhn, 2003).

NGO leaders are accused of being divorced from the people as they are often clad in expensive suits and drive expensive cars when they go to see politicians in their offices on courses of action that demand answers. Kuhn (2003) argues that NGOs have been seen as major players within the realm of civil society, mainly to position civil society in a positive light as opposite to the state. Meanwhile, Steel et. al, (2007:37) elegantly argue in the affirmative when they refer to NGOs as "bodies that play a transmission belt role within civil society."

In the case of examining the role of CSOs in shaping Lesotho's democratization project, CSOs are placed right at the coalface of the project of attaining a human rights savvy society of Lesotho. This also includes adherence to good governance practice, advocacy for enjoyment of freedom of expression of opinion, rule of law and inculcation of a culture of public participation of citizens in the development agenda of the country (Matlosa, 2007 & Monyane 2009). Selinyane (2007) and Wamba-dia-Wamba (2003) argue that what makes Lesotho civil society an essential ingredient for democracy is the fact that it must be seen to improve the lives of people, to allow for self-exertion and release of people's creativity in the transformation of society for the better, in all spheres of life.

However, Selinyane (2007) posits that the Lesotho civil society lost a grand opportunity of being a vanguard for the people because it never prescribed a role for itself in the process of building democracy. According to Welton (2016) civil society associations enrich the public sphere and help it stay legitimated and alive. From this, it is easy to deduce that the stronger the civil society becomes, the stronger and more democratic the public sphere turns out to be. Following this line of thought, civil society becomes the most adequate force for erecting a democratic dispensation that safeguards the interests of citizens. This theory rings true for CSOs, like TRC, which open the space for engagement for the minorities in Lesotho, acting as a vanguard that safeguards the rights of the voiceless to be heard.

2.11 Theoretical framework

2.11.1 Introduction

The previous section reviewed literature on the subject of civil society and democratization, particularly tracing the concept's historical origins from different geographical zones and the impact of this on the topic. It dovetails with this section, which deals with some theoretical underpinnings of the study and frameworks, particularly perspectives that shape thinking around the concept and its application in this study.

Ndeda (2015) states that research is founded on a question and that to answer the research questions, a researcher has to ponder on certain assumptions that underlie his/her research. Put together into themes that frame the subject under investigation, these thoughts and assumptions are referred to a theoretical framework (Ndeda, 2015). Stokes (2008) argues that theories are tools that help a researcher think about his/her topic. Meanwhile, Stratton and Lesham (2008) claim that a theoretical framework influences how a researcher defines and clarifies the subject being investigated. They further state that theories have influence on how the researcher chooses research methods. Therefore, this section presents a set of assumptions about the phenomenon under discussion – role of civil society in democracy-building. Three theories and a framework have been explored as underpinning this study – social liberalism theory, ideological state apparatuses theory, hegemony and the framework on ladder of public participation.

2.14.2 Social liberalism theory

According to this theoretical perspective, civil society is understood as an intrinsic part of the 'lifeworld' as well as an indispensable component of the political public sphere. The various interactions that take place inside and among the associations that constitute the public sphere render civil society an important locus for shaping public opinion.

In the process, they legitimate state power as well as actively influencing the political system by placing new political issues on the agenda (Domhof, 2010). The theory hinges on the notion that individuals should have their basic needs fulfilled by the state, with civil society playing an advocacy role. The theory largely emphasizes the need for expansion of civil and political rights of individuals within society (Panitch and Gindin, 2012; Domingues, 2013). It also hinges on the belief that civil society organizations exist to legitimize the role of the state, which includes addressing economic and social needs such as poverty, health care and education. These social needs fall squarely within the ambit of the larger mandate of civil society organisations, which they perform by exerting pressure on the state to address social ills within society (Jhabvala and Standing, 2010; Vyasulu, 2010; Gosh, 2011).

Sen (1999) is a proponent of the social liberalism thought with his 'capabilities notions' in the human rights and freedoms discourse. Sen (1999a) crafted a view that people cannot all be treated the same in as far as accessing social and political needs is concerned. He contends that it largely depends on their ability to access these, arguing that even if they were put at their disposal, they would still not access them due to their limited capability to do so. His approach, which came to be known as the 'capabilities approach' was predicated on the notion that people are poor if they fall short of accessing adequate incomes or education, or good health, or security, or have low self-confidence, or a sense of powerlessness, or are deprived of their rights such as freedom of speech. This line of thinking resonates with what came to be known as affirmative action in other jurisdictions such as South Africa, Chile, India and Brazil, whereby the goal is not to address inequality per se, but equity (Domingues, 2013a).

Therefore, the underlying notion behind the capabilities approach is that human rights and freedoms cannot be treated as universal to everybody within a given society as there are distinct inequalities, which demand a differentiated approach.

In South Africa for instance, the notion of addressing the historical imbalances bequeathed by apartheid, the then transitional government of 1994-1999 felt that to bring about some form of balance between the historically-privileged whites and historically-disadvantaged Africans, women and men, there was need for some form of positive discrimination. The capabilities approach to addressing poverty and inequality within society focuses on an individual as a unit of analysis and does not take a blanket approach (Dominiques, 2013b). The relative approach adopted (as opposed to the absolute approach) is anchored not on minimum living standards or basic needs for all the disadvantaged, but takes into consideration, characteristics of a given society and attempts to identify individuals whose living standards are unacceptably low, in comparison with the rest of society.

As a result, this approach addresses poverty or inequality by measuring the ability of households or individuals to engage adequately in their society and is defined as a proportion of mean or median income or expenditure. Brazil adopted the 'Bolsa Familia Programme, which excluded other families and focused on some, depending on their level of deprivation. Mexico came up with the Oportunidades, while South Africa crafted the affirmative action programme (Dominiques, 2013c).

The underlying message driven by this school of thought is that social liberalism does not adopt a universalist or absolutist approach, but a relative and differentiated approach to addressing social ills afflicting people with society. This, to a large extent, comes as a result of pressure exerted by the civil society organisations, some of which have undertaken studies and surveys on the levels of poverty and inequality within society (Dominiques, 2013d). The central argument of the theory is that members of society have a right to equal opportunity and the state has a responsibility to ensure that this happens, with civil society becoming a locus of provision of these. This rings true for the study as TRC, a CSO advocating for equality among all within society holds the government accountable for observance of the rights of poor Basotho, particularly to accessing social amenities have to be safeguarded by the state.

A strength of social liberalism is that it is a differentiated approach, meaning it seeks to address social needs of an individual, not a collective. In this manner, it avoids generalisations that are adopted by other approaches, though not all people's needs cannot be addressed fully, but can find a relative approach. The other advantage is that it is predicated on left-wing ideologies, which hinge on the socially-disadvantaged within society and address their needs. This approach resonates with the work of CSOs such as TRC in that they seek to elevate the underdog within society to be equal par with the rest of society.

CSOs are left-wing in approach as they are concerned about the disadvantaged, the downtrodden, the poor and the marginalized and craft advocacy programmes that pressure governments to address the basic needs of these. CSOs abhor social stratifications within society. Disadvantages of the social liberalism approach is that it is largely not realistic, addressing individual needs of people, instead of all people having needs. Also, in seeking to address the basic needs of the marginalized, it discriminates against those whom it feels are better-off. To balance the scale between the poor and the rich, the left-wing notion disregards the fact that all citizens of a country are equally deserving to have their needs addressed.

2.14.3 Ideological state apparatuses

Althusser (2011) argues that all sectors of society - the family, media, political institutions, education institutions, the Church, prisons, including the civil society organisations are all state apparatuses which work towards social disorder. He contends that these formations do not use force to control people, but inculcate or indoctrinate ideas into the ruled so that they, out of fear of social rejection, acquiesce to domination by a ruling class (Althusser, 2011). In this case, civil society organisations, which claim to represent the views of the masses, albeit, against the state, are but just a lot that works for the state to perpetuate social disorder within society (Althusser, 2011).

Wolff (2004) discusses two concepts - the ideological state apparatuses (machinery), which is a realm that is made of institutions that do not have power but surround the repressive state apparatuses (power vested in the state) in its utilization of its power on the working class. These apparatuses referred to (ISA) are the family, educational institutions, the church, the media, and by implication, civil society. They are referred to by Althusser (2014) as working in cahoots to assist the state in application of its power to cause social and even political disorder.

The theory of ISA is critical for this study because it exposes the real character of civil society, which is opposed to what it claims or is widely-understood to be – a vanguard for the people. As Wolff (2014) suggests, civil society is at the centre of domination of the ruled by a repressive state, which resorts to manipulating people using a set of ideas called ideology to scare them into believing that what is being done is for their view. This view resonates with what other scholars think about civil society as a force that works in cahoots with the state to promote state repression when it purports to be working for the masses against state repression.

The theory aptly applies in the study, whose intent is to investigate the role of civil society in promoting democratic consolidation in Lesotho. It is incumbent that as the study unpacks the actual role of civil society, not a one-sided view is presented. As the theory of ISA indicates, civil society sometimes reinforces the state's repression on society through use of power of ideas to channel people to think and act in a certain manner. Vincent (2001) argues that civil society and other state apparatuses mentioned earlier disseminate a set of ideas (ideology) to inculcate among the ruled, a set of beliefs and norms that reinforce the control of the dominant elite. In the process, they derive some benefits that accrue to them directly. The strength of this school of thought is that it is revealing of the nature of civil society as opposed to what is perceived to be the reality. It is true that the state is so powerful that with its physical machinery (repressive state apparatuses) combined with the psychological machinery (ideological state apparatuses) is so dominant that all other facets of society such as civil society give in to its power.

However, the theory is weak in that it generalizes as though all civil society formations are subservient to the state. There are areas where civil society takes on the state to an extent that it bows and do as people require. By voluntarily mobilizing people, with the assistance of donors, civil society have proven a powerful force that can render the state illegitimate. It paints a picture of civil society being a weak force that reinforces the dominance of the state using its ideological and repressive state apparatuses to ill-treat society, whereas, civil society sometimes defies state power in real sense and produces observable results.

2.14.4 Theory of hegemony

The study is also guided by Gramsci's (2009) theory of hegemony. The theory argues that civil society claims to be juxtaposed against the state and in most cases wants to position itself as a vanguard for the people who are oppressed by the state. However, the inverse is the case as civil society and the state are one as Gramsci, (2009) argues that civil society is not necessarily separate or exclusively opposed to the state. Gramsci (2009) uses the theory of hegemony to show how the process of political domination is carried out, arguing that the dominant elites use the state as well as popular culture, mass media, education and religion to reinforce an ideology which supports their position in the relationship of force. He uses hegemony to show that people contribute to their continued dominance by the ruling class by accepting the dominant cultures; values and assumptions as their own and repression gets replaced by inculcation and indoctrination (Gramsci, 2009). Acquiescence to the domination or what could be termed self-subjection to the domination by the powerful elite is at the centre of the theory of hegemony. The theory of hegemony maintains that the masses, who are represented by the civil society and complain that they are being dominated and oppressed by the state, in fact acquiesce to state's domination (Gramsci, 2009). Therefore, the claim of human rights violations meted by the state on innocent civilians, the denial of the right to participate in the national affairs is all a fuss as the people themselves subject themselves to the state's repression.

This, the theory argues is given credence by civil society organizations, which endorse, indirectly so, the repressive actions of the state. Salvadori and Loggia (2004) argue that hegemony is a theory of domination. According to Riley (2010), hegemony and civil society coexist because the former does not exist in the absence of liberal democracy, which is promoted by the latter. Basic understanding is that civil society exists to propel adherence by the state, to the tenets that undergird democracy as earlier widely discussed, which in turn is (democracy) a grand platform for hegemony to take place, as being perpetuated by the state, with civil society as a platform (Tugal 2009, Riley 2010).

The innate relationship between the state and civil society is underscored by the theory of hegemony, which is also the focus of the study. Chambers (2001) brings together six ways in which the relationship between civil society and the state could be explained. He argues that civil society could be apart from the state, against the state, in support of the state, in dialogue with the state, in partnership with the state or could just be beyond the state. He further argues that in any of the mentioned forms of relation with the state, it has to be explained. In a case where civil society is separate or apart from the state, individuals with similar interests form groups for a common purpose. In a relationship where civil society is separate from the state, three distinct features stand out to define the relationship – the nature of their participation in the democratic discourse, the plurality and quality of the activities they embark on in consolidation democracy as well as the extent of their negativity towards the state. This is the focus of the study, where it asks the question of the extent of juxtaposition of civil society to the state. Where civil society is against the state, it is in instances where it opposes the state's actions, especially where they are perceived to prevent the citizens (voluntary members of CSOs) to enjoy their rights and freedoms. Also, civil society comes into collusion with the state where the former feels the latter is repressive and therefore wants to oppose it on behalf of its members. The study set out to establish the role of civil society in consolidating democracy, and innately, this role is effective or ineffective in as much as it is seen against the state.

Chambers (2001) brings in another nuance to the discussion of the relationship between civil society and the state, especially the antagonistic one in that the fall of communism in the Soviet Union could be attributed to the works of civil society. Also, he juxtaposes this school of thought to the question of the strength of civil society as a vehicle for consolidation of democracy, in that if civil society was able to overthrow communism against the Soviet Union state, is it equally capable of advancing the course of democracy against a repressive state? Where civil society is in dialogue with the state, it is where it is engaging the state, holding it accountable for excesses of power, having to defend, justify and give a full account of its actions to the many questions raised by civil society.

Habermas (2004) raises the question that civil society is a locus for public sphere – a platforms where society's plural ideas, interests, values, and ideologies, which are formed within civil society are expressed and made politically effective, normally in demand of accountability by the state for its actions. Therefore, non-state actors such as the civil society have a responsibility to keep the public sphere alive and active by engaging the state, critiquing some of its actions, especially those perceived to inflict pain on the innocent civilians or hinder them from enjoying their rights. Where civil society is in dialogue with the state, or even appears to be in support, it is where the outcomes of that support or dialogue favour those who are members of the civil society. Civil society organizations purport to be a vanguard that protects the rights of the civilians against a repressive state. This is usually expressed in the CSOs' strategic plan documents, their strategies and policies. However, when it comes to the implementation, the inverse becomes the case. There are many issues which do not receive the attention of CSOs, which citizens bring to the fore. Opportunistic CSO leaders tread carefully in terms of what they advocate for and what they do not, as well as carefully choosing how they engage the state, conscious of the fact that they do not step on its toes for fear of loss of expected benefits accruing from a patronizing state.

The theory of hegemony is aptly applicable in the case of Lesotho's civil society as it unpacks the relationship between civil society and the state between the state and civil society which is applicable in the case of Lesotho. Its weakness is that it does not cover issues of participation which the ladder of participation will cover in the next section.

2.14.5 The ladder of public participation

The ladder of citizen participation has been explored as a framework that provides impetus to the core of democracy, being its ability to grant the governed an opportunity to participate in governance. Arnstein (2014) argues in her Ladder of citizen participation that citizen involvement is recipe for people power. This is premised on the notion that it is when citizens, who are on the receiving end of outputs of democracy

can have ownership of the development projects which are intended for them, that real development can be realized. This viewpoint is reinforced by Spurk (2008) who advances the argument that civil society's rise to importance was prompted by the fact that it is able to facilitate platforms for regular and sustained participation, beyond simply voting in general elections. In Arnstein's (2014) view, so-called economic and project planners, architects, politicians, bosses, project leaders and power-holders manipulate citizens into what they call participation of the people in the discourse of development. She contends that these societal leaders rely on what they term public consultation, so that it appears to donors and sometimes to government that their actions have exhibited a modicum of legitimacy and acceptability. This is predicated on the notion that the 'public participated' in the development projects as they were consulted. Arnstein (1969) uses eight (8) rangs of people involvement in the discourse of development. The eight-rang ladder is divided into three (3) tiers – the nonparticipation, the degree of tokenism and also the degree of citizen participation. In the first tier of nonparticipation, those in leadership make unilateral decisions at the top and shove them down the throats of the ruled in a vertical setup. This tier represents a dogmatic style of leadership which is nonparticipant in character. It involves two rangs of therapy and manipulation.

In the second tier, Arnstein (1939) presents the degree of tokenism which is a stage where those in leadership only window-dress by pretending that the views of the people were taken into consideration, whereas consultation was only a formal way of engaging people. At the end, the views that prevail, presented in project reports are those of consultants. The tier has three layers of information where those involved are informed about a course of action, are said to be consulted whereas they are being placated into agreeing with a course of action. Those engaged in a project or course of action only pacify those they are working with to solicit their views into agreeing with something. They may be provided with poor wages to paint a picture that they are part of the projects from which they are going to derive benefits. Lastly, the last tier is that of the degree of people power, which forges a partnership with the participants. Those in power involve participants in the decision-making processes and they feel that they own the project in which they are participating. The second layer of the tier is that of delegated powers whereby those leading a project or course of action relinquish part of their decision-making and power to those who are participating in a course of action. The ladder of citizen participation is appropriate for the study because it underscores critical areas of engagement between those leading a course of action (civil society organisations) and those who are on the receiving end of the project (citizens whom advocacy messages are directed).

At some stage in the work of civil society organisations, they just manipulate citizens whom they purport to represent and work into believing. They sometimes hoodwink them into believing that their needs are being catered for when in actual fact, they are only being involved as a window-dressing mechanism to appear to donors that the process has been participatory. In some instances, NGO/CSO leaders give citizens handouts such as food parcels or clothes in order to pacify them into believing in their (CSOs/NGOs) ideas. This stage is placation according to Arnstein's Ladder of Citizen Participation.

However, there are instances when CSOs are realistic in their engagement with the people as they give them real power and take them as partners. They sometimes involve them in decision-making processes so that they own processes involved in a project or course of action. The framework is a strong tool that can be used to signify the relationship between two sets of people involved in an undertaking – project leaders/rulers and those on the receiving end of the project benefits or the ruled. In this case, it is between CSO/NGO leaders and citizens whom CSOs/NGOs have voluntarily chosen to serve. It shows the various levels and layers of engagement and the extent to which those on the receiving end have real power or are part of the decision-making and the extent of their involvement. It rings true for the study because CSOs do hoodwink citizens into believing that their needs are being catered for.

In other instances, donors are provided with regular performance reports, which largely indicate that the advocacy projects of CSOs on human rights respect, good governance advocacy, freedom of expression of opinion and rule of law have been implemented with the people taking part. CSOs and NGOs use popular forms of so-called consultation through community assemblies and meetings, rallies and sometimes distribution of questionnaires with carefully-crafted questions which suit the expectations of the CSOs and NGOs. These are attached to reports sent to the donors. All these are intended to appease donors for further funding, not per se, in the interest of society for which they are claimed.

2.14.6 Conclusion

This Chapter has reviewed literature that has been used elsewhere on the role of civil society in consolidating democracy. The chapter has traced the evolution of civil society in Europe and America. It has examined the relationship between state and civil society in Europe and America. It has also observed the political culture, public sphere and democracy in the regions mentioned. It has further examined civil society in Africa during the pre-colonial era, post-independence and also the state/civil society relations.

It has further assessed the real motive for emergence of civil society in Africa. The Chapter has provided various transitions that shaped conception and use of the concept during different phases. It has delved on the conception and application of the term in other parts of the world, particularly in Europe and America during the enlightenment era, where it was associated with civility levels and the extent of modernity. It has been observed that different applications of the term in the three parts of the world is such that in Africa, application of civil society was not a domestic affair. Rather, it was used as a conduit for channeling aid to these countries against an undemocratic state.

The Chapter has further highlighted how the concept of civil society has been applied by western donor agencies as a platform to parrot concepts of good governance, human rights, civilian freedoms and rights as well as rule of law. These concepts are dubbed as cardinal tenets of democracy, which are felt to be project contents of CSOs, vis-a-vis the non-democratising states. Meanwhile, CSOs are agents through which funds are channeled flaunt these programmes against tyrannical states, which refuse to democratize in the manner perceived by the donor agencies.

The chapter has also looked at theoretical underpinnings of the study. It has analysed chosen theories and a framework, which the researcher felt they provide explanations on why some things happen the manner they do. It has also analysed the relevance and applicability of these theories and frameworks on the study and how their assumptions represent the core of the study.

CHAPTER III: RESEARCH DESIGN AND METHODOLOGY

3.1. Introduction

The previous chapter outlined literature which has been produced by authors on the subject matter. This Chapter explains and provides a description of the research methods which were employed in carrying out this study. It outlines an overview of the research design, approach and the rationale for choice of these. The leading approach for this study is the qualitative approach. The study's selected research design is a case study design, which is also thoroughly explained. A step-by-step process of data collection is presented. As a norm for every research exercise, particularly for academic purposes, ethical considerations are considered.

3.2 Research design – case study

According to Yin (2013) and Zainal (2007) a case study research explores and investigates a contemporary real-life phenomenon through detailed contextual analysis of a limited number of events or conditions, and their relationships. Crowe et al (2011) argue that a case study is employed in cases where a need has been identified to obtain an in-depth understanding of an issue being investigated, an event or phenomenon of interest, particularly, in its natural real-life context.

Therefore, this study has used TRC as a case study. It has envisaged allowing the researcher to explore how reality is being perceived – CSOs as catalysts of democracy-building within society (Ryen, 2008). The case study was intended to come up with unbiased and objective results of the research undertaken.

3.3 Target population

The target population covered in this study comprised of participants drawn from the civil society movement being advocacy officers of the Transformation Resource Centre (case study), Law Society of Lesotho (LSL), Phoofolo Associates (Commissioners of oaths), Catholic Commission for Justice & Peace (CCJP) and the National University of Lesotho (NUL). There are seven (7) participants in this study. They were chosen based on their levels of expertise and the experience they have in the CS movement, particularly in the areas covered by the study was insightful.

3.4 Research paradigm – interpretivism

Mackenzie & Knipe (2006) write that a research paradigm is a thinking, school of thought and a set of shared beliefs, which inform the meaning and interpretation of research data. Meanwhile, Guba & Lincoln (1994) argue that a paradigm is a fundamental set of beliefs or the worldviews that guides research action or an investigation. According to Thanh (2015), an interpretative paradigm is a view of reality through participants' experiences and perceptions. Therefore, the study is going to use the interpretivism paradigm in order to obtain full understanding of meaning from the participants' subjective view. Ross & Rollis (2006) present the interpretivism paradigm as one of the four research paradigms. They posit that the research is constructed through a participant's lived experience. The researcher therefore has a responsibility to address implications of the participants' subjectivity.

3.5 Data collection

The researcher gathered data using an interview schedule with a set of nine (9) questions which were asked to all seven participants at agreed times. The research used semi-structured interviews, whereby questions had follow-up questions, which differed from participant to participant, based on their responses. The semi-structured interview allowed the researcher to ask open questions and ideas which were brought up during the interview in terms of how the interviewees responded to questions.

It was chosen because it does not bind the researcher to a rigid set of questions, which are asked to all participants in a certain format. Given the fact that the participants were different in many respects – experiences, expertise and focus, as well as how they viewed reality, the semi-structured interview allowed the researcher to be flexible, depending on the questions asked. The interviews were audio-recorded and the researcher was taking notes, which he later transcribed.

3.5.1 Semi-structured interviews

The study used structured interviews for collection of data in a one-on-one interaction with the identified respondents who provided valuable information. Interviews have proved to be a systematic way of talking and listening to people and a powerful way to collect data from individuals through conversations (Kajornboon, 2005). Therefore, the researcher asked prepared questions to the interviews, who were given enough time to respond to the questions. Where necessary, non-distracting interjections where a follow-up question was being asked or clarity sought on what the respondent presented were applied from time-to-time, but sparingly used.

At some stage during the interviews, the researcher resorted to a free discussion or conversation on one or more related broad topics. This depended on the character of the interviewee, as they are different, depending on their roles and the nature of content the research wants to obtain from them. For example, the Law Society was busy and difficult to track down for a structured interview, therefore, the researcher chose to sit down with the respondent and discuss the topic after normal working hours. This was also the case with one of the respondents from TRC, who was a too fast speaker and made it difficult to follow the interview schedule. Therefore, the researcher used unstructured interview format to elicit information from this respondent.

3.5.2 Secondary research (document analysis)

TRC is information-rich on the topic – from newsletters of the case study organization (TRC), published occasional papers presented in various forums by professors of universities and other reputable people and research papers which were commissioned to individual researchers on various topics. The published sources of information became handy during the research and the researcher analysed them to get useful information for the research. There are also reports that TRC produced for its donors and for internal reporting to board meetings. These came handy during the conduct of this study. TRC also published regular policy briefs on its activities to inform and tease out trending issues such as the national budget, government policy and other related issues, which are within the sphere of the topic under discussion. Also, newspaper clips from media libraries were used, especially on published articles related to the subject matter. The website for the CSO is interactive and has a lot of information, which is uploaded regularly to give the Centre's clients and stakeholders a feel of what TRC is doing. The researcher also gleaned information from this source for the study.

3.6 Data analysis

Data analysis for a qualitative research is such that it uses emergent framework to group the data and then look for relationships (Sunday, 2010). This is called inductive analysis, which is described below.

3.6.1 Inductive analysis

The researcher immersed himself with the details and specifics of the data to discover important patterns, themes, and inter-relationships among phenomena being investigated. The researcher began by exploring, then confirming findings, guided by analytical principles rather than rules. The researcher began with the more general open-ended questions and then moved to more specific ones. Results for a qualitative research are always illustrative explanations and individual responses of the interviews.

These differ from respondent to respondent, based on their individual experiences with the subject matter as explained earlier. The qualitative research seeks to gain understanding and appreciation of underlying reasons and motivations for a phenomenon to behave the manner it does. Presentation of results was thematic, with the researcher identifying themes that emerged from the study during interviews with the various respondents who had been approached. The themes were therefore identified as the respondents were narrating their side of the story during interviews. Respondents who shared their views alongside though sometimes different in opinion with other respondents were grouped together under one theme.

3.6.2 Ethical considerations

The researcher was cognizant of the ethical obligations that underpin research. He therefore observed ethical requirements in conducting the study. These include obtaining consent to conduct the research with individuals and institutions whom the research topic affected. These include the organization which has been cited as the case study, the Transformation Resource Centre (TRC). Some of the interviews were conducted in open areas such as restaurants and guest houses, where many people were around, but since the level of sensitivity was minimal, there was no challenge to the venue and other sensitivities.

Credibility: Credibility is an ethical dimension that requires that the researcher clearly links the researcher's study findings with reality to show truth of the findings of the research. According to Chege (2014), the credibility criterion seeks to establish that results of a qualitative study are believable from the perspective of the project under investigation. Credibility as an ethical consideration, answers the question: 'how congruent are the findings with reality'. The researcher complied with this ethical dimension as a technique of multiple method, observers and theories (triangulation). Use of the triangular technique was intended to gain more understanding of the issue under investigation which is robust, rich and comprehensive as well as well-developed.

Dependability: Billups (2015), argues that dependability seeks to establish if the findings of a study could consistently produce the same results over time and across different conditions. This is supported by Bitch (2005), who submits that dependability is about stability of results over time. The ethical dimension of dependability requires that the results of the research study can produce similar results if the study was to be repeated. This talks to consistency of the findings were they to be done again. The standard by which the study was conducted, analysed and presented is a measure of dependability. This study applied all processes intended to ensure that the findings of the study are dependable, such that if it had to be conducted again, by different researcher, the same results would be produced.

Transferability: Chege (2014) writes that transferability as an ethical duty allows the researcher to transfer results to other settings which are similar to the research context. The ethical dimension of transferability requires that the degree to which results of a study can apply consistently beyond the limits of the project. The implication is that findings of the study can apply in the same manner in similar situations or individuals.

Confirmability: As an ethical duty required of researchers, especially of qualitative studies, confirmability requires that results of the study can be supported by the data collected. It is about how results of a study could be corroborated by another researcher ((Baxter & Eyles, 1997). Bowen (2009) Koch (2006) Lincoln & Guba (1985) submit that confirmability is achieved through an audit trial. This study therefor complied with this ethical dimension as the results can be checked against data which was collected. Therefore, the researcher complied with transferability in that findings of the study could be used in other contexts with similar results.

3.7 Conclusion

This study was a case study which focused on TRC. The main research method was a quantitative research method. It selected seven (7) participants to the study who were chosen using a purposive and convenience sampling methods. Data collection methods were semi-structured interviews on a face-to-face basis. Also, secondary research was used whereby published material was analysed and applied. A data analysis method applied was the inductive method, whereby specific patterns, themes and inter-relationship among the various phenomena were created. The next chapter presents data and analyses it.

CHAPTER IV: DATA PRESENTATION AND ANALYSIS

4.1 Introduction

The main purpose of the study was to investigate the role of CSOs in the process of building a solid and vibrant democracy in Lesotho, particularly looking at TRC as a case study. The previous chapter presented a research design and methodology applied in this study. This chapter presents and analyses data gathered when conducting interviews with various participants. An inductive analysis has been applied by the researcher, whereby important patterns in the responses of participants were formed. Six key themes have emerged during conduct of this study and these have formed some patterns as participants answered questions. Also, some relationships between these themes were realized, which formed the basis for this analysis. Some of the important themes that emerged during the study are the following:

- Disposition of civil society in Lesotho and perceptions about its role
- Civil society's posture in its advocacy vis-a-vis the state
- Role of CSOs in entrenching a human rights culture in Lesotho
- Role of CSOs in conflict management and resolution in Lesotho
- Role of oversight institutions in building a vibrant democracy in Lesotho
- Impact of CSOs' advocacy programmes on building a firm democracy couched on principles of good governance

4.2 Disposition of civil society in Lesotho and perceptions about its role

On the question about the role of civil society in democracy-building in Lesotho, participants tended to first want to define what they understood about civil society, in terms of its disposition and arrangement. It emerged during the interviews that as a result of this characterization, perceptions about what role civil society has to play was shaped by citizens' and the state's understanding of what it is. Some participants felt that the concept was defined from a narrow point-of-view, hence, this deflected the role that is expected from civil society as a result of how those on the receiving end of the services provided by civil society perceived it to be.

One participant put his arguments across this way:

I have a challenge with a narrow definition of civil society in our context. In my view, civil society includes any gathering that is not state-oriented in character. Civil society is anything that is outside the territory of state, this includes the family and any social group that has a common interest, as long as it does not form part of the state. Even the church is part of civil society (Participant 2, 14 July, 2018).

The above assertion rings true in that how a phenomenon is defined in the manner those connected to it will perceive it and this shapes their expectations from it. To some, civil society has been perceived as a philanthropic agency that has to bring about food handouts for instance. Some people have criticized TRC for only creating platforms for dialogue, but not caring for the people's livelihoods. These critics have argued that there has been dialogue for too long, but people's lives on the ground have not changed. Their perception about the role of CSOs, TRC in particular, is that they should provide handouts beyond mere debates and engagement with the state and citizens on human rights, governance and other related societal issues.

Characterization of civil society as a force that goes beyond creation of platforms is aptly captured by Domhof (2010), who argues that individuals should have their basic needs fulfilled by the state, with civil society playing an advocacy role. Domhof (2010) posits that it is not civil society that provides for the social and socioeconomic needs of citizens, but the state, civil society only advocates for efficiency of these services for fulfilment of the consumers of the state services. Conversely, the state does not understand the role of civil society as in some instances, it has felt that civil society was supposed to be supportive of what government is doing, and not criticizing it.

The social liberation theory puts this into perspective by asserting that civil society organizations exist to legitimize the role of the state, which includes addressing economic and social needs such as poverty, health care and education (Panitch and Gindin, 2012; Domingues, 2013). This view is also shared by other players in the CSO movement. Another participant firmly put forth the argument that civil society should not be perceived in juxtaposition against the state. He held the view that civil society operates in complementarity with the state, though on a separate realm. He put his thoughts thus:

CSOs complement a sitting government so that it performs the mandate conferred on it by the people effectively. They do not necessarily have to compete with the government, but should play a supportive role to that of the government of the day. It is governments that are charged with the responsibility to cultivate a culture of human rights by protecting citizen rights. The role of CSOs is to monitor whether this culture is inculcated through legal and other instruments as well as through practice. (Participant 4, July 16, 2018).

This viewpoint is in a collision course with Lund (2006), who characterizes civil society in Africa, particularly those that came after independence, as institutions which have come to compete with the state for public authority. I agree with Lund's (2006) school of thought.

Coming from the Gramscian philosophy of hegemony, there are various layers that underpin the relationship between the state and civil society, part of which is the participant's view of civil society as a force that has to play a supportive role to the state. However, civil society does not only play a supportive role to the state. This is aptly presented by Chambers (2011) and Kopstein (2011) who argue that civil society relates to the state in six different ways:

- a) as a force operating outside the realm of the state,
- b) as a force operating against the state,
- c) as a force operating in support of the state,
- d) as a force operating in dialogue with state,
- d) as a force operating in partnership with state and
- e) as a force operating beyond the state, (in reference to global civil society).

My take on the participant's view of civil society as only being limited to be a supportive agency working in cahoots with the state is that it holds little water, given the mentioned scenarios of the civil society-state relationship. The fragility of civil society once it toes the line of the state or is seen to be overly supportive of the state is underscored by Brumberg (2002) and Heurlin (2010) who argue that in autocratic societies, civil society organisations are co-opted by the state and tend to be weak as they are beaten to the core of the state to pursue its goals.

The above notion further gives credence to the social liberalism theory earlier discussed, which hinges on the view that individuals within society should have their basic needs fulfilled by the state, with civil society playing an advocacy role. The theory largely emphasizes the need for expansion of civil and political rights of individuals within society. It also hinges on the belief that civil society organizations exist to legitimize the role of the state, which includes addressing economic and social issues such as poverty, health care and education.

These social issues fall squarely within the ambit of the larger mandate of civil society organisations, which they perform by exerting pressure on the state to address these needs (Panitch and Gindin, 2012; Domingues, 2013). Also, it was discovered in the literature review that civil society cannot be depicted as an independent sphere outside the realm of the state and its governing purview. In the same vein, Molutsi & Holm, (2010) contend that certain traditional political cultures sustain the essential linkages between civil society and the state in order to extend the continuing existence of liberal democracy. This school of thought is further buttressed by another participant, who in his view, CSOs are bodies which are not interested in seeking political power, rather, in entrenching democracy. He put his thoughts thus:

CSOs are not interested in seeking political power, which results in governing. They derive satisfaction when they see norms, values and practices of what is believed to be democratically-upright and acceptable being put into practice and respected (Participant 3, July 15, 2018).

Based on the various notions from literature reviewed, some of which put civil society as an alternative 'fourth force' following the state, family and economy, I am tempted to agree with the above sentiment. Civil society in my view is a political animal because it deals with those issues that political formations work on such as human rights, governance and freedoms and liberties. However, the state seeks citizens' legitimacy through elections to work on these issues on behalf of society, but the civil society volunteers to do so and works outside the realm of the state.

The latter's destination is to see a stable society where norms, values and practices that are attached to democratic practice are observed, which is the role of state to do so. But in so doing, civil society does not seek to be elected into office for it to perform these roles as the participant rightly argued above.

This view is further supported by Perez-Diaz (2011), who contends that the notion of 'civil' in civil society denotes a sphere of political thought, which is an agenda of practices by institutions which systematically play a role of entrenching democratic values such human rights, rule of law and public participation to mention a few.

Another participant contended that CSOs have come to be understood as a force that represents those who are pushed to the margins of society by social, economic and class stratifications, which prevail within society (Participant 1, 13 July, 2018). He held the view that this posture is triggered by CSOs' approach in their advocacy campaigns, whereby they take a position that naturally pits them against the state. He put his argument thus:

By their mere formation, CSOs' call is to become a formidable force that the citizens, who are under a repressive state are looking forward to be their advocate (Participant 1, 13 July, 2018).

The above views are in concert with Keane (2010)'s characterization of civil society in Europe and America, that it was seen as a concept perceived to act as a check on how the state dispenses its powers and counteracting it if it deviated from the norm. In the same vein, at the same period in history, civil society was beginning to be viewed as a means of resistance against dictatorship and other power abuses by political leaders (Bratton, 2004).

The above characterization of civil society further buttresses the view that civil society organisations are established with the sole purpose of putting recalcitrant states on a democratic path, especially when they deviate from what is perceived to be democratically-upright. The view resonates with the social liberalism theory which hinges on the notion that citizens within society should have their basic needs fulfilled by the state, with civil society playing an advocacy role (Domhof, 2010).

Therefore, CSOs' role becomes eminent when a state becomes repressive, oppressive and abusive in its exercise of power to an extent that it denies citizens their human rights and freedoms. I tend to agree with this line of thinking, which is also shared by Merkel and Lauth (2004), who posit that the role of civil society is to hold the state accountable on observance of good governance and cultivating a culture of human rights within society.

The civil society does not necessarily have to be voted into power for it to perform its function of being a vanguard for the poor and the marginalized as argued by Participant 3 (July 13, 2018). But it does so voluntarily and the state has to accept its primacy for democratic consolidation to be fulfilled. This line of thinking also resonates with Reisinger (1997), who asserts that civil society in Africa has played a crucial role of being a check-and-balance against the state, especially when it deviates from the norm and tends to be repressive.

Furthermore, the advocacy function of civil society on behalf of the poor and marginalized within society is underscored by Jacobs (2011) who posits that the emergence of a strong civil society exposes the wrongs of the state, citing the media's watchdog role for instance, which exposes corruption of the ruling elite.

4.3 CSOs' posture in its advocacy vis-a-vis the state

This theme was triggered by the question on the effectiveness of CSOs in holding the state accountable for good governance. It emerged that the posture of CSOs of Lesotho with regard to their self-acclaimed mandate of being a vanguard for the voiceless and a representative of the marginalized people has come under spotlight. Some participants held the view that this posture makes them detached from those they purport to represent. Foucaults (2014) argues that civil society reels towards the very negative in as far as it exists, as an axis of social movement and social activism against the state.

He puts a strong argument that civil society is not a progressive force, but 'a transactional reality', this noting that civil society is perceived here as a 'reality that does not exist' but still has real effects.

In support of the above notion, another participant put his argument thus:

CSOs are reactive in their pursuit of a cause within society; they agitate government and take a position on what government has initiated, instead of crafting their own programmes that are naturally geared towards solving a societal problem. They never influence policy change through for example, a private members' bill, which they should sponsor in parliament on a particular issue, which they have identified as bothering society. But they only come to the fore after government has taken steps towards addressing a societal challenge, only to critique it (Participant 1, July 13, 2018).

The above notion resonates with Berman (1997), Bermeo and Nord (2000) who argue strongly that CSOs do the opposite of what they are expected to do, arguing they can weaken democracy, which they purport to promote. The scholars' major argument is that a too active civil society is not healthy for society in that it can breed a state that is intolerant as a result of its radical approach, which antagonises the state. Conversely, Participant 2 (14 July, 2018) argued that CSOs are not law-makers, nor are they implementers of government programmes.

He postulated that they are advocates for a democratic society – the one which is undergirded by the cardinal tenets of good governance, public participation, respect for human rights and rule of law to mention just a few. He put his argument thus:

What else could they do [CSOs]? Remember, CSOs are mere advocates for establishment of a democratic society, the one in which ethos of good governance, human rights respect, public participation and transparency undergird democracy that citizens would like to live in.

Remember, their major weapon is advocacy, which includes mainly analyzing state actions and critiquing them on behalf of the masses, especially when they reel towards what society perceives to be against the democratic norm they expect from a state (Participant 2, July 14, 2018).

The above view resonates with Fattom's (2013) view that the remedy to arrest African authoritarianism lay in the creation of democratic mechanisms of accountability and representation, which are thrust in civil society. This receives the nod of Robbison (1994) who charges that a robust and autonomous civil society in Africa has been able to reduce the hegemony of a state to an extent that it remains a precondition for democracy.

However, Participant 1 (July 13, 2018) argued in the negative, saying CSOs want to position themselves as an alternative to the state, contending that they fall short of the necessary machinery to take up that posture. He had this to say:

My skepticism against local CSOs is that they fall short of their guns to demonstrate that they have the power to arrogate to themselves the position of being an alternative force against the state. They should craft their own programmes without first having to look at what the state is doing and thereafter constructing their position. That is being reactive and oppositional to say the least (Participant 1, 13 July, 2018).

This narrative conflicts with Mohan's (2001) view, which seals the relevance of the narrative expressed above, arguing that civil society has to work against delinquent states by opening up civilian choices, good governance practice and also exert pressure on these states to democratize. Foster's (2009) view to the discussion of civil society in Africa, particularly in as far as it is against the state; is that African civil society's rise to prominence in Africa and other

parts of the world has been a result of a failing state, and thus, has provided an alternative or some form of substitution. This is in sharp contrast to Participant 1's (July 13, 2018) viewpoint that civil society does not have the power to substitute the state.

I am inclined to agree with Participant 2's (July 14, 2018) sentiments on the premise that civil society organisations use their major ammunition, which is advocacy, and this is on a voluntary basis. In my view, CSOs have never, anywhere in the world, sought to equate themselves with the state, as they are not an inch close to matching the machinery that the state has – financial muscle, political and legal clout, legitimacy derived from being voted into power and many other factors that make the state way above civil society. Civil society organisations understand their position that they are mere advocates for a just society, the one in which the ethos of democracy are observed, and they focus on that. They do not intend to substitute the state in any way. This view is in congruence with what Desse (2012) states about the relationship between the state and civil society that what made it more intricate was juxtaposing civil society with state, particularly positioning the former as an alternative to the latter. However, a sharp contrast is that of Carothers' (2011) position on the concept, who argues that civil society was first equated to the state, but was later discussed 'as a domain parallel to the state'.

As for Participant 1's (July 13, 2018) views, I disagree with the standpoint expressed in that civil society cannot craft programmes that are parallel to those of the state, but what matters is their approach. While the state delivers on the mandate conferred on it by the citizens, CSOs exercise oversight over delivery of this mandate for the benefit of society. They are not another unelected government that has to craft its own parallel programmes as that would defeat the very foundational underpinning of the existence of civil society as a force that provides checks-and-balances on the state's actions. Its programmes are built in a manner that they provide an alternative view to that of the state, particularly the one that favours the underdog within society – the marginalized, the poor and the vulnerable.

Of course, civil society organisations wait for the state to openly announce its programmes, which most of the time emanate from their political parties' manifestoes and then they (CSOs) craft theirs, which seek to counter-balance those of the state. In the literature reviewed, discussion is majorly about the origins of civil society and it has been deduced that civil society was once viewed as a force that came to provide an alternative to a weakening state (Desse, 2012). Conversely, Robinson & Friedman (2005) warn against overestimation of the political power and influence of CSOs, particularly in Africa, chiefly post-independence. This also rings true in other parts of the world.

It can be deduced that the above discussion is in sync with Gramsci's theory of hegemony, especially where Riley (2013) suggests that civil society is a vanguard that protects the rights and liberties of civilians against a repressive state. This juxtaposition of civil society against the state is justified and has its origins in the history of the emergence of civil society.

Participant 1, (13 July, 2018) further decried civil society organisations in Lesotho as being elitist in their approach to advocacy. He addressed this matter in radical terms, saying:

Most of the civil society organizations are staffed by elites who only seek to appease the international community. They seek to be relevant within society, whereas their motive is self-aggrandizement at the expense of the masses, for whom they claim to fight for their rights. They claim to stand with the poor and the marginalized, when the content of their advocacy programmes is fraught with abstract concepts, which hardly address the grassroots needs. CSOs hoodwink unsuspecting members of society into thinking that they are doing something while it is for the self-benefit of CSOs leaders (Participant 1, July 13, 2018).

The above view is buttressed by Hudock (1990), who posits that CSOs in Africa exist to propagate the Western imperial agenda. He posits that their architects instill the imperial agenda through dangling a carrot on who gets donor funding and who does not. He says this further creates overdependence and vulnerability of CSOs. Arnstein gives this thought vigour with her ladder of public participation, where she contends that societal leaders rely on what they term public consultation, so that it appears to donors and sometimes to government that their actions have exhibited a modicum of legitimacy and acceptability. This is predicated on the notion that the 'public participated' in the development projects as they were consulted.

Critiquing and characterization of civil society as being elitist is a dangerous one. Elitism denotes detachment from the masses as a result of power being concentrated in the hands of a limited number of people. This is a dangerous supposition to label on the CSOS since they can lose their legitimacy and credibility from the donor community, which invests huge sums of money in support of their programmes for advocacy. Hassan (2009) argues that the support to civil society by donor agencies was prompted by among others, their ability to hold the government accountable, provide governmental legitimacy, giving people a voice, eliciting participation and also putting pressure on government.

One of the main supporters of civil society through funding is the European Union whose Commission Report (2012) argued that the new approach of the European Union for supporting civil society was driven by the quest to ensure that it plays a meaningful role in the governance and democratic processes. The Report (2012) had broached the civil society as a strategic partner that played a mammoth role in cultivating a culture and values of democratic governance. But with characterization as being elitist would harm this credible stance in the eye of donors. There is no gainsaying that civil society organisations overly rely on donor assistance, particularly from international agencies outside the borders of their country, but governments as well, seek donor assistance outside their territory in order to provide for their citizens.

The ladder of public participation as presented by Arnstein (2014) resonates with this viewpoint in that the second tier of the eight-rung ladder, argument is that consultants, experts and civil society agents present an image that they have consulted with the people in a community project, whereas they only wanted to show to donors that the project was participatory. This is a tokenistic approach to development.

Hearn (2007) gives credence to this discussion about overdependence of civil society on donor aid, arguing that the fact that civil society are dependent on donor aid for their survival and for the effectiveness of their advocacy programmes is another form of imperialism coming through the back door. His sentiments are premised on the notion that as a result of overreliance of CSOs on donor funding coming from the Western governments and international NGOs, African CSOs are dictated upon in terms of the direction of their advocacy.

I therefore agree that CSOs sometimes fall into the trap of being elitist in their approach, which emaciates the expected vigour of their advocacy programmes. This viewpoint is given credence by Hegel (2007), who is skeptical of the civil society's much-acclaimed contribution to democratic consolidation, arguing that, instead, civil society has been at the centre of societal conflicts. His sentiments hinge on the notion that some civil society organisations work to undermine democracy.

Also, I admit that as a result of their overreliance on donor aid, they sometimes tend to blindfold themselves on who they are actually serving with their advocacy programmes – the people or the donors? Also, pressure from donors makes them lose track of who they are actually serving. Donors also have ulterior motives with the aid they provide in that they seek recognition that most of the time deflects the real motive of the aid. Neubert (2011b) buttresses this point and argues that the advent of civil society organisations in Africa gained momentum in the 1980s as a result of support they obtained from the international community. Participant 2 (14 July, 2018) said this about the posture of civil society vis-a-vis the state:

Civil society should not be too close to a sitting government, while at the same time, it should not be too hostile, triggering a need for counterbalancing the act. CSOs are making formidable efforts to curtail excesses of power by those in authority. But arrogant governments (like the one Lesotho had post the 2015 elections) normally say that CSOs and opposition will often have their say in how government should be run, but they (sitting governments) will always have their way. Recalcitrant and arrogant governments pretend they do not care much about CSOs' overtures with their advocacy campaigns, but in reality, they care a lot, that is why they release statements which counteract CSOs' advocacy initiatives (Participant 2, July 14, 2018).

The above view resonates with what Brumberg (2002) and Heurlin (2010) present as a strong argument that in autocratic societies, civil society organisations are co-opted by the state and tend to be weak as they are beaten to the core of the state to pursue its goals. The validity of this argument is given credence by Gramsci's (2009) theory of hegemony referred to earlier, in which he argues that civil society is not necessarily separate or exclusively opposed to the state. Gramsci (2009) puts across the argument that civil society appears to be juxtaposed against the state and in most cases, it wants to position itself as a vanguard for the people who are oppressed by the state. However, he argues that the inverse is the case as civil society and the state are one.

Also using the ideological state apparatus view of Althusser (2014), Wolff (2004) discusses two concepts - the ideological state apparatuses (machinery), which is a realm that is made of institutions that do not have power but surround the repressive state apparatuses (power vested in the state) in its utilization of its power on the working class. These apparatuses referred to (ISA) are the family, educational institutions, the church, the media, and by implication, civil society. They are referred to by Althusser (2014) as working in cahoots to assist the state in application of its power to cause social and even political disorder.

This is in light of criticism levelled against CSOs, in that they are sometimes viewed by a sitting government as advancing the position of the opposition, and this it is said, affects their credibility and the vigour of their advocacy gets affected.

Participant 2, (July 14, 2018) argued that it is difficult for CSOs to remain apolitical as the differentiating line between being critical in their approach and being politically-inclined is so razor-thin. He said:

This stems from the fact that CSOs are unable to wean or insulate themselves of the political line as, when they jump into the political space, they naturally expose themselves to being labeled as oppositional. They sometimes overstep the line by indulging in matters that are beyond their 'construed mandate within society'. For instance, when LCN [Lesotho Council of NGOs] and DPE [Development for Peace Education] attended a SADC [Southern African Development Community] Summit in Zimbabwe in 2014, they were deported back home. Thereafter, Lesotho was denied the opportunity to head the Organ on Politics, Defense and Security of SADC, as it was engulfed in intense conflict. I tried to quiz the LCN and DPE representatives on the reasons for their mission to the SADC Summit, but up to now, I have not gotten a convincing answer (Participant 2, July 14, 2018).

Literature reviewed observed Singh's (2012) version on the above narrative when he defied the conception that civil society is part of the political society. While he disagrees with the notion that civil society operates outside the realm of the political arena, he is of the view that civil society uses the arena to advance the needs and expectations of the marginalized and poor people within society.

The above narrative brings to the fore one strand of argument by other scholars that civil society does not operate in some form of hovering space in the air in pursuit of being seen to be apolitical. But are indeed political animals, which do not seek political power to do their job like elected governments do.

In the same vein, Perez-Diaz (2011) views the notion of 'civil' as a sphere of political thought by asserting that civil society was introduced into Africa as an agenda of those practices and institutions which systematically brought together a political sphere. The above notion contrasts Singh's (2012), who argues that civil society used to be known as the civilized society, but now, the concept is socially-located in the social groups that emerged outside the political space. His school of thought by defies the conception that civil society is part of the political society, but that it operates outside the realm of the political arena and uses the arena to advance the needs and expectations of the marginalized and poor people within society.

Hont and Ignatief (1985) defend this idea by stating that politics, which is a battlefield for plural thought, and the economics, a battlefield for economic interests were never detached from civil society. This they say happens as people are granted a forum to debate and dialogue in an open public sphere about issues of good governance, human rights and freedoms, which underpin a democracy. Civil society is right at the centre of these as it facilitates debates and assures people their innate freedoms are guaranteed.

My take on the relationship between civil society and the state is that it should be a mutual one, but with each operating within its precincts. While civil society is understood to be a checks-and-balances for the state, exercising oversight over what the state is doing, it must do so within reasonable bounds. To buttress this viewpoint, Keane (2010) argues that in the second half of the 18th century, there was a dramatic shift in how civil society had been conceived, saying this shift saw a new concept that distinguished civil society away from the state, as a force which has its own forms and principles. This is further reinforced by Reisinger (1997), who advanced the argument that civil society in Africa has played the role of being a checks-and-balances against the state, which became authoritarian in character.

Civil society should work in a manner that it will not be viewed as a force in direct competition with the state, but as a force helping the latter to execute the mandate conferred on it effectively by correcting its wrongs. Also, it must seek ways of close collaboration with the state, a partnership that binds the state to accept its shortfalls because a too aggressive and negative approach can push the state away or make it defensive. This will not help either the state or the civil society.

Participant 3 (July 15, 2018) noted in a tone that defies Foucault's leanings, arguing that civil society organisations operate in a realm outside the state. He had this to say:

Our role (CSOs) is to protect members of society from rights' violations, which are meted out on them by the state. It is after we have realized that the state is reeling towards bad governance that we chip in and give reparations to society. As civil society, we are watchdogs that seek to maintain equilibrium within society, in which there is transparency in all dealings, ethical practice devoid of corruption and respect for civilian rights and freedoms, which are enshrined in the constitution (Participant 3, July 15, 2018).

Mouna (2018) brings in the Moroccan experience that throttling of democracy in the North African country became a fertile ground for emergence of civil society to demand a political space for the citizens. He argues that it was these deficits to democracy – alienation of opposition parties, low public participation and decision of dissent that drove civil society leaders to agitate for democratic change.

In similitude, Ojo (2011) asserts that it was civil society organisations in Nigeria that brought the military junta to a standstill between 1993 and 1999 with student strikes, civilian protests, civil obedience and marches across the length and breadth of the country. The civil society's power, albeit not political power, to raze down tyrannical states was given credence by the events of social upspring in the Arab Spring in 2010 and 2011, which saw massive political transformation in this region.

To mention a few, Jirankova, (2014) asserts that the demise of Hosni Mubarak's three decades on the helm of Egypt and Lybia's Muamar Gadhafi's fall and his death after 40 years of dictatorship are activities that are attributed to the work of civil society.

Meanwhile, Participant 1 (July 13, 2018) reiterated his position that the posture that CSOs take characterize them as being naturally oppositional to the state. He had this to say:

The posture of CSOs of Lesotho with regard to their self-acclaimed mandate of being the vanguard for the voiceless and a representative of the marginalized is slanted towards taking a position that is opposite to that of the state. This posture makes them detached from those they purport to represent (Participant 1, 13 July, 2018).

As regards Participant 3 (July 15, 2018) I am in concert with the view that CSOs are watchdogs that monitor state's actions and determine if they are in congruence with the promises they made when they sought to be elected into office. This view resonates with Spurk's (2008), who advances the argument that civil society is able to facilitate platforms for regular and sustained participation, beyond simply voting in general elections.

Hegel (2007) further affirms this proposition by asserting that CSOs hold an elected government accountable for its actions by approving and disproving what it is doing. This thought is further fortified by Bresser-Pereira (2010), who, in the literature reviewed, argues that the extent to which civil society identifies with the people is a grand barometer for the degree of democracy in a social system. CSOs work for citizens who are most of the time, not enlightened about their rights, freedoms and liberties and even the extent of their legitimate claim.

Solomokae (1998) argues in favour of this school of thought by asserting that the dialectical relationship between civil society and democracy is such that political sphere is a struggle for political power, while civil society is the source of mandate for the state to govern. This he asserts, brings civil society closer to the state, which mediates the various struggles which civil society groups wedge on behalf of the citizens to fully enjoy their rights and freedoms.

Therefore, voluntary associations will organize them into focus groups so that they craft a common position against state's actions and demand to be served. This is in line with what Carothers (2006), who asserts in the literature reviewed that civil society organisations came to the political space to shape public policy and fashion it in favour of citizens. He argues that civil society's return to the space was a welcome development as it came to agitate citizen participation in matters of policy through dialogue and other platforms intended to ensure that politicians were held accountable for their actions.

I disagree with Participant 1 (July 13, 2018) that civil society organisations get detached from those they claim to represent and that they take an oppositional stance to that of the state. The reality is that in all societies, including the developed ones, there are inherent positions that civil society, including the media take. They can be leftist, ultra-left, rightist, ultra-right or centre. Being any of these does not make CSOs members of the opposition as the Participant argues, notwithstanding that they take a stance that is not in cahoots with that of the state, but still a realm outside partisan politics. This contention receives the affirmation of Berman (1997), Bermeo and Nord (2000), who in the literature reviewed, maintain that civil society organisations are not completely without criticism from cynics who believe that CSOs do the opposite of what they are universally believed to do. These scholars advance the argument that a too active civil society is dangerous to society in that it can lead to regimes that are intolerant, especially those that fear losing legitimacy at the behest of the civil society's antagonism.

Of course, I agree that taking any of the mentioned positions polarizes society and has adverse implications on the policy direction of a country, but that is the way to go. There is no perfect model of engaging a sitting government, much as there is no perfect governing model on the side of those elected into power; but they choose one anyway and try it. The political discourse binds them to open the platform for debate on the model, identifying its strengths and weaknesses and critique it. In the same way, CSOs' leanings are subjected to critique, either by the state or the citizens themselves. This is to show that no model can be said to be ideal or has been cast in stone.

A relatively different line of thinking on the posture of CSOs has also been highlighted by Participant 2 (July 14, 2018) who argued thus:

While CSOs are doing a remarkable job of holding the state accountable, there are isolated incidents where the CSOs have pushed for a Bill in the National Assembly, making representations to portfolio committees of parliament to make their voices heard. They were vocal in the formulation of the Draft Media Policy, calling for the previous government to adopt it as proposed by the concerned parties. They have called for repeal of the outmoded and archaic pieces of legislation which the government conveniently used to purge its opponents, but they got ignored by the sitting governments. They are not totally reactive as it is felt in other circles, but there are instances where they have been proactive. The former regime passed a law as it had wanted it to be, disregarding the non-state actors' call for a broad-based legislation that ensured that issues of composition and the resultant functional independence of the envisaged Human Rights Commission were clear-cut in the law. Though, CSOs made efforts to put pressure on the government, irrespective of the fact that the 2015-2017 coalition regime ignored their demands, but all in vein (Participant 2, July 14, 2018).

In view of the above, Somolekae (1998a) suggests that for civil society to be effective, it should be granted the necessary legal and political space to rally society towards enjoyment of rights and freedoms without fear or favour. Participant 2 (July 14, 2018) held the view that the changing position of the ruling elite, that is, depending on which side they are (ruling or opposition at the time engaged by CSOs) affects CSOs' advocacy as they take different positions. He drew this example:

The frequent change of guard through polls has given civil society power. Those who were in opposition then but later became government after the 2015 poll were not listening to the civil society and profusely abused power. But today, they have changed their posture and sit with us in meetings, just because they are now in opposition. The current regime was arrogant during the 2012-2014 period, but now they are listening to what we say (Participant 2, July 14, 2018).

Selinyane (2007) contends that civil society in Lesotho is traced to the pre-independence period, when they were aligned to political parties, but were still able to hold those parties accountable.

According to me, the change in position of the parties involved in a debate or discussion or even viewpoint depending on which side they are, is natural. Politics is about contest for power and that comes with critical observation of opportunities to be exploited from aligning with which group. Also, politics is a contested terrain, which provides a forum for debate as compared to where political parties would follow existing structures and practices. In the literature reviewed, Hont and Ignatief (1985) defend this idea by positing that politics is a battlefield for plural thought and that these are never detached from civil society. Also, in the literature reviewed, Kim (2017) gives credence to this line of thought by asserting that civil society cherishes the creation of platforms for exchange of ideas, tolerance of dissent, divergence of opinion and opening of the public sphere for debate and dialogue, virtues which he attributes to a successful democracy.

Furthermore, Perez-Diaz (2011) sheds light on the same view, arguing that civil society is a sphere of political thought, and that it was introduced into Africa as an agenda of those practices and institutions which systematically brought together a political sphere. Chambers (2008) further fortifies the above notion about plurality of thought within society by stating that there is need for a political culture in which many voices are heard on one discourse in order to arrive at a point of agreement or disagreement (consensus-building), which in turn is an ingredient of a functional democracy.

Since they are in competition for power, political parties forge alliances with those who tend to be in sync with their standpoint at the time. However, the implications this has is that there is no consistency on what they say when they are in either of the sides, which flies in the face of credibility and integrity, which are anyway, an alien principle to politicians. As they frantically search for ways to amass political power, they flout the principles of natural justice and common sense. The line of thinking is buttressed by Participant 1 (July 13, 2018) who argues thus:

Most of the time, CSOs take an oppositional stance to what government is doing or saying. They frantically want to be seen juxtaposed against the state for them to be vibrant (Participant 1, 13 July, 2018).

Participant 1's (July, 13, 2018) viewpoints on the posture of CSOs against the state reveals conception of a civil society which is in cahoots with the state for it to do its work properly. This is a right-wing view that defies the contemporary understanding of a balanced society with a state whose actions are checked and critiqued by others for a fully-functional democracy. By taking a different view to that of the state, CSOs do not necessarily position themselves or want to be aligned with the opposition because they also take a different view to that of the opposition itself. Therefore, labeling them as oppositional based on their view reels towards blackmailing them with a threat that they should fear being labelled as such and change their position to that of the state.

Participant 2 (July 14, 2018) is spot-on in his views that political parties change positions in the manner they view and approach civil society, this depending on which side they are – ruling or opposition.

This is expected as political parties change position based on what suits them at the time. When they feel that civil society 'is in agreement' with their standpoints, especially when they are not on the ruling side, they tend to want to use that to their advantage in order to push a selfish, partisan agenda. This they do knowing the power and influence of civil society, which puts them on a better position to rally support from members of society. This in the end, creates polarity in the country's politics, which is not bad per se, but does not reflect genuineness of the political playground – depicting politics of convenience, machinations and cunningness. This has in the long term, adverse implications when the political arena becomes a contested terrain, based not on facts, but on pursuit of narrow and selfish interests of only a small clique within society, but to the detriment of the larger society.

Nonetheless, plurality of thought and change of positions signal richness of democracy as long as it is predicated on truth and ultimately benefits society. After all, politics is a contested space, with many players and divergent views expressed and different positions taken to suit vested interests, of course for the benefit of just a small portion of the larger society. It also builds consensus at the end of the day when opposing sides ultimately come to some form of agreement on an issue after a tussle to test the truth.

4.4 Role of CSOs in entrenching a human rights culture in Lesotho

The theme on human rights culture in Lesotho came out during the discussion of the question on the effectiveness of advocacy programmes of TRC in holding the government accountable for human rights observance, respect as well as reporting on international human rights instruments.

Participant 6 (July 16, 2018) charged that there is no human rights culture in Lesotho. He said this was the case in spite of the fact that Lesotho is signatory to international treaties and conventions that the country has signed and later ratified. But he charged that the country is slow in harmonizing these international laws for domestic practice.

He lamented that there is no implementation of these instruments on the ground. He had this to say:

Lesotho only appreciates the first generation rights, which it has enshrined in Chapter II of the country's constitution, but does not comprehend that political and socio-economic rights have a space in the human rights discourse. The Government has only provided for socio-economic rights as Principles of State Policy in Chapter III of the Constitution, which does not give much attention to do in the face of the law. Government's understanding of rights is lacking and their respect for them will therefore be suspect. The state has an obligation under international human rights law to observe, protect and report on human rights in their countries (Participant 6, July 16, 2018).

It seems to be a practice everywhere else that the first-generation rights and political rights take precedence over third generation rights such as the right to access to water and sanitation, housing, land, environmental rights, livelihood rights and the many socio-economic rights. The above notion gets the notion of the social liberalism theory, which largely emphasizes the need for expansion of both civil and political rights of individuals within society, without exclusion of another form of rights to the other (Panitch and Gindin, 2012; Domingues, 2013).

Most governments refrain from making commitments to these rights and most of the time, they argue that resources are not adequate to allow them to provide for these rights. In the case of Lesotho, appreciation of rights by the ruling elites is a matter of efficiency and effectiveness of systems.

This is in line with Solomokae (1998) who suggests that the evolution of civil society in Africa, particularly in the 1980s, was a function of the failure of the state to deliver development services which were thrust in it since independence. It is common for states to willingly sign and ratify international instruments on human rights, but fail to implement them because there are no attempts to promulgate laws or to formulate policies that seek to domesticate these instruments. The main issue is lack of political will. According to Ishkanian (2007), the motive for entrusting the state with the mandate to guarantee the rights of citizens was to ensure that former socialist states were transformed into fully-fledged democracies that held regular elections, observed human rights and were accountable to the citizens.

Another strand of argument in the human rights advocacy discourse in as far as TRC is concerned is that communities are aware of their rights through advocacy campaigns like public hearings where they are enlightened on compensation guidelines. TRC's programme seeks to establish what communities can do to make sure that their opinions are incorporated into the compensation and resettlement guidelines of Phase II of the Lesotho Highlands Water Project (LHWP). Also included are how they can exploit opportunities, which derive from Phase II of the project.

The above was given credence by Participant 6 (July 16, 2018), who argued thus:

Ideally, communities within which mega projects are going to be built should have a share in the economic benefits deriving from extractive enterprises. That is still under discussion. The main thrust of the project has been on community organization rather than policy advocacy. Progress has been realized in areas such as empowerment, awareness-creation, public interest building and organisation. These have ensured that the mines solicit the communities' views before implementing policies such as compensation, resettlement (e.g. families and graveyard-relocation in Kolo), service delivery, cooperatives, labour and other issues (Participant 6, July 16, 2018).

In my opinion, human rights advocacy CSOs have done a lot of work to hold the government and the foreign mining companies accountable, reminding them about a social contract that companies should have with communities within which the mines are constructed. However, the government has tended to be biased towards mining companies on the premise that they bring Foreign Direct Investment into the country, which creates jobs and reduces unemployment and the resultant poverty.

The CSOs have rallied civilians in the areas where mines are constructed with the view to ensure they participate in the dialogue on issues of beneficiation, corporate social responsibility and a trickle-down approach to development. Nonetheless, mining companies have remained intransigent as a result of the massive backing from the government, which in some instances has unleashed the police onto protesting citizens with the view to scare them so that they refrain from raising alarm on critical issues that affect them. The above scenarios fly against Habermas (2004), who contends that civil society is a locus for public sphere – a platform where society's plural ideas, interests, values, and ideologies, which are formed within civil society are expressed and made politically effective, normally in demand of accountability by the state for its actions. According to Habermas (2004), non-state actors such as the civil society have a responsibility to keep the public sphere alive and active by engaging the state, critiquing some of its actions, especially those perceived to inflict pain on the innocent civilians or hinder them from enjoying their rights.

4.5 CSOs' interventions in conflict management and resolution

Another theme that emerged during the discussion on the question of the efficacy of TRC's advocacy programmes on good governance was that of the civil society initiatives to quell politically-motivated disputes among citizens. These conflicts are two-dimensional as the study has found out – one, inter and intra-party disputes that spill over to citizens, especially after elections emanating from dissatisfaction with the election outcome.

There are disputes between citizens and the government over their rights during construction of mega projects such as the LHDA and mines. Here, the study has established that CSOs also have had a stake as they intervened to resolve the disputes, particularly in favour of the citizens. Participants felt that CSOs have played a major role, with TRC leading as a respected institution that solves disputes among warring factions within society.

Participant 6 (July 16, 2018) had this to say:

There are a number of lessons learnt in peace restoration and conflict governance at mines like the Kolo Diamond Mine. This practice has to be replicated to other mines. Critical issues at stake include community beneficiation, revenue transparency, partnership agreements and broad-based developmental initiatives. The overall aim is to build competent mining communities composed of key stakeholders - community members, financiers, mining authorities, state agents, international buyers, local and regional policy-makers etc (Participant 6, July 16, 2018).

It appears that TRC took up the responsibility of quelling disputes in the mega projects in the years of 1997, particularly in the Lesotho Highlands Water Project (LHWP) when it was clear the project was not observing national and international standards of compensation of citizens who lost their land and other natural resources to the LHWP. I agree with the proposal that there is need to work on beneficiation to ensure Basotho derive a direct benefit, especially those who were affected by the project.

Economic benefits must trickle down to Basotho through granting of employment and other benefits. Mining companies have to be bound by their contracts to invest locally to create value for the rich mineral deposits that Lesotho has. Currently, the Government of Lesotho gets a disappointing proportion of the royalties earned from diamond, whereas a great chunk of the profits goes to external investing companies.

The above notion underlies a lack of capability of citizens to derive benefits from a project, which was otherwise designed to bring development to the people, but could not. Dominigues (2013b), argues in favour of Sen's (1999a) capabilities approach to addressing poverty and inequality within society, focusing on individuals as units of analysis and not taking a blanket approach. The relative approach adopted (as opposed to the absolute approach) is anchored not on minimum living standards or basic needs for all the disadvantaged, but takes into consideration, characteristics of a given society and attempts to identify individuals whose living standards are unacceptably low, in comparison with the rest of society (Dominigues, 2013c).

The historical compensation for lost land is not enough as there is no developmental element to the compensation, which is more long-term in character. The Mining Policy, which is still being formulated guarantees this, but mining companies do not comply. Also, TRC must focus on building sustainable initiatives such as entrepreneurial skills development to those who have been relocated so that they do not only depend on the compensation fund, but also invest in business in the long-term. Dominigues (2013d) argues that the central argument of the social liberalism perspective is such that members of society have a right to equal opportunity and the state has a responsibility to ensure that this happens, with civil society becoming a locus of provision of these.

Participant 2 (July 14, 2018) and Respondent 5 (July 16, 2018) shared the same sentiment that TRC, working hand-in-glove with other CSOs worked hard during incidents of political conflict that nearly tore Lesotho's social fabric and social cohesion, particularly post-elections since 2007-2017. Participant 2 (July 14, 2018) said this:

Local CSOs, TRC in particular, have done a good job of putting off conflict among warring factions. Remember that after the 2007, 2012 and 2015 elections, there were inter and intra-party conflicts that spiraled out of control and spilled into the citizens domain. These nearly tore the social cohesion among a largely this homogeneous nation, but were quelled by CSOs and the SADC.

Though we do not have a strong domestic conflict management and resolution mechanism and a strong peace-keeping architecture, CSOs have historically come handy during conflicts (Participant 2, July 14, 2018).

The sentiment was shared by Participant 5 (July 16, 2018), who posited thus:

When former Botswana President, Sir Ketumile Masire retired his mission in Lesotho after a counterproductive facilitation of a mediation exercise post the 2007 election feud, CSOs undertook the responsibility to mediate the conflict. This intervention quelled the dispute and brought about peace and tranquility until the next election in 2012. Also, it was in many other instances where peace was disturbed that CSOs, particularly TRC, intervened and successfully quelled the row (Participant 5, July 16, 2018).

I agree with sentiments expressed by Participant 2 and 5 (14 & 16 July, 2018) respectively, that CSOs have done a wonderful job of preventing the country from descending into internal strife by taking over where regional conflict-resolution measures have ended. However, recommendations of the Leon Commission of 2000 that investigated the post 1998 election political impasse must be implemented.

The Commission had proposed that a permanent national conflict-busting body, which is chaired by the King has to be established and named *Lekhotla*. This would be a domestic conflict mediation and busting mechanism for the largely conflict-ridden Lesotho, especially after elections. It was envisaged that the body would bring an end to the endemic conflict among Basotho. In Chambers' (2001) presentation of six ways in which the relationship between civil society and the state could be explained, he discusses the need for civil society to work in support of the state, in dialogue with the state and in partnership with the state to diffuse tension that ensues among citizens.

4.6 Legislative environment within which civil society operate

During the interviews, another sub-theme emerged on the influence of the legislative environment within which CSOs in Lesotho operate, particularly on their expected effectiveness. According to some participants, the extent to which the state views the advocacy messages of CSOs is a result of a law that grant CSOs a *locus standi*.

Participant 5 (July 16, 2018) argued thus:

CSOs could make impact on the ground if there was a clear legal framework governing and guiding their advocacy and lobbying work. A public participation legislation has to be enacted by parliament in order to state the guidelines for their engagement with the government and the recourses available to them when the state does not respond or does not act on their demands. Currently, the state can refuse to be drawn to a debate or to be held accountable for what it is or has done just because they know there is no binding legal framework to that effect. There is no legislature allowing CSOs to sue privately such as a Public Interest Litigation Act. This would remove the locus standi provision, which courts of law use to deprive ordinary citizens an opportunity to seek legal redress from the courts when they want to address a social ill (Participant 5, July 16, 2018).

I support the idea that parliament must promulgate a law that compels courts of law to recognize citizens, including civil society organisations to sue in their capacities, without having to be friends of the court, that is, in association with a body that is recognised to sue independently. The APRM Country Report (2010) agrees with the sentiment expressed above that the legislative framework that governs CSOs is loose and that is attributed to the weak internal management systems in these organisations. The Report cites the Societies Act (1996) which does not make adequate provisions for accountability and transparency in the CSO sector.

It has been observed in the literature reviewed there is something that can be learnt from Botswana, which is presented by Solomokae (1998) who argues that the relation between the state and civil society had to be solidified by a policy, which defines the bounds of cooperation between the two, particularly the principles of engagement. According to Solomokae (1998), the process of engagement between the state and civil society was coordinated by the NGO umbrella body, the Botswana Council for Non-Governmental Organisations (BOCONGO)

4.7 Role of oversight institutions in building a vibrant democracy

This theme came forth when a question about the role of civil society in promoting participation of citizens in the project of democratization of society was asked. Some participants felt that institutions that should cushion democracy, which are referred to as oversight institutions are weak. Participants charged that this has a replicate effect on the work of CSOs as they, to a large extent, depend on the complementary contribution of these institutions to do their work effectively.

Some of these are portfolio committees of parliament, Office of National Ombudsman (Public Protector in other jurisdictions), Directorate on Corruption and Economic Offenses (DCEO), Police Complaints Authority (PCA) and the Auditor-general's Office to mention just a few. Participant 3, (July 15, 2018) held the view that the efficacy of a democracy depends largely on vibrant institutions, which he said are custodians of a societal system of beliefs, norms, values and behaviours. He put his thoughts thus:

Our role as civil society organisations in Lesotho should be understood from the premise of institutions that should cushion democracy to work effectively for the benefit of society. The establishment of a democratic practice within society is informed by universally-accepted principles that undergird a functional democracy. These principles are entrenched by these institutions to promote democracy (Participant 3, July 15, 2018).

Emphasis on the preeminence of institutions as custodians or catalysts for a sound democracy to take route is buttressed by Fritz (2006) and Rocha (2007) who opine that the growing recognition of institutions as key factors in shaping (developmental) outcomes is gaining momentum, especially in poor countries, which are still building their democracies. Though I appreciate a call for strengthening of oversight institutions and their functional autonomy, but absence of proper systems that will make them function effectively could turn the exercise futile.

In addition to systems, there is need for mindset change of personnel working in these institutions, because even if there can be as many oversight institutions as possible, with strong systems, but if those working in these institutions are still the old guard, with the old mentality of approach to service delivery, the reform exercises can be rendered futile. Where efforts have been made to establish institutions, they have been undermined by lack of professionalism, zeal, passion, efficiency and effectiveness of those working in these institutions to see their effectiveness. Kapa (2018) asserts that oversight institutions ideally exercise oversight over the executive branch of government. He draws an example of the media, which is said is universally referred to as the fourth estate, following the legislature, judiciary and the executive. However, he questions is whether these institutions perform this function effectively. This views is reinforced by Selinyane (1997), who posits that the media, civil society organisations (CSOs) and opposition parties have featured prominently as important players in the nation-building and democracy-creation efforts

Participant 5 (July 16, 2018) said on oversight institutions:

The weakness of oversight bodies impedes the work of TRC as it gets exposed when it is doing this oversight job alone. The Office of the Ombudsman was once vibrant during the tenure of Advocate Sekara Mafisa, but now it is quiet. Or should we conclude that it depends on who is in charge there. If it is a matter of a personality – as to who is holding reins in that office, then there is a problem (Participant 5, 15 July, 2018).

Participant 3 (July 15, 2018) further put this argument across:

The capacity of CSOs in terms of their number, especially those that have solid democracy programmes is at the heart of the challenge of seeing the process of democratization through to its end (Participant 3, July 15, 2018).

The weak capacity of CSOs in numbers to make real impact comes out straight in Johnson (2015) when she says: "Many of these theories have moved in a liberal direction, largely explaining civil society to be an antipode against the state and arguing that the larger the civil society, the better the democracy (Johnson, 2015)." The centrality of oversight institutions in building a solid and vibrant democracy is underscored by Althusser's (2011) theory of ideological state apparatuses earlier discussed, where Wolff (2004) argues that the state is a realm which is made of institutions which do not wield power per se, but surround a repressive state, which is itself vested with power. Wolf (2004) argues that the state wields power on the working class. Parliament is one of the oversight institutions that has a duty to exercise oversight over the state.

Participant 5 (July 16, 2018) reflected on the role of MPs as representatives of the people in parliament, arguing that they do not perform their work effectively. He had this to say:

Under normal circumstances, MPs have to collect information from their constituencies on the needs of the constituencies and those are known by councilors as they are right at the coalface of development and live with the people. They have to challenge the executive branch of government in the National Assembly during the question-and-answer sessions. They will get responses on why the central government with the relevant ministries/departments has not performed its duties. From there, they go back to their constituencies, which are also made of several councils to report on progress made on issues raised in parliament (Participant 7, July 16, 2018).

The significance of oversight institutions in cushioning democracy everywhere else has been emphasized. I agree with the viewpoint that weak oversight institutions are a liability to the effectiveness of democratic consolidation. This is underscored by Bratton (2003), who suggests that where civil society organisations have been effective in Africa, they were outlets that pursued shared goals of good governance, respect for human rights and observance of citizen rights and freedoms.

Lesotho's state is weak and it is rendered even weaker if there are no strong supportive institutions. Parliament lacks the requisite vigour to hold the executive branch of government accountable. Other oversight bodies include the Police Complaints Authority (PCA), which is a platform for citizens to raise their dissatisfaction with the manner the police handle their cases. Participant 5 (July 16, 2018) said:

The Police Complaints Authority reports directly to the Commissioner of Police, who in turn reports to the Minister of Police. This means that if some cases are against them, they may choose to keep silent about them. The functional autonomy of this watchdog body is suspect (Participant 5, 15 July, 2018).

The powerlessness of some oversight bodies such as the Police Complaints Authority is a function of the state demeaning the functional autonomy of these bodies by making their work riddled by bureaucracy. Vesting powers on the ministers and other political elites is to the detriment of these bodies as they report to the same elites.

Participant 6 (July 16, 2018) was in agreement that courts of law should be the last resort when these oversight mechanisms have been exhausted. He lamented thus:

The existing recourse mechanisms available to civilians for addressing their human rights complaints do not have the requisite autonomy and functional independence required of such bodies according to international standards. The legal systems establishing them [oversight institutions] are weak, hence making them just toothless bodies (Participant 6, July 16, 2018).

Participant 6 (July 16, 2018) further reiterated that:

Also, the court system in this country is in shambles. Though courts decisions are binding, the high court and other courts decisions' are not progressive. For example, a High Court's decision about the establishment of the Human Rights Commission was wrong in that its determination that the human rights watchdog's formation is fine in its current format was faulty. This is not in concert with practices in other jurisdictions, which have established similar bodies. An example that can be drawn is that of the South African case, where the country's human rights watchdog is independent of state and is able to make determinations without fear or favour (Participant 6, July 16, 2018).

Participant 2 (July 14, 2018) applauded government for appreciating the value of the DCEO, but said CSOs did not do well in their advocacy for the formation of an inclusive Human Rights Commission, which was to be provided for under the Human Rights Act. He argued:

I applaud the current regime for increasing the budget of the Directorate on Corruption and Economic Offenses (DCEO), [an anti-corruption watchdog] that has been beset by weak capacity for many years. DCEO has complained in the previous regimes about its inability to fully execute its mandate of arresting the scourge of corruption, which is prevalent mostly in the civil service due to weak capacity in terms of fewer investigators, shoe-string budget and many other deficiencies. The Government's move to increase the watchdog's budget shows political will to build the capacity of the agency (Participant 2, July 14, 2018).

Still emphasizing the value of autonomy of oversight bodies in promoting democratic consolidation is the issue of financial viability of these bodies to effectively carry out their mandate. They are already weakened by bureaucratic challenges and double standards of political elites, but now if they are financially disenfranchised, it becomes a double burden and their effort to contribute meaningfully to democratic consolidation becomes a pipe-dream. As a result, this affects TRC's advocacy as it goes solo in holding the state accountable. Participant 5 (July 16, 2018) commended parliament for the good work done in exercising oversight over the executive branch of government. He said:

Portfolio committees of parliament are doing a good job, as opposed to the past where they were a lapdog instead of a watchdog. This has made the work of the CSOs, of holding the executive accountable for excesses of power easier. When parliament and other oversight bodies perform their duties effectively, they make it easier for CSOs to do theirs, and this gives credence to the need for checks-and-balances. But when they do not, and the CSOs remain the only ones making noise about wrongs of the state, their legitimacy becomes weak in front of the voters. We cherish the complementarity between parliament and CSOs that we see, in spite of the challenges I have alluded to (Participant 5, July 16, 2018).

I agree that the complementarity between oversight bodies and CSOs is of utmost importance because the latter draws on the work of the former to formulate its opinions when putting pressure on government to execute its mandate in a manner that favours the citizens. Also, oversight bodies like parliament can use CSOs reports on studies conducted on a variety of national issues to hold the executive branch accountable – say a study on the human rights situation in Lesotho could assist parliamentarians to formulate their opinions when they ask questions in parliament.

Matlosa (2007) argues that CSOs take forms such as livelihood providers (philanthropies) and some are semi-political in character and aligned to political parties, but still holding governments of those parties accountable. He holds the view that coexistence between these bodies can breed a formidable force that can hold the executive branch of government accountable.

I am also of the view that a situation where one segment of society such as the CSO sector is the only one vocal on say, excesses of power by the state, its voice lacks legitimacy as it has no critical mass required to make a dent on the government. Also, it becomes easier for the government to label the CSO sector as oppositional because it gets irritated by a robust non-state actor that disturbs its comfort zone to rule without challenge. This is in itself an affront to a functional democracy, the one that is characterized by plurality of thought and effective checks-and-balances. Selinyane (2007) posits that the Lesotho civil society lost a grand opportunity of being a vanguard for the people because it never prescribed a role for itself in the process of building democracy. Participants felt that another weak link was law enforcement agents, which they said have to support the oversight institutions when they have done their job. Participant 6 (July 16, 2018) expressed this view:

The functioning of law enforcement agencies that have to protect human rights and the oversight bodies on human rights is limited by a number of factors. One, judicial officers like judges depend on the executive branch for resources to do their job. This means that the envisaged human rights watchdog will also be funded by the state and its expected execution of the mandate conferred on it might be affected, especially if the government could choose to maliciously disenfranchise it by allocating deficient resources (Participant 6, July 16, 2018).

On the same note, Participant 5 (July 16, 2018) shared the sentiment that oversight bodies have been weakened by lack of functional and institutional autonomy and operational independence.

TRC, working in partnership with other CSOs challenged the establishment of this body. With a body of its calibre, it is a liability to society since some cases cannot be taken abroad for determination. I am sure you are aware that TRC has lodged a case in the High Court requesting the court to nullify formation of this watchdog. A verdict was passed and they lost. They have now lodged an appeal (Participant 5, July 16, 2018).

Participants 2, 5, 6 and 7 (July 14 and 16, 2018) agree that oversight institutions are key in building a solid democracy by providing the needed checks-and-balances. Particularly, Participant 6 (July 16, 2018) had this to say:

Other oversight bodies that have a greater stake in the protection of civilian rights like the Office of the Ombudsman and the Police Complaints Authority have limited powers and authority to make determinations to the satisfaction of the citizens. For example, the Office of the Ombudsman cannot investigate high offices like cabinet and Office of the King. For the Police Complaints Authority, it is the Commissioner and the Minister of Police who have to make decisions on complaints submitted against police who torture civilians while in custody or during conduct of their duties (Participant 6, July 16, 2018).

In the same vein, Participant 5 (July 16, 2018) added:

Some watchdogs are weak due to their composition and functionality. These are Police Complaints Authority, the Office of the Ombudsman and the Directorate on Corruption and Economic Offenses (DCEO). There is need for political will to establish a Human Rights Commission of intentional standards (Participant 5, July 16, 2018).

In my view, it is only prudent to be concerned about the lack of functional autonomy and ill-composition of institutions which are supposed to cushion democracy because their weakness renders the whole government system weak. Selinyane (2007) argues that even if civil society organisations in Lesotho can be aligned to political parties, especially the ruling one (s), they can still be able to hold them parties accountable. Limitations such as the extent of the work of some oversight bodies, which has been intentionally made to place a cap on their investigative powers, for instance, is an affront to the expected effect of these bodies. Politicians purposely weaken them so that they are free from scrutiny and investigation. They also allocate small budgets for these bodies so that their effectiveness is wakened by budgetary shortfalls. This does not bode well for a functional democracy. Also, when they lose power through elections and become opposition, they come to understand that they made a flaw by emaciating the functional autonomy and proposed dysfunctional structures for these bodies.

4.8 Impact of CSOs' advocacy programmes on building a firm democracy couched on principles of good governance

The question on the effectiveness of TRC's advocacy programmes with respect to principles of good governance triggered a theme on the impact of CSOs' advocacy programmes on building a firm democracy couched on the principles of good governance. Participants were of the firm view that there is much work done by local CSOs, particularly TRC in entrenching a democratic society hinged on the cardinal tenets underpinning a functional democracy.

Participant 2 (July 14, 2018) argued that civil society organizations put much pressure on the previous government in various instances, citing the time when they demanded that the regime trots on a democratic path, though this was not a smooth sailing as it remained intransigent. He stated thus:

The latest developments in the current regime where factory workers staged a series of demonstrations protesting the hike in transport fares give credence to my argument. The factory workers petitioned government on the hikes, arguing that they were not commensurate with the wages they were receiving and would resultantly affect their socio-economic livelihood. Civil society organisations stepped in and supported the factory workers, giving impetus to their demands for increase of their wages so that they are placed at a level they would be able to meet their daily needs, including transport to and from work. CSOs like TRC, CCJP [Commission for Justice & Peace], DPE, the Christian Council of Lesotho and the LCN were in the forefront of the support to the beleaguered factory workers. Today, a compromise hike in transport fares has been reached by both sides and it seems, though not completely satisfactory to the affected sections of the nation, it has allayed the fears of the downtrodden and poverty-stricken (Participant 2, July 14, 2018).

I firmly hold the view that as the findings indicate, an alliance of local CSOs, which was led by TRC, which supported factory workers in demand of their due wage hike succeeded to pressure the government to form a Cabinet committee working on the issue. The impasse was finally addressed and this reinforced the necessity for CSOs working as a united front. Steel et. al, (2007:37) elegantly argue in the affirmative when they refer to NGOs as “bodies that play a transmission belt role within civil society.”

In instances where they operate in silos and present their concerns as individual CSOs, the government does not listen to them. This fortifies the need for solidarity among CSOs for their advocacy messages to be heard by the state. Participant 5, (July 16, 2018) applauded TRC for creating platforms for raising a flag on critical national issues and creating awareness about its work. He said:

TRC has taken bold strides to ensure transparency through platforms such as Friends' Meetings. These are regular forums held quarterly or as-and-when a need arises to discuss national issues. Presenters are invited from various shades of society– government, private sector and the academic sector to share views on critical issues besetting the country. These platforms have helped elicit crucial information on goings-on on a variety of issues. TRC has also used the local media to express its displeasure about human rights abuses and demanding the state to account. It has also convened media conferences to share information the CSO's work and the results thereof. It has also used the media platforms to haul state organs to account for their actions (Participant 5, July 16, 2018).

It is manifest that TRC has become a nerve centre for local CSOs and a platform for dialogue and debate on national issues. Its historical Friends' Meetings have helped the CSO open the space for dialogue on critical national issues. Friends' Meetings are platforms that have been created by TRC to engage in dialogue between the government, private sector, NGO sector and those holding office to account to those they purport to serve. These meetings have been used as platforms for demanding accountability by TRC from the government and other sectors that have constituencies which they serve. Members of the public freely participate in these forums. They are held quarterly or it can be as frequent as possible, depending on the issues available for discussion and dialogue.

TRC convenes quarterly forums with intent to confer on critical issues with a national theme. There are several sub-themes which are delegated to identify speakers to present on. For example, TRC held a national conference/symposium on the ongoing reforms to get national views on the theme. Sub-themes were the various reform areas which the exercise focused on such as the media reform, civil society reform, security sector reform, public sector reform etc. Thereafter, TRC commissioned presenters to author articles out of their presentations.

The Friends' Meetings have served as grand platforms for promoting one the cardinal tenets of democracy – transparency and accountability. They are traced to the late 1970s when TRC was born in Lesotho as a haven for refugees who escaped the apartheid South Africa. They would come to TRC and discuss and dialogue on critical issues in their country of origin. The Meetings have been used to provide a forum for presentation and discussion of research papers, occasional papers and policy briefs which TRC has commissioned to researchers and consultants to embark on (<http://www.trc.org.ls>). It has stood out as one of the few CSOs that document their work and has become a true resource centre, with a well-functioning library. This facility helps it to provide other CSOs with relevant information that to assist them to craft informed advocacy programmes.

a) Serialized dialogue forums:

It TRC organizes regular dialogue forums quarterly in order to open discussion on national political, economic, social, socio-economic, technological as well as legal issues. These will take a topics issue which is of concern to the nation and unpack it until TRC believes there is national consensus on the issue. The issue which is in the current national discourse and has the potential to polarize the nation is thrown to the dialogue forum for unpacking. Experts on the issue are invited to unpack it. The subsequent forums on the same issue will are expected to take decisions by way of consensus – general agreement without voting on the issue but assessing where majority of views is headed. Participation in the serialized forums is drawn from as wide spectrum of society as possible in order to ensure fair and equitable representation of all relevant sectors. Intention of equitable representation is to ensure wide/national ownership of the matter. For example, the issue of amendment of the Constitution of Lesotho (Section 41) in order to provide for dual citizenship. This is a national issue that warrants the attention of the entire nation. If a referendum has to be proposed on the issue on the table, it will be done.

b) Policy Paper Dialogues:

Policy dialogues are intended to discuss issues of policy in a selected area of concern. Experts on the critical issues or areas where a national policy is preeminent or is already proposed by the Government will be invited to share their views and shape the thinking towards the CSO sector's contribution to the envisaged policy area. The dialogue forums are aimed at ensuring that a comprehensive policy formulation platform exists in Lesotho. Either a proposed policy in a given area is already taking place through government white and green papers, but there is feeling that the process of engagement which is prescribed in the Standing Orders of Parliament is deficient. The Policy dialogue are aimed at enlightening the citizenry about the policy direction that the state wants to take on a particular policy and shape the national thinking on this policy direction. For example, the mining sector might be pondering a policy intended to govern allocation of prospecting and mining rights to potential investors. This will be put on the discussion table to solicit as many views from Basotho as possible. This ensures national ownership of the processing of awarding prospecting and mining rights.

c) Occasional Paper Presentation Sessions:

The occasional paper presentation sessions are intended to grant persons assigned to craft occasional papers on selected issues which warrant research a platform to share their findings on the issues being researched. The researcher will be granted time to present his/her findings while the participants make their inputs through informed questions and comments. The sessions will take the form of validation exercises for the researched topics. Thereafter, the researcher will be asked to go back and make corrections to the identified areas and thereafter consolidate the views to produce a comprehensive occasional paper.

TRC holds annual general meetings (AGMs) which serve as supreme platforms for civil society organisations and non-governmental organisations to confer on national political, economic, social and technological issues affecting Lesotho. AGMs grants CSOs which subscribe membership to TRC an opportunity to undertake a self-introspection as regards their various mandates and see how they seize trending opportunities. The AGMs are intended to act as a link between various CSOs/NGOs to work together instead of competing.

Meanwhile, Participant 2 (July 14, 2018) further buttressed the efficacy of TRC's and other CSOs' advocacy programmes saying that it was civil society that fought-tooth-and-nail to see the formation of an Independent Electoral Commission (IEC). This was the first electoral management body to be formed to manage elections which were held at the dawn of the second wave of democracy in Lesotho in March 1993.

Acting under the umbrella of LCN, civil society organisations organized two national conferences in 1992, with intent to open the democratic space. The two conferences became vocal on critical issues that were against democratization such as the roping in of the army into the rule of the people, so civil society fought for the army to go back to the barracks. Civil society's unfaltering fight for leveling the ground for democracy to thrive through actions such as pre and post-election conflicts in Lesotho has been commendable. Generally, civil society has been an important player in mobilizing societies to fight for their rights and in initiating programmes intended to uphold rule of law and against any impunity within society (Participant 2, July 14, 2018).

My take is that the civil society movement in Lesotho is such that they are not divided by leanings – leftist, ultra-left, rightist, ultra-right, centre left or centre right. But they go with the mood of funding from donors and the prospects of the ruling party or parties at the time, positioning themselves as a trusted vanguard for the marginalized and the poor.

According to Kapa (2014), Lesotho's CSOs have historically played a catalytic role in the democratization exercise in the country. Therefore, their successes in pushing for a cause of action to be adopted by government is a matter of not the content per se, but how the state at the time feels it is to gain from what CSOs are demanding. Matlosa (2004) criticizes civil society in Lesotho as a weak force that is not able to push for the views and interests of their members to be heard and as a result, unable to hold the government accountable. Lesotho Council of NGOs (LCN) Strategic Plan (2014) aligned to the grassroots-oriented Basutoland Congress Party (BCP) while others were part of the religious body, particularly the protestant churches.

In the case of the electoral management body, the government just acquiesced because they had been to other countries where there are fully-fledged election management bodies. Therefore, celebration of this could somehow be not appropriate as it could not be attributed to the CSOs' vigour of their advocacy messages that stirred government to concede to their demands.

Participant 2 (July 14, 2018) further underscored the fact that the former regime of 2015-2017 passed a law as it had wanted it to be, disregarding the non-state actors' call for a broad-based legislation that ensured that issues of composition and the resultant functional independence of the envisaged Human Rights Commission were clear-cut in the law. The participant said that though CSOs made efforts to put pressure on the government, irrespective of the fact that the 2015-2017 coalition regime ignored their demands, but lamented that these were all in vain. It is apparent that the executive branch of government is so powerful that it can afford to ignore proposals made by CSOs and opposition parties because when they have numbers in the National Assembly, and can abuse their majority. No matter how a legislature is bad or viewed in the negative light by CSOs and the opposition, a proposed law passes if they want it.

It seemed during the interviews that Participant 1 (July 13, 2018) did not mince his words in castigating CSOs for arrogating unto themselves, undue powers of being a vanguard that speaks on behalf of the voiceless against the state. He argued thus:

During the impasse of 2015/2017, TRC arrogated itself as a legal platform. TRC wanted to control the legal practitioners by telling them what to do as well as demanding undue recognition at the expense of the suffering families. The CSO demanded international spotlight on the issue, pretending to be doing something for the affected families, whereas their motive was to steal the limelight and appear relevant in the eyes of the donor community in pursuit of donor funding. TRC overstepped its mandate and ventured into a territory that is the preserve of legal professionals. They did not make meaningful contribution to the rule of law, but simply wanted to steal the show in a matter which was purely legalistic (Participant1, 13 July, 2018).

I am tempted to agree with the Participant that TRC had become just too aggressive as the politically-volatile situation demanded aggressive means of so. This sentiment affirms Gramsci's (2014) view, in which he positioned civil society as an alternative force to the state. Gramsci (2014) used civil society as a space to fight against tyrannical governments of the time, seeing CSOs as providing an alternative voice to the people against a repressive state. This positioning of civil society as this powerful monster sounds to be in against Robinson & Friedman (2005)'s view, who warned against overestimation of the political influence of CSOs, particularly in Africa, chiefly post-independence.

Without sounding to be in a bid to protect the skin of TRC, but I think it would be unfair to lambaste the CSO for performing its job as outlined in its annual plans, that of putting measures to promote rule of law. TRC had mutually agreed with the legal representatives of the spouses of the mutiny-charged soldiers and their terms of reference had been agreed upon by all participating parties.

4.8.1 TRC's advocacy programmes in promoting citizen participation in the discourse of development and then democracy

During the question on the role of civil society in ensuring citizen participation and inclusivity of the citizens in the development agenda of their country, there emerged a theme on local government as a vehicle for citizen participation in the discourse of development and then on democracy. This theme buttresses Arnstein (2014)'s ladder of participation theory, which was discussed earlier, where she argues that citizen involvement is recipe for people power in that it is when citizens participate in the development process that it will be realised. She states that since citizens are on the receiving end of outputs of democracy, they can have ownership of the development projects which are intended for them. That way, real development can be achieved.

One participant felt that though the institution of local government is inherently a vehicle for citizen participation and resultantly a precondition for development, it has been flawed from the start and has been rendered dysfunctional. This he said is a result of lack of clarity on the terms of reference of elected community councilors and members of parliament.

He argued that there is no clear-cut differentiation between their roles in community development. He asserted thus:

Members of Parliament (MPs) seem to not understand their fiduciary responsibilities in their constituencies for which they are elected. They are mandated to make laws in the National Assembly (law-making function), represent those who have elected them into parliament (representation function) and to exercise oversight over the executive branch of government (oversight function). The last function is to allocate budget to the central government to perform its roles (implementation facilitation function).

These functions are clear and enough for the MPs, but they tend to go down to the villages to tussle with councilors on allocation of land and natural resource administration and to claim that service delivery that happens in their constituencies is attributed to them (Participant 7, July 16, 2018).

There are no overlaps in the functions of MPs and elected community councillors, but they are often confused. This is so because MPS want to intrude into the terrain of community councillors. The anomaly could be traced to the fact that MPs have for many years thought that they were the custodians of the people's needs.

Even in their manifestos for elections, MPs list issues which are in the domain of community councillors such as roads, electricity, water and foot bridges as promises if they are elected. Now, after elections, they will demand that they are the ones that deliver on these as they had made promises they would provide them.

Participant 3, (July 15, 2018) argued that the local government programme of TRC was intended to follow-up on service delivery by community councilors now at the grassroots level. He said the TRC programme on local government is intended to empower elected communities about their roles. He put it this way:

This has been done to address shortfalls identified immediately after the Local Government concept was re-introduced in 1997 when the Local Government Act (as amended) was promulgated. The lack of capacity by elected community councilors to deliver on their mandate has been a critical factor hampering the effectiveness of local government to ensure efficiency of service delivery to the people (Participant 3, July, 2018).

Yes, TRC has a programme intended to promote civil understanding about local government and to empower community councils about their roles. This dovetails with the parliamentary affairs programme, which is intended for members of parliament.

But the challenge is that the government believes it understands local government and does not see the value of TRC's overtures.

Participant 7 (July 16, 2018) had this to say:

TRC has a programme geared towards promoting the participation of citizens in the national development discourse. It has a presence in the rural areas of the country where it rallies rural citizens to participate in the general national development. It mobilizes citizens to fight for their rights. The programme promotes citizens' participation in democratic processes in selected constituencies. The programme is intended to have a broad purview of citizen participation, empowerment and sensitisation of community councillors at the local government level on democratic principles. The aim is also to develop manuals and undertake site visits for manual development, participation, community engagement and leadership dialogue (Participant 7, July 16, 2018).

Participant 3, (July 16, 2018) argued that the local government programme of TRC was intended to follow-up on service delivery by community councillors now at the grassroots level. He said the TRC programme programme on local government is intended to empower elected communities about their roles. He put it this way:

Our local government and civic participation programme are intended to address shortfalls identified immediately after the Local Government concept was re-introduced in 1997 when the Local Government Act (as amended) was promulgated. The lack of capacity of elected community councillors to deliver on their mandate has been a critical factor hampering the effectiveness of local government to ensure efficiency of service delivery to the people. Our project team held a series of workshops for councillors and chiefs within Hleoheng and Ratau community councils. The activities addressed promotion and producing a best model for public participation within their councils. The workshops were also reflecting on the level in which members of the communities participate and contribute in the provision of councils (Participant 3, July, 2018).

Though TRC has visible presence in the rural areas through carefully-selected project areas, it falls short of its goals to really make meaningful impact due to human resource constraints. Also, government's indifference to improve the local government systems as a result of CSOs' advocacy messages seems to bog down the effectiveness of the programme on the side of TRC. This has adverse implications for development if local government, which is expected to drive community development, is not comprehensive. The government seems to be in frantic search of addressing the problems besetting local government by taking benchmarking trip to other countries such as Rwanda and Tanzania. However, it does not implement the results of these study tours, let alone consider proposals made by TRC on how the local government programme runs.

4.8.2 Role of TRC's advocacy programmes in promoting rule of law

During discussion of a question on TRC's advocacy programmes on promoting culture of human rights in Lesotho, theme on rule of law emerged. Participant 6 (July 16, 2018) had this to say:

Police tortured suspects while in custody. A case of Makarabo Mojakhomo, a Director at the First Lady Maesaiah Thabane's Trust Fund, who allegedly disappeared in the police cells was a case in point. There was no state accountability about the disappearance of Mojakhomo, though she later resurfaced after discovery that she was holed up in South Africa. There are several of such cases of torture meted out by the police on civilians. TRC released a statement demanding answers on this episode, which it views as a travesty of rule of law if suspects disappear in police custody before they appear in court (Participant 6, July 16, 2018).

The police's tendency to torture suspects while in custody is a violation of their rights and it does not seem to subside even as there are many claims for damages from victims. The government is losing most of the cases lodged by victims of torture while in custody and it is paying exorbitant monies in damages. Also, the tortures have attracted international scrutiny, hence affecting the country's image to the international community, particularly the donor community, which is sensitive to such acts and uses them to determine a country's eligibility for donor aid.

This has given the country's opposition parties and civil society organisations ammunition, which they have used to decry the coalition government for a poor record on human rights and have since raised a flag to the international community. In response, the African Union (AU) has since raised a grave concern to the government about alleged tortures of people in custody.

Participant 5 (July 16, 2018) reiterated his praise for TRC for its bold step towards condemning the atrocities of 2015/2016 when the army had put its finger into the active political activity in Lesotho. He asserted his argument thus:

All these efforts by TRC show a CSO that is able to put the government back to the democratic path when it seems to deviate from the norm. I can safely say that TRC enjoys relative legitimacy as an institution that protects and promotes rule of law in Lesotho. But sometimes it gets rejected for partisan reasons by the state while at the same time being regarded as a trusted partner by the state (Participant 5, July 16, 2018).

It is evident that the government views TRC in the positive light when it supports its cause of action, but rejects its advocacy messages when it is negative. There are instances when the government approached TRC on crafting a report on human rights to the international reporting platforms.

Another incident that exposed the state's poor record on building a human rights culture according to Participant 6 (July 16, 2018) was when soldiers were abducted and detained in 2015 and were later charged with mutiny. He put this argument in this way:

During the period [2015/2016], rule of law was undermined and these incidents were severely condemned by TRC alongside international human rights bodies. You will recall that TRC formed an alliance with the Southern African Litigation Centre (SALC) to embark on an international crusade against the state's repression. Ultimately, the Commission of Inquiry chaired by Botswana's retired Judge, Justice Mpaphi Phumaphi later found that there was no such thing as a mutiny and the soldiers were later released by courts of law. (Participant 6, July 16, 2018).

TRC's efforts to condemn the torture of soldier's suspected of mutiny, even to extent of forging alliances with international human rights watchdogs such as the Amnesty International gave the CSO a good international image. The outcome of the Phumaphi commission of Inquiry vindicated TRC as it came out in support of the sentiments that the CSO has been expressing on the state of human rights in the country.

4.8.3 Role of TRC's advocacy programmes in promoting effective service delivery

This sub-theme emerged when interviewers were responding to the question on the effectiveness of TRC's programmes on entrenching good governance. The respondents felt that service delivery was at the heart of development and then democracy. One respondent said:

TRC has admitted that there are critical issues that have to be addressed, especially in the project sites that they have chosen. Participant 3 (July 15, 2018) said:

In the Hleoheng council, public participation is still a challenge due to lack of cooperation, collaboration and isolation of the council from members of the communities. The councils had been focusing on issues directed and suggested by different departments from the central government, which becomes the focus of the community councils. In most cases, intervention of the central government makes the council not to have issues of the community, no community plans and you find that the council does not have time to work with members of the communities to determine and identify their needs, which should be met by the council (Participant 6, July 16, 2018).

It is evident that though Lesotho celebrated introduction of local government as a vehicle for service delivery to the public, particularly at the grassroots, the programme is still at its infancy stage. This is mainly due to the inference of the central government on issues that have to be addressed by community councils in their areas of operation.

TRC therefore claims that the workshops held in the community councils managed to help councilors and chiefs to identify challenges of their communities' non-participation in community development activities.

Participant 4 (July 16, 2018) said:

TRC recommended ways in which members of the communities in which it has established community committees realize the importance of taking part in community issues. These include their involvement in needs assessment processes in the communities and also their participation in the national budget preparation processes. As a result of regular council meetings, councilors and chiefs have formed a joint committee to improve coordination of their activities. (Participant 4, July 16, 2018).

It is my fervent view that the long-standing power jostling between chiefs who have traditionally been the ones looking after governance issues in the rural areas, and the community councilors is likely to subside.

This is so because a committee that mitigates the conflict is there. Also, the committee will coordinate council activities and plans and this will further diffuse tension between chiefs and elected representatives. But its effectiveness will be a result of political will among those involved to implement the recommendations made by the committee.

Other Participants felt that TRC's initiatives of mobilising communities to demand or claim their right to services from the state seems to be at the centre of the CSO's core mandate of bringing about change in the lives of communities affected by development projects. One participant had this to say:

This narrative is quite pervasive within the organization. TRC regards it as its specific combination of a long-standing commitment to the T4T [Training for Transformation] approach, coupled with deep-seated criticism of state and government in Lesotho as being authoritarian rather than deliberative and participative. Hence, TRC's interpretation of 'empowerment' goes beyond the traditional self-reliance and focus on T4T. The marginalised should challenge injustices which are primarily committed or sponsored by the state. (Participant 4, July 16, 2018).

This finding therefore indicates that TRC has taken formidable strides to devise strategic engagement methods such as the Training for Transformation (T4T). Training for Transformation in Practice. T4T is an approach to community organization encompassed, which enables people to work as advocates in the communities, using a combination of group processes, socio-economic analysis and organizational development processes. This finding therefore indicates that TRC has taken formidable strides to devise strategic engagement methods such as the Training for Transformation (T4T).

Training for Transformation in Practice. T4T is an approach to community organization encompassed, which enables people to work as advocates in the communities, using a combination of group processes, socio-economic analysis and organizational development processes. T4T is a learning process for community leaders and others interested in social transformation, based on the workshops developed.

T4T is about learning about transforming a group, their communities and our society into sources of justice and equality. The programme is an immersion in participative and experiential learning. This is intended to empower civilians to engage in the development discourse of the country. It also shows that TRC has a long-term and sustainable projection of community development and a desire to breed community-based leaders who can solve their own issues with little interference by CSOs such as TRC. Another argument has been whether the whole notion of service delivery as exemplified by community councilors at the village level was not yet up to the required standard. Participant 7 (July 16, 2018) had this to say:

Till now, local government is still a responsibility of a Department of Government which does as it wishes. Though councilors are empowered to provide services such as feeder roads in the communities, water supply and electricity, it does not happen as a result of undue influence of the central government. Community council secretaries are still answerable to the central government, not to community councils to which they are posted (Participant 7, July 16, 2018).

The government has long been criticized for micromanagement of community, urban and district councils, hence fracturing their due functional independence and effectiveness. It is therefore evident that the government strategy of not devolving power, people and resources from the central government has adverse implications for citizens. Another component of the advocacy for ensuring service delivery as forming part of the emancipation and liberation of citizens from the bondage of poverty, particularly in the remote areas was found to be at the core of TRC's mandate.

In contrast to the above, Helin (2010) brings to the fore, the argument that civil society in Africa, came as a result of dissatisfaction with the state by citizens. The question is whether service delivery is the most appropriate focus. Participant 4 (July 16, 2018) argued:

TRC insists on service delivery because that is ultimately the duty of the state and the sphere in which its failure (including phenomena like waste, corruption, etc.) becomes evident. However, there is a danger in this approach, if the organization that is not formally committed to deliver anything itself. Who holds TRC accountable for delivering its own services? The same question may be asked for TRC's insistence on helping people "claiming rights", though this narrative may include a few more empowerment aspects than the former (Participant 4, July 16, 2018).

Yes, TRC cannot talk about consolidation of democracy and good governance without recourse to an effective local government system, which devolves people, power resources from the central government to the communities. But what is evident is that TRC itself has many hurdles to ensure that local government becomes a real vehicle for service delivery at the grassroots. Mobilising communities to demand or claim their right to services from the state seems to be at the centre of TRC's theory of change. It is evident that the ultimate outcome of all advocacy programmes of COSs is efficient and cost-effective service delivery. For TRC to enjoy legitimacy of the constituency which it serves, it has to be exemplary, provide efficient and cost-effective services itself.

4.8.4 Responsiveness and accountability of state to citizen needs as a result of TRC's advocacy programmes

A sub-theme on the responsiveness and accountability of the state to address citizen needs came out when interviewees responded to the question on the effectiveness of TRC's programmes on building a firm democracy couched on principles of good governance. One participant said:

It is the state that is often a culprit in human rights violations – the police torturing civilians in custody and the state of prisons under the custodianship of correctional services is appalling. During the 2015/2016 period, government was a big culprit on human rights violations. Police tortured suspects while in custody. A case of Makarabo Mojakhomo, a Director at the First Lady Maesaiah Thabane's Trust Fund, who allegedly disappeared in the police cells was a case in point. There is no state accountability about the disappearance of Mojakhomo. There are several of such cases of torture meted out by the police on civilians. TRC released a statement demanding answers on this episode, which it views as a travesty of rule of law if suspects disappear in police custody before they appear in court (Participant 6, July 16, 2018).

This sentiment was shared by Participant 5 (July 16, 2018) who showered TRC with accolades for holding the state to account for excesses of power that has infringed on the rights of citizens and undermined rule of law. He had this to say:

A case in point is that of Makarabo Mojakhomo who disappeared in custody and this sparked national discontent about the handling of suspects in the police custody. The disappearance of suspects in police custody is not only travesty of justice for citizens by a law enforcement agency, but an affront to what could be understood to be democratic rule. TRC has made several calls demanding answers on the whereabouts of Mojakhomo, making the Lesotho Mounted Police Service to account for this malfeasance (Participant 5, July 16, 2018).

TRC writes to the Police Commissioner letters demanding answers on human rights abuses such as torture meted out on innocent civilians, especially when they are in custody. It then sends out statements to the public stating its position on the tortures. It therefore writes a report for the UN Convention Against Torture (UNCAT). TRC also uses the local and international media to shame the government. It further forges alliances with regional and international human rights watchdogs to condemn the acts of brutality against civilians. In some instances, the CSO gets responses, while in others it does not. But a critical issue is that it does hold the executive accountable for its human rights excesses.

Participant 2 (July 14, 2018) said:

CSOs are making formidable efforts to curtail excesses of power by those in authority but arrogant governments (like the one Lesotho had post the 2015 elections) that normally say that CSOs and opposition will often have their say in how government should run but they (siting governments) will always have their way. Recalcitrant and arrogant governments pretend they do not care much about CSOs' overtures with their advocacy campaigns, but in reality, they care (Participant 2, July 14, 2018).

Participant 5 (July 16, 2018) reiterated his praise for TRC for its bold step towards condemning the atrocities of 2015/2016 when the army had put its finger into the active political activity in Lesotho. He asserted his argument thus:

All these efforts by TRC show a CSO that is able to put the government back to the democratic path when it seems to deviate from the norm. I can safely say that TRC enjoys relative legitimacy as an institution that protects and promotes rule of law in Lesotho. But sometimes it gets rejected for partisan reasons by the state while at the same time being regarded as a trusted partner by the state (Participant 5, July 16, 2018).

TRC also manages a programme that seeks to safeguard the rights of communities affected by water, dams, environment and mines are safeguarded through active sensitization and mobilization. It is intended to stimulate responsiveness such as empowerment for community rights leading to independent advocacy by the people. Conceptualization of activities has strengthened the participatory element and thus enhanced delivery. One participant emphasized the primacy of collaboration among various CSOs in order to make impact with their advocacy. He had this to say:

As such activities are able to reach out to other stakeholders, thus saving the project officers the need to actively influence each element of change themselves. Cooperation on common operational areas has therefore improved and paved the way for other future collaboration. This has stimulated community organization, brought together stakeholders, maintained momentum in discourse on large natural resource-based developments (Participant 4, July16, 2018).

I agree with this sentiment because I have personally experienced TRC's presence in the rural areas of the country where it works with residents, whom it has grouped together into focus groups, depending on their needs. Also, TRC has forged strategic alliances with other like-minded community-based organisations (CBOs) with whom it shares a mandate. This approach to development or democratic consolidation is given credence by Arnstein (2014), who argues in her Ladder of citizen participation that citizen involvement is recipe for people power. This according to her, is premised on the notion that it is when citizens, who are on the receiving end of outputs of democracy can have ownership of the development projects which are intended for them, that real development can be realized.

Participant 2 (July 14, 2018) said:

Civil society has made progress in entrenching democracy. They have taken bold strides to ensure democracy thrives, though they are handicapped by some challenges such as capacity and being viewed negatively by a sitting government (Participant 5, July 16, 2018).

I agree that Lesotho's civil society is small in terms of numbers of CSOs working on human rights and governance issues and those that are there are not strategic in selection of advocacy programmes. There is unwarranted competition for the meagre financial resources, particularly the ones from donors. However, they are able to make some impact in spite of these imperfections and shortfalls. The issue of numbers is underscored by Mutfang (2003), who advances the view that a weak civil society is a signal of a failure of democracy. Furthermore, Gorokhovskaia (2017), asserts that there must be a vibrant civil society for the regime to be regarded as consolidated, and the vibrancy is in regard to vigour of advocacy content and the number of players in the CSO fraternity. He asserts: "Lesotho's CSOs are diverse, but have one common agenda of exercising oversight over the state."

TRC also has a programme which is intended to ensure vibrancy of any democracy, which is hinged on the ability of a state to grant its citizens the opportunity to participate in the development process of their country. The local government programmes seeks to ensure participation of citizens in the development discourse of their country is a cardinal tenant of good governance and a precondition for democracy. The local government seeks to ensure an inclusive development process is recipe for a fruitful democratic process. Inclusivity through participation of citizens in the development process of the citizens of a country can be achieved by opening platforms for dialogue and debate on political, economic, social, socio-economic, environmental, legal and technological matters that affect them.

Conversely, closed democracies are tyrannical in character and are those which use coercion to compel their citizens to follow through the process of development. But democratic societies are open to self-criticism, criticism by the ruled and the appreciation of their input and contribution into the development process.

Therefore, forums which organisations, the government and independent and private agencies create to afford citizens an opportunity to express their views on national political, economic, social, socio-economic, environmental, legal and technological matters that affect them are a pre-condition for a thriving democracy. In most countries, the right to freedom of expression of opinion is enshrined in the constitutions of such countries.

TRC has programmes that are intended to stimulate change and delivery of services through shared governance. This was accelerated by mass education primarily on the simplification of the Local Government Act. So far, the Act is perhaps the only definitive and reliable document that indicates the implementation of this sphere of government. It is not surprising that communities and most relevant stakeholders struggle to understand not only the Act but also the manner in which their participation in its implementation is meant to be guided. A relatively different line of thinking on the posture of CSOs has also been highlighted by Participant 2 (July 14, 2018) who argued thus:

While CSOs are doing a remarkable job of holding the state accountable, there are isolated incidents where the CSOs have pushed for a Bill in the National Assembly, making representations to portfolio committees of parliament to make their voices heard. They were vocal in the formulation of the Draft Media Policy, calling for the previous government to adopt it as proposed by the concerned parties. They have called for repeal of the outmoded and archaic pieces of legislation which the government conveniently used to purge its opponents, but they got ignored by the sitting governments (Participant 2, July 14, 2018).

It is clear that CSOs' approach to advocacy is that of working against the state, critiquing its actions and taking a different position to that of state, but without proposing in a logical manner, an alternative solution to a challenge. I agree that it is on isolated incidences where CSOs have produced credible positions, backed by facts or have they made submissions to portfolio committees in parliament unless asked to do so. In most cases, they have used other platforms such as the media and the international agencies on human rights and governance to condemn the government. It is this kind of engagement which has created two polar ends, one occupied by the government and the other by the CSOs. In the long-term, this approach has antagonized the government and made it defensive of its position instead of arriving at a consensus through mutual engagement. Settling for this option brings the question of whether it is the state that is not willing to be engaged or it is the CSOs' way of doing things. Participant 2, (July 14, 2018) said this:

During the post-2015 election period, which was characterized by episodes of abduction of soldiers by some elements within the army and their being charged with mutiny, civil society was instrumental in dousing the fires by working with the wives of the detained soldiers and offering them support. They mediated talks with government, demanding release of the soldiers, but the government then was intransigent (Participant 2, July 14, 2018).

The 2015/2016 period was one of the most emotive periods in the history of Lesotho's perennially conflict-ridden post poll periods since independence. The seven-party coalition Government, the biggest since independence had taken an intransigent and non-negotiable position in almost every aspect. The government was condemning the international community and everyone else. It was a government acting out of paranoia as a result of the weak foundation of its governing instruments.

The civil society strength was tested during this time and it did a lot to prove its presence, in spite of the intransigency of the state then. The government was militarized and peace and stability were at their lowest ebb. Another participant held the view that the changing position of the ruling elite, that is, depending on which side they are (ruling or opposition at the time engaged by CSOs) affects CSOs advocacy as they take different positions. He drew this example:

The frequent change of guard through polls has given civil society power. Those who were in opposition then but later became government after the 2015 poll were not listening to the civil society and profusely abused power, but today, they have changed their posture and sit with us in meetings, just because they are in opposition. The current regime was arrogant during the 2012-2014 period, but now they are listening. However, civil society has made progress in entrenching democracy. They have taken bold strides to ensure democracy thrives, though they are handicapped by some challenges (Participant 5, July 16, 2018).

Politicians are believed to be opportunistic people who take advantage as and when an opportunity presents itself. There is an old adage that in the political arena, there is no permanent friend, nor is there a permanent enemy. The mere formation of coalitions that form government speaks volume about the inconsistency of politicians.

During each election, a new coalition of parties, some of which were previously in the opposition joining the party has characterized the coalitions. It is therefore not surprising that even with civil society, they would change positions. When it comes to the media and CSOs, politicians look for an ally that will best support their objective at the time. If it is to castigate a sitting government, they find solace in the most radical media and CSOs, knowing their message will be conveyed quickly.

4.8.5 Transparency and openness of state institutions and systems as a result of TRC's advocacy programmes

When a question was asked about the effectiveness of TRC's programmes in building a firm democracy couched on principles of good governance, this sub-theme came forth. One participant posited that recognition of CSOs such as the TRC in the international arena gives them credibility and some modicum of respect: He put his argument thus:

The fact that TRC has an observer status in the African Union Commission for Human Rights places the CSO at an opportune position. In other bodies like the United Nations, TRC only submits shadow reports on the state of human rights in Lesotho. Though there have been attempts to establish a Human Rights Commission here at home, it does not have the material power required of a body of that nature because the previous regime wanted to create a toothless watchdog on human rights that suits their interests. The establishment of a Human Rights Commission was provided for in the Constitution, but a law which was promulgated by act of parliament was the one flawed. Its composition and powers were vested in the Minister of Human Rights. Law and Constitutional Affairs were too much. The human rights watchdog had no powers and no autonomy (Participant 5, July 16, 2018).

TRC is an established CSO which is almost 40 years old and it has made remarkable dent with its advocacy programmes on human rights and governance. It has observed elections in other parts of Africa and has led the CSO sector in many fronts as a trusted CSO. It is not surprising that the AU has granted the CSO an observer status, its track of record speaks for itself. It is financially sustainable though it relies heavily on donor aid. It is the number one CSO to be thought about whenever government, opposition or other bodies like the Christian Council of Lesotho want to partner with on any human rights or governance issue. TRC has challenged the high court decision to declare the composition of the Human Rights Commission in its current form.

Another incident that exposed the state's poor record on building a human rights culture according to Participant 6 (July 16, 2018) was when soldiers were abducted and detained in 2015 and were later charged with mutiny. He put this argument in this way:

During the period [2015/2016], rule of law was undermined and these incidents were severely condemned by TRC alongside international human rights bodies. You will recall that TRC formed an alliance with the Southern African Litigation Centre (SALC) to embark on an international crusade against the state's repression. Ultimately, the Commission of Inquiry chaired by Botswana's retired Judge, Justice Mpaphi Phumaphi later found that there was no such thing as a mutiny and the soldiers were later released by courts of law. (Participant 6, July 16, 2018).

I agree that the period in question was emotionally and politically charged, with the army holding reins of power when there was a government elected by the people. It took courage by the TRC and other like-minded organisations to forge alliances with the international community to condemn the repressive acts of the then coalition government. TRC had long dismissed the issue of a mutiny and had provided the wives of the detained soldiers with financial and other support, doing what it did to political refugees who had fled the then apartheid South Africa in the late 1970s and early 1980s. With regard to the above, Habermas (1996) holds the view that civil society has increasingly become a trusted partner in creation of a public sphere for citizens' public opinions, ideas and views. The mentioned virtues undergird what is perceived to be a working democracy – the one that grants people unfettered leeway to express their views on national issues. A culture of democracy demands that all sectors of society, including the army have to submit to civilian authority, as failure to do so is tantamount to undermining the very principles that underpin democracy. This fact is further captured by Habermas (1996) who argues that the idea of political culture has to fit well with democracy in that those countries in which political activity thrives have a strong democratic culture.

He added:

However, we still have a lot to do in terms of awareness creation to the communities who are potentially going to be affected by the mines. The awareness is around issues like mining policy, reforming the legislation, coalition-building at local and regional levels with like-minded state and not-state agents. It also involves creation of relevant governance institutions (e.g. Mining Council/Commission) as well as the concretization of rights and justice issues such as impact assessments in environment, gender, human rights, political, economic and social (Participant 6, July 16, 2018).

The issue of advocacy for a policy and legislative regime in the mining sector is a critical one. I agree there are pending issues such as EIAs and SIAs, gender issues, human rights issues as well as issues of beneficiation earlier referred to. The mining sector is a new sector though mining is an old activity. The ministry of mining has just been established five years ago and it is still trying to put policy and legislative frameworks in place. But the need to rally communities that live adjacent to the mines is the most urgent. Strides taken by TRC are great in as far as creating committees that represent the views of residents in all mines – thus creates ownership and sustainability.

4.9 Conclusion

This chapter presented and also analysed data gathered during conduct of this study. As mentioned, methods used to gather data are structured and unstructured interviews and secondary sources. The data collected picked that the respondents were keen to discuss the disposition of civil society in Lesotho and the perceptions that people formulate about its role as a result of these the perceptions they hold about its disposition.

The study also found that respondents held the issue of the CSOs' posture in advocacy and its relationship with state was critical. Therefore, during the interviews, an issue of how the CSOs related with the state was eminent. The discussions also revealed that the issue of the impact of CSOs' advocacy programmes on building a firm democracy, which couched on principles of good governance was a critical issue. It further brought to the fore, a discussion on the role of CSOs in entrenching a human rights culture in Lesotho. This point was also discussed alongside the expected role of oversight institutions in building a vibrant democracy in Lesotho, finally, the data revealed that local government as a vehicle for citizen participation and development was another crucial factor bogging the minds of the citizens. This chapter laid a firm foundation for the next chapter, which discusses the findings of the study and spell out some recommendations.

CHAPTER V: DISCUSSION OF KEY FINDINGS, RECOMMENDATIONS AND CONCLUSION

5.1 Introduction

The main thrust of this study was to investigate the role of civil society in democracy-building in Lesotho, with particular interest in the TRC. The previous chapter presented data collected by the study. It looked closely and analysed the data through various themes that emerged during conduct of interviews. This chapter delves on the discussion of key findings. It assesses the extent to which objectives which were set out at the beginning of the study are achieved. It further provides limitations of the study and then proposes areas for further research. The study provides a chapter-by-chapter conclusion and spells out recommendations to be embarked upon as a result of conclusions drawn. Finally, it outlines a list of references, chronicling authors whose work has been used in the study.

5.2 Key study findings and discussion

5.2.1 Role of Lesotho's CSOs in entrenching a culture of human rights

The study had set out to establish the role of CSOs in Lesotho in entrenching a culture of human rights in the country, with TRC used as a case study. One of the study's main objectives was to establish the extent to which TRC's programmes were able to entrench a culture of human rights observance, respect for and reporting on international instruments that Lesotho has signed and ratified. General view gathered from the study is that the culture of human rights in Lesotho so envisaged is at its lowest ebb. This is against the background that Lesotho is signatory to a number of international treaties, conventions and declarations on human rights, but the practice on the ground as the study has found, points to the opposite.

This is also against the backdrop that there are formidable strides taken by CSOs like TRC to inculcate that culture among citizens, to create a human rights savvy society as a precondition for democratic consolidation.

One of the key ingredients for inculcating a culture of human rights in Lesotho was to empower citizens to become a human rights savvy society, the one that understands its rights and is able to claim them. Reference made here is to the first-generation rights, which are enshrined in Chapter II of the country's constitution, second-general rights (political rights) enshrined in Chapter 18 of the constitution as well as third-generation rights (socio-economic rights), prescribed as principles of state policy in Chapter III of the constitution. All these were to be achieved through TRC's civic education programmes, which are destined to impart human rights education on citizens. Also, TRC's advocacy programmes intended to monitor the state as regards observance and respect for human rights as well as reporting to international bodies on the state of human rights in the country. The discourse on human rights as a precondition for a vibrant democracy is underscored by the social liberation theory that there is dire need for expansion of civil and political rights of individuals within society, especially by the state (Panitch and Gindin, 2012; Domingues, 2013).

The study has established that TRC's human rights inculcation programmes have to some extent fallen short of their goals on achieving a human rights-savvy society. The study has discovered that the shortfall has been partially attributed to capacity constraints in the general civil society sector - as there are fewer human resources to fully undertake civic education across the CSO spectrum. This fact is in concert with Johnson (2015)'s assertion that the capacity of civil society is sometimes hampered by their fewer numbers, arguing; 'the larger the civil society, the better the democracy.'

It has come out during conduct of the study that concerted efforts have been made by the state to establish human rights watchdogs and oversight bodies, whose mission has been to investigate human rights violations, especially by the state.

Also, the oversight institutions would pass verdicts on culprits found to have undermined human rights of citizens, either as individuals or the state. These bodies would also report on human rights abuses, particularly by the state and recommend remedial action that would give reparations to the aggrieved citizens. These bodies were supposed to act as oversight institutions that provide checks-and-balances over the actions of the state on human rights observance, respect and reporting.

The study has established that these institutions lack the requisite institutional capacity to execute their mandate effectively, this resulting from the fact that they have no functional autonomy and institutional executive independence. The human rights watchdog's institutional independence is found to have been fractured by its composition, which is unilaterally determined by a minister of law, constitutional affairs and human rights, who is vested with excessive powers by the law establishing the institution.

In the format proposed by the law, the study has gathered that the institution simply remains a toothless lapdog that is formed for window-dressing purposes to showcase to the world that Lesotho has one. For example, for the envisioned HRC, the law that establishes the human rights watchdog is vague in terms of roles, functions and expected autonomy of the body. The study has discovered that the procedure for appointment of members of the Commission has to be stipulated in the Human Rights Act as a principal law, but it is found in the regulations which, according to international law and practice, have no standing. This resonates with what Ake, (1991); Anyang & Nyong'o, (1987 & 1992); Imam, (1992) and Bayart, (1993) believe as they have emphasized the universality of democracy, and the centrality of human rights to the concept of democracy.

The study found that other human rights oversight bodies such as the Police Complaints Authority and the Office of the Ombudsman are wanting in terms of effectively giving sufficient recourse to victims of human rights violations meted by the state. The study established that laws establishing these bodies are generally weak, as they do not

prescribe the functional autonomy and institutional executive independence of the bodies. In most instances, there is too much state intrusion in the functioning of these bodies, which in most cases, is politically-motivated. The study established that the Office of the Ombudsman was once vibrant in different tenures, giving unparalleled impression that its effectiveness depended on individuals posted to head the body and also on the political will of the government at the time.

The study also established that the state is often a culprit in violating the rights of citizens, most of the time unleashing the armed forces onto innocent citizens, especially to quell dissent. It has been found that in the period 2015/2016, the army became a thorn on the skin of citizens. There were abductions of innocent citizens and other soldiers who were suspected to have been involved in mutinous acts, charges which were later dismissed as being suspect by the Phumaphi Commission of Enquiry and the suspected mutineers were later acquitted by the courts of law.

The study has also established that suspects were tortured while in police custody, a practice that is alien to international practice on human rights and rule of law, as prescribed by international instruments which Lesotho has signed and ratified. One of these is the United Nations Convention Against Torture (UNCAT). The Study established that CSOs such as TRC demanded answers from the police on the disappearance of some people who were kept in police custody. The CSO issued a statement condemning such acts and even shared the information with international human rights bodies such as the Amnesty International.

It has also been established that other factors affecting creation of a human rights savvy society in Lesotho are law enforcement agencies such as courts of law. They are seemingly placed at the mercy of the executive branch of government for resources, which in most cases is a culprit. By implication, this means that even the envisaged Human Rights Commission might fall into the trap of being disenfranchised by the state, which can choose to maliciously allocate deficient resources to the body.

The study has established that other oversight bodies such as the Office of the Ombudsman have limited powers to investigate offices such as the Cabinet, Prime Minister's Office and Office of the King. Furthermore, the study has found that the Police Complaints Authority, a platform for citizens to air their dissatisfaction about services provided by police to the people is also limited in authority. It does not have the requisite authority to make decisions on complaints submitted to it by aggrieved members of society, as such powers are vested in the Minister and Commissioner of Police. The study has also established that reporting on international conventions, treaties and declarations that Lesotho has signed is still weak, making accounting for human rights deficits low.

Another important facet of the human rights discourse has been observance and protection of rights of people who were displaced during the construction of the mega dam projects in Lesotho. Critical issues that have come out during the study are compensation rights after relocation of residents, reparations for other losses coming as a result of the projects such as a development fund for loss of natural resources as well as the citizens' share of the proceeds of the mines in the form of social contracts. The study gathered that TRC had a specialized programme for the Phase II of the Lesotho Highlands Water Project (LHDA) and has assigned a project officer in Mokhotlong, where the Polihali Project is to be constructed.

5.2.2 The efficacy of TRC's advocacy programmes with respect to principles of good governance

The study has found out that TRC runs regular radio programmes which are platforms for instilling openness of government and other agencies to live up to the principle of transparency. The CSO also has other paid-up programmes across the media sector, wherein it invites the government and other agencies to account for issues of governance such as suspected corruption in the public service.

TRC also has other platforms called Friends' Meetings, which play a major role of holding the government accountable and also affording other sectors of society an opportunity to explain their actions, hence leading to openness and transparency as well as accountability. It has also come out during the study that TRC supports advocacy initiatives for access to government-held information and the freedom of expression of opinion. The CSO, the study has established, has participated in World Press Freedom Day celebrations. The CSO has been in the forefront of the advocacy for amending laws that have a repressive effect on the rights and liberties of citizens and the media, especially as regards expression of opinion.

Also, the study has established that as part of TRC's grip on state's accountability for its actions, especially on upholding good governance principles, the CSO publishes quarterly occasional papers, policy briefs and a newsletter – Work for Justice. These platforms exert pressure on the state to be open, transparent and also to make its services to the nation accessible to all citizens. The social liberation theory is invoked as it underlies that civil society associations enrich the public sphere and help it stay legitimated and alive. In this instance where TRC opens a myriad of platforms for citizen participation in the democratic discourse and for the state to account, it can be argued that the stronger the civil society becomes, the stronger and more democratic the public sphere turns out to be (Domhof, 2010).

The study has also found that TRC has a parliamentary affairs and public participation programme, whose aim is to promote the citizens' participation in parliamentary affairs. This it has been learnt is done through social gatherings called *pitsos*, where MPs and community councillors engage the voters on issues discussed in parliament. In the community council meetings, TRC kept councillors abreast to get their views on a critical issue that is on the agenda of either parliament or a council. TRC has been facilitating these *pitsos* and reporting on outcomes. This is exemplified by Arnstein's (2014) ladder of citizen participation that granting citizens an opportunity to be involved recipe for people power.

The framework argues that it is when citizens, who are on the receiving end of outputs of democracy have ownership of the development projects, which are intended for them, that real development can be realized. This discussion invokes Welton's (2016) theorization of civil society as associations which enrich the public sphere and help it stay legitimated and alive.

The programme also builds the capacity of members of parliament on their roles, functions and responsibilities. This is intended to ensure that MPs have the capacity to keep the government responsive to the needs of the citizens, as promised in the manifestoes of ruling parties when they sought to be elected into public office during electioneering period. Jhabvala & Standing (2010), Vyasulu, (2010) and Gosh (2011) argue that civil society organisations, have to exert pressure on the state to address social needs of citizens within society, hence giving credence to the perspective explored above.

The programme also monitors the functioning of parliament, which in turn holds the executive branch of government accountable. An effective parliament, the one that discharges the oversight function to the satisfaction of the citizens is bedrock for a functional parliamentary democracy. All these are cardinal tenets of good governance, which is in turn, an important ingredient of a vibrant and functioning democracy.

5.2.3 TRC's advocacy campaigns for public participation levels and inclusivity of the citizens in the development agenda of their country

One of the objectives of the study was to establish the effect of TRC's advocacy campaigns for public participation and inclusivity of the citizens in the development agenda of their country. The study has found out that local government has been viewed as a grand platform for citizens to participate in the development agenda of their country and a catalyst for societal development. The study has established that TRC has programmes which are geared towards promoting participation of citizens in the national development discourse (Domhof, 2010).

The CSO has a remarkable presence in the rural areas, in selected constituencies, which are its project sites. It is where it rallies rural citizens to participate in the general national development programme. The CSO's programme is intended to have a broad purview of citizen participation, empowerment and sensitisation of community councilors at the local government level on democratic principles. The aim is also to develop manuals and undertake site visits for manual development, participation, community engagement and leadership dialogue. All these are intended to ensure that citizens participate in the development agenda of their country. This resonates with the ladder of public participation framework of Arnstein (2014)).

Gaventa (2006) who posits that debates about a more substantive and vibrant democracy has to put more emphasis on inclusionary, deliberative, and participatory processes. It has been established that there are however challenges that face community councilors, who are vested with powers to ensure effective service delivery to the people at grassroots level.

Also based on the findings, local government is still placed in the shoulders of a Department of Government, which exercises unwarranted influence on the process of service delivery to the people, mostly for political reasons. Another finding is that councilors do not have the requisite powers to provide services such as feeder roads in the communities, water supply and electricity. On the other hand, community council secretaries are still answerable to the central government, not to community councils to which they are posted. The study has discovered structural challenges, which result from lack of clarity on the powers of councilors as opposed to those of MPs, as well as the central government. These should be spelled out in the Local Government Act 1997 as amended.

The study has found that MPs still have an upper hand in determining what councilors should do. Another shortfall is that there are services that fall squarely under the ambit of cabinet ministers, this found to fracture and emaciate the expected effectiveness and efficiency of service delivery to the people.

This belief is predicated on the notion that the central government is notorious for ineffectiveness and inefficiency. A clear example is the case of natural resources such as precious stones, which are found in community councils in some areas, but which are not managed by community councilors in those areas. Argument put forth is that community councils are legally mandated to manage resources found within their jurisdictions, but precious stones are made an exception, the study has found.

It has been clear in the study findings that a critical issue that hampers local government is the fact that the expected devolution of powers and resources from the central government to the community councilors does not happen. This results from functions of councilors, which are not clear-cut in the principal law (Local Government Act of 1997), and mostly conflict with those of MPs and the central government. This has rendered local government as a platform expected to grant citizens an opportunity to participate in the development process of their country ineffective.

5.3 Conclusions derived from the findings

This session has presented and analysed findings of the study. This followed presentation and analysis of data by the previous chapter. Chapter five has been able to bring to the fore what the study has been able to unearth, based on what it had set out to achieve in chapter 1, in the research objectives and questions sessions. The section has also discussed the findings in a more detailed manner. It has taken each objective and analysed the findings on the basis of the objectives that it had set out to achieve.

5.4 Realization of the study objectives

5.4.1 Objective 1: To examine the role of Lesotho's CSOs in entrenching a culture of human rights observance and respect among citizens of Lesotho, with particular focus on TRC

This objective has been achieved because the broader landscape of the CSO sector has been explored as regards its role in entrenching a culture of human rights. The study established that CSOs (LCN, TRC, DPE, CCL and many others) were involved in conducting civic education on human rights with intent to create a human rights savvy society. Though admittedly, not as successful as planned on civic education, the amount of work done warrants attention. It has been found that a limiting factor to full achievement of part of the objective, which is civic education is a few CSOs, which leads to capacity constraints.

Based on the study findings, CSOs have done a lot to instil respect for human rights by the state, which in most cases, has been a culprit; violating their rights through excesses of power. The study has also found out that during the critical period of 2015/2016, CSOs demanded answers from the state on army-led atrocities on innocent citizens and also on other soldiers. It was CSOs, led by TRC that influenced SADC to not grant Lesotho the chairmanship of the Organ on Politics, Defense & Security in 2014, based on the notion that there were marked human rights violations. By highlighting incidences of excesses of state power and releasing statements that condemned state-sponsored impunity, CSOs have been able to attain the objective, albeit with identified shortfalls emanating from institutional capacity of the organisations.

5.4.2 Objective 2: To assess the effectiveness of advocacy programmes of TRC in holding the government accountable for human rights observance, respect as well as reporting on international human rights instruments,

Based on the findings of the study, TRC has done a lot to hold the state accountable for human rights violations, respect for human rights and also failure to report to international organisations on human rights practice in Lesotho.

Participants interviewed applauded TRC for the strides taken to demand answers from the state on human rights violations. The CSO has also been applauded for forging alliances with regional and international human rights watchdogs such as the Southern African Litigation Centre (SALC) and the Amnesty International to closely monitor Lesotho's human rights situation between 2015/2016. It has been established that TRC has produced shadow reports to international organisations such as the United Nations Convention Against Torture (UNCAT) on the human rights situation in Lesotho.

TRC also has an observer status in the African Union Commission for Human Rights in Banjul, Gambia, a status that has given the CSO recognition among fellow CSOs in Lesotho and in the region. Also, determination of the CSO in the arena of advocacy for an independent and autonomous human rights watchdog has been highlighted, albeit with some shortfalls.

The High Court dismissed the CSO's challenge of the establishment of the body. However, TRC has since lodged an appeal in the Appeal Court of Lesotho, asking that it overrules the High Court's decision to agree with the current format of the Human Rights Commission both in terms of structural composition, functions, extent of functional autonomy and executive independence.

TRC also has civic education programmes which educate members of the public about their rights as enshrined in the constitution of the land. Participants interviewed as it has been found out in the previous chapter, praised the CSO for the effectiveness of its advocacy programmes geared towards achievement of this objective. Therefore, this objective has been achieved.

5.4.3 Objective 3: To determine the efficacy of TRC's advocacy programmes with respect to principles of good governance;

This objective has been achieved because the study indicated that TRC has crafted programmes that are geared towards entrenching adherence to good governance practice.

These programmes seek to entrench a culture of transparency and inclusivity among all sectors of society in the development discourse of their country. These are cardinal tenets of good governance, which in turn, is an important ingredient of a functional democracy. The study has established that TRC has platforms for promotion of access to information by citizens such as radio, published policy briefs, occasional papers and newsletters, which tease out critical governance issues. The study has also established that TRC has programmes that hold the parliament of Lesotho to be responsive to the needs of the citizens. TRC has on several occasions made presentations to various portfolio committees of parliament, highlighting good governance deficits that the CSO has observed as well as proposing solutions.

TRC has historically sponsored initiatives of other CSOs such as the Media Institute of Southern Africa (MISA-Lesotho Chapter) for promoting the right to freedom of expression of opinion. It has participated in national peace-building and conflict resolution initiatives as a facilitator of mediation efforts employed by regional bodies such as SADC. These efforts indicate the CSO's commitment to the cause of good political and democratic governance.

TRC also led the civil society sector of Lesotho in the African Peer Review Mechanism (APRM) and housed the programme within its premises. The objective of the programme was to assess Lesotho's record on four thematic spheres in the governance architecture of the country – political and democratic governance, corporate governance, economic governance and management as well as socio-economic management. Therefore, these indicate that the objective has been achieved.

5.4.4 Objective 4: To assess TRC's advocacy campaigns for public participation levels and inclusivity of citizens in the development agenda of their country.

The objective has also been achieved because the study has indicated that TRC has advocated for inclusion of citizens in the development discourse of their country.

It has been established that TRC has opened many fora for the public to participate, especially in the remote areas where in most cases, rural populations are left out of the mainstream development process. The study has also found out that TRC has remarkable presence in the rural villages where a majority of citizens lives. The CSO has a local government and public participation programme whose main objective is to use local government as a platform to push for devolution of power and services from the central government to the grassroots. The premise of the programme as the study has found out is to build the capacity of community councilors and chiefs, who are in the coalface of decentralization of services so that citizens get them on their doorsteps.

Though there are challenges with achieving an efficient and effective local governance practice, the study has established that strides have been made to influence change of laws so that a conducive legislative environment is created. TRC has also established village engagement forums and committees, which are consulted by the CSO during its village consultative meetings on issues of national interest. Its presence in more than 70 villages is evidence enough to indicate the CSO's commitment to see citizens' participating in the development discourse of their country.

The study has also found out that TRC formed advocacy engagement CSOs for specific projects such as the Survivors of the Lesotho Dams (SOLD), which is a sub advocacy body for all people who are victims of relocation during the first Phase of the Lesotho Highlands Water Project (LHDA). TRC also formed a litigation centre (Clark) for victims of all human rights abuses by the state, who cannot access legal aid from the state.

5.5 Conclusion

This section assessed the extent to which objectives which the study had set out to achieve in Chapter 1 have been realized. According to data presented and the key findings of the study, the objectives have been realized.

The study has been able to examine the role of Lesotho's CSOs in entrenching a culture of human rights observance and respect among citizens of Lesotho. It has successfully assessed the effectiveness of advocacy programmes of TRC in holding the government accountable for human rights observance, respect as well as reporting on international human rights instruments. The study has also managed to gauge the efficacy of TRC's advocacy programmes with respect to principles of good governance. It has been established that the study has assessed TRC's advocacy campaigns for public participation levels and inclusivity of the citizens in the development agenda of their country.

5.6 Recommendations

The study spells out the following courses of action, which are proposed for future action. These are intended to close any gaps within the scope of the study. The study therefore presents these recommendations as way forward:

- TRC must wean or insulate itself from perception by the ruling elite as taking an oppositional stance in its advocacy initiatives,
- TRC must be focused in its programme of action as regards holding the state accountable because floundering from one programme to the next yields little outputs and overstretches the meagre resources,
- TRC must build a strong national conflict resolution architecture for addressing perennial conflicts that seem to thwart any effort towards democratic consolidation as it is when a nation is at war with itself that development cannot be realized,
- TRC must reinforce strategic alliances with other like-minded organisations as a collective advocacy strategy has more impact than when one CSO goes it alone,
- TRC must collaborate with local oversight institutions in order to garner their support for a critical mass when presenting issues to the ruling elite to make more impact and also to gain legitimacy for its efforts,

5.7 Areas for future research

As earlier mentioned, this study has not been exhaustive in tackling all relevant areas, in part, as a result of time constraints and also inability to overstretch beyond capacity of the researcher. But during conduct of this study, it was realized that the following areas warranted future investigation in order to effectively contribute to the body of knowledge.

- The issue that was shunned by the study – the effect of overreliance on donor funding by the CSOS/NGOs on their attempts to promote democratization in Lesotho is a grey area that has to be investigated,
- The effect of oppositional politics within the CSO/NGO sector on its efficacy to hold the government of the day accountable for its actions,
- The issue of governance within the CSO movement is critical as it is the determining factor for success or failure of the sector. Many of the challenges affecting the CSO sector are largely attributed to low levels of governance within the sector,

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APPENDICES

Interview Schedule

Objectives

The study seeks to achieve the following objectives:

- a) To examine the role of Lesotho's CSOs in entrenching a culture of human rights observance and respect among citizens of Lesotho, with particular focus on TRC.

How effective are the Lesotho's CSOs in entrenching a culture of human rights observance and respect among citizens of Lesotho, particularly TRC? Can you explain?

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.....

How effective are advocacy programmes of CSOs of exposing acts of human rights violations meted out by the government on citizens and the implications of these on human rights respect and observance are? Can you explain?

.....
.....

To assess the effectiveness of advocacy programmes of TRC in holding the government accountable for human rights observance, respect as well as reporting on international human rights instruments,

In your view, how effective are advocacy programmes of TRC of holding the government accountable for human rights observance, respect as well as reporting on international human rights instrument? Can you explain?

.....
.....

To determine the efficacy of TRC's advocacy programmes with respect to principles of good governance;

How are TRC's advocacy programmes assisting the Government of Lesotho to embrace transparency in all its activities and actions? Can you explain?

.....
.....

What is your opinion on the effectiveness of TRC's advocacy programmes in assisting the Government of Lesotho to safeguard citizens' freedom of expression of opinion? Can you explain?

.....
.....

- d) To assess TRC's advocacy campaigns for public participation levels and inclusivity of the citizens in the development agenda of their country.

To what extent are TRC's advocacy programmes of holding the Government of Lesotho accountable effective? Can you explain?

.....
.....

To what extent are TRC's advocacy programmes helping the Government of Lesotho to entrench and uphold rule of law? Can you explain?

.....
.....

What is your opinion on the effectiveness of TRC's advocacy programmes in assisting the Government of Lesotho to safeguard citizens' freedom of expression of opinion? Can you explain?

.....
.....

How vigorous are TRC's advocacy campaigns for public participation and inclusivity of the citizens in the discourse of development? Can you explain?

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.....

How effective are TRC's advocacy campaigns in entrenching equity within the Lesotho citizenry, especially gender equality Explain?

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.....

How effective are TRC's advocacy campaigns for an effective and efficient service delivery to the people, particularly through local government? Explain

.....
.....

UKZN HUMANITIES AND SOCIAL SCIENCES RESEARCH ETHICS COMMITTEE (HSSREC)

APPLICATION FOR ETHICS APPROVAL For research with human participants

INFORMED CONSENT RESOURCE TEMPLATE

[Information Sheet and Consent to Participate in Research](#)

18 July 2017

Dear Mr Tsikoane,

My name is Mzimkhulu Sithetho, a Master's Development Studies student with the University of KwaZulu-Natal, School of Built Environment and Development Studies - University of KwaZulu-Natal, Howard College Durban 4040, South Africa.

Your organization is being invited to consider participating in a study that involves a research titled: 'The Role of Civil Society Organisations of Lesotho in Democracy-building: The Case of the Transformation Resource Centre (TRC).' The study seeks to achieve the following objectives:

- a) To examine the role of Lesotho's CSOs in entrenching a culture of human rights observance and respect among citizens of Lesotho, with particular focus on TRC.
- b) To assess the effectiveness of advocacy programmes of TRC in holding the government accountable for human rights observance, respect as well as reporting on international human rights instruments,
- c) To determine the efficacy of TRC's advocacy programmes with respect to principles of good governance;
- d) To assess TRC's advocacy campaigns for public participation levels of inclusivity of the citizens in development.

The study is expected to enroll 3 participants in your organization, you included. It will involve setting appointments with your staff members who are kindly requested to allocate time for a face-to-face interview with me on set dates and times. I will prepare an interview schedule, which if you so desire will be sent in advance so that you familiarize yourself with the questions I will ask. I think each interview encounter will take a maximum of 45 minutes for each member of staff. This study is self-funded by the researcher.

The study may involve me recording every interview with your staff members if that is not a problem with them. If they do not feel comfortable, they can declare beforehand I find other ways of capturing the information correctly. But I would kindly request that you convince them that there is no harm in them having to be recorded. This is meant to ensure accuracy.

This study is of great value to your organization as it add value to existing knowledge about the role that civil society organizations play in building a vibrant a democracy that our country so earnestly desires.

The researcher believes that the discussions of the proposed research fall squarely within the ambit of the company/organisation as you have dealt with human rights issues, particularly representing victims of human rights violation.

You are free to withdraw from the study if there are pressing circumstances hindering you from participating in this study, either during or before the study. However, I would highly appreciate your participation nonetheless. If such a need for withdrawal arises, I will request you indicate in writing. Also bear in mind that the research also can termination the participation of a respondent from the study if for other reasons, the researcher discovers some conflict of interest that may jeopardise the credibility of the study. In like manner, the researcher will communicate in writing beforehand about the desire to terminate the respondent from the study.

I promise that I will treat information obtained from your company/organisation with the highest level of confidentiality where necessary. This is in keeping with the ethical requirements inherently imbedded in the assignment. I will not disclose sources of information where such request has been advanced and will treat all information obtained from the company/organisation with the utmost care and use it only for the purpose for which it has been intended as mentioned above. Drafts of information gathering will be kept safe so that no information gets finds its way into wrong hands.

In the event of any clarity-seeking questions or queries or any information that you may feel you have not been able to provide during the interview, please contact me in the below-mentioned contact details.

Mzimkhulu Sithetho

Masters' Development Studies Student

School of Built Environment and Development Studies

University of KwaZulu-Natal, Howard College

Durban 4040, South Africa

HUMANITIES & SOCIAL SCIENCES RESEARCH ETHICS ADMINISTRATION

Research Office, Westville Campus

Govan Mbeki Building

Private Bag X 54001
Durban
4000

KwaZulu-Natal, SOUTH AFRICA

Tel: 27 31 2604557- Fax: 27 31 2604609

Email: HSSREC@ukzn.ac.za

CONSENT

I Tsikoane Peshoane, have been informed about the study entitled The Role of Civil Society Organisations of Lesotho in Democracy-building: The Case of the Transformation Resource Centre (TRC) by Mr Mzimkhulu Sithetho.

I understand the purpose and procedures of the study that the research will conform to the conventional ways of conducting a study such as setting appointments with my staff members who will be expected to participate in face-to-face interview sessions with the researcher on agreed dates and times. The researcher has also intimated to us that he will furnish us with an interview schedule, which will help us familiarize ourselves with the questions to be asked. We are aware of the duration of the interview encounter for each staff member, which has been said to be a maximum of 45 minutes.

The researcher has also indicated that he would like to record every interview with our staff members if that is not a problem with them and that if they do not feel comfortable, they can declare beforehand to allow him find other ways of capturing the information correctly

I declare that my participation in this study is entirely voluntary and that I may withdraw at any time without affecting any of the benefits that I usually am entitled to.

I have been informed that there are no expectations as regards compensation as a result of study-related procedures.

If I have any further questions/concerns or queries related to the study I understand that I may contact the researcher at +266 63125773, email address: mzimathatha@gmail.com.

If I have any questions or concerns about my rights as a study participant, or if I am concerned about an aspect of the study or the researchers then I may contact:

UKZN HUMANITIES AND SOCIAL SCIENCES RESEARCH ETHICS COMMITTEE (HSSREC)

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Tel: 27 31 2604557 - Fax: 27 31 2604609

Email: HSSREC@ukzn.ac.za

Additional consent, where applicable

Signature of Participant

Date

Signature of Witness
(Where applicable)

Date

Signature of Translator
(Where applicable)

Date

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- c) To determine the efficacy of TRC's advocacy programmes with respect to principles of good governance;
- d) To assess TRC's advocacy campaigns for public participation levels of inclusivity of the citizens in development.

Permission has been obtained from TRC to make it a case study in this research.

The study is expected to enroll you as a participant representing your organization. It will involve setting appointments with your staff members who are kindly requested to allocate time for a face-to-face interview with me on set dates and times. I will prepare an interview schedule, which if you so desire will be sent in advance so that you familiarize yourself with the questions I will ask. I think each interview encounter will take a maximum of 45 minutes for each member of staff. This study is self-funded by the researcher.

The study may involve me recording every interview with your staff members if that is not a problem with them. If they do not feel comfortable, they can declare beforehand I find other ways of capturing the information correctly. But I would kindly request that you convince them that there is no harm in them having to be recorded. This is meant to ensure accuracy.

This study is of great value to your organization as it add value to existing knowledge about the role that civil society organizations play in building a vibrant a democracy that our country so earnestly desires.

The researcher believes that the discussions of the proposed research fall squarely within the ambit of the company/organisation as you have dealt with human rights issues, particularly representing victims of human rights violation.

You are free to withdraw from the study if there are pressing circumstances hindering you from participating in this study, either during or before the study. However, I would highly appreciate your participation nonetheless. If such a need for withdrawal arises, I will request you indicate in writing. Also bear in mind that the research also can termination the participation of a respondent from the study if for other reasons, the researcher discovers some conflict of interest that may jeopardise the credibility of the study. In like manner, the researcher will communicate in writing beforehand about the desire to terminate the respondent from the study.

I promise that I will treat information obtained from your company/organisation with the highest level of confidentiality where necessary. This is in keeping with the ethical requirements inherently imbedded in the assignment. I will not disclose sources of information where such request has been advanced and will treat all information obtained from the company/organisation with the utmost care and use it only for the purpose for which it has been intended as mentioned above. Drafts of information gathering will be kept safe so that no information gets finds its way into wrong hands.

In the event of any clarity-seeking questions or queries or any information that you may feel you have not been able to provide during the interview, please contact me in the below-mentioned contact details.

Mzimkhulu Sithetho

Masters' Development Studies Student

School of Built Environment and Development Studies

University of KwaZulu-Natal, Howard College

Durban 4040, South Africa

or the UKZN Humanities & Social Sciences Research Ethics Committee, contact details as follows:

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KwaZulu-Natal, SOUTH AFRICA

Tel: 27 31 2604557- Fax: 27 31 2604609

Email: HSSREC@ukzn.ac.za

CONSENT

I Advocate Monaheng Rasekoai, have been informed about the study entitled The Role of Civil Society Organisations of Lesotho in Democracy-building: The Case of the Transformation Resource Centre (TRC) by Mr Mzimkhulu Sithetho.

I understand the purpose and procedures of the study that the research will conform to the conventional ways of conducting a study such as setting appointments with my staff members who will be expected to participate in face-to-face interview sessions with the researcher on agreed dates and times. The researcher has also intimated to us that he will furnish us with an interview schedule, which will help us familiarize ourselves with the questions to be asked. We are aware of the duration of the interview encounter for each staff member, which has been said to be a maximum of 45 minutes.

The researcher has also indicated that he would like to record every interview with our staff members if that is not a problem with them and that if they do not feel comfortable, they can declare beforehand to allow him find other ways of capturing the information correctly

I declare that my participation in this study is entirely voluntary and that I may withdraw at any time without affecting any of the benefits that I usually am entitled to.

I have been informed that there are no expectations as regards compensation as a result of study-related procedures.

If I have any further questions/concerns or queries related to the study I understand that I may contact the researcher at +266 63125773, email address: mzimathatha@gmail.com.

If I have any questions or concerns about my rights as a study participant, or if I am concerned about an aspect of the study or the researchers then I may contact:

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Email: HSSREC@ukzn.ac.za

Additional consent, where applicable

Signature of Participant

Date

Signature of Witness
(Where applicable)

Date

Signature of Translator
(Where applicable)

Date

UKZN HUMANITIES AND SOCIAL SCIENCES RESEARCH ETHICS COMMITTEE (HSSREC)

APPLICATION FOR ETHICS APPROVAL For research with human participants

INFORMED CONSENT RESOURCE TEMPLATE

Information Sheet and Consent to Participate in Research

18 July 2018

Dear Mr Booi Mohapi,

My name is Mzimkhulu Sithetho, a Master's Development Studies student with the University of KwaZulu-Natal, School of Built Environment and Development Studies University of KwaZulu-Natal, Howard College Durban 4040, South Africa.

You are being invited to consider participating in a study that involves research The Role of Civil Society Organisations of Lesotho in Democracy-building: The Case of the Transformation Resource Centre (TRC). The study seeks to achieve the following objectives:

- a) To examine the role of Lesotho's CSOs in entrenching a culture of human rights observance and respect among citizens of Lesotho, with particular focus on TRC.
- b) To assess the effectiveness of advocacy programmes of TRC in holding the government accountable for human rights observance, respect as well as reporting on international human rights instruments,
- c) To determine the efficacy of TRC's advocacy programmes with respect to principles of good governance;
- d) To assess TRC's advocacy campaigns for public participation levels of inclusivity of the citizens in development.

Permission has been obtained from TRC to make it a case study in this research.

The study is expected to enroll yourself as a participant representing your organization. It will involve setting appointments with you and kindly requests that you allocate time for a face-to-face interview with me on set dates and times. I will prepare an interview schedule, which if you so desire will be sent in advance so that you familiarize yourself with the questions I will ask. I think the interview encounter will take a maximum of 45 minutes. This study is self-funded by the researcher.

The study may involve me recording every interview with you if that is not a problem with them. If you do not feel comfortable, you can declare beforehand so that I find other ways of capturing the information correctly. But I would kindly request that you accept use of a recorder as there is no harm in having the interview recorded. This is meant to ensure accuracy.

This study is of great value to your organization as it adds value to existing knowledge about the role that civil society organizations play in building a vibrant democracy that our country so earnestly desires.

The researcher believes that the discussions of the proposed research fall squarely within the ambit of the company/organisation as you have dealt with human rights issues, particularly representing victims of human rights violation.

You are free to withdraw from the study if there are pressing circumstances hindering you from participating in this study, either during or before the study. However, I would highly appreciate your participation nonetheless. If such a need for withdrawal arises, I will request you indicate in writing. Also bear in mind that the research also can terminate the participation of a respondent from the study if for other reasons, the researcher discovers some conflict of interest that may jeopardise the credibility of the study. In like manner, the researcher will communicate in writing beforehand about the desire to terminate the respondent from the study.

I promise that I will treat information obtained from your company/organisation with the highest level of confidentiality where necessary. This is in keeping with the ethical requirements inherently imbedded in the assignment. I will not disclose sources of information where such request has been advanced and will treat all information obtained from the company/organisation with the utmost care and use it only for the purpose for which it has been intended as mentioned above. Drafts of information gathering will be kept safe so that no information gets into wrong hands.

In the event of any clarity-seeking questions or queries or any information that you may feel you have not been able to provide during the interview, please contact me in the below-mentioned contact details.

Mzimkhulu Sithetho

Masters' Development Studies Student

School of Built Environment and Development Studies

University of KwaZulu-Natal, Howard College

Durban 4040, South Africa

or the UKZN Humanities & Social Sciences Research Ethics Committee, contact details as follows:

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KwaZulu-Natal, SOUTH AFRICA

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Email: HSSREC@ukzn.ac.za

CONSENT

I Booi Mohapi (Mr), have been informed about the study entitled The Role of Civil Society Organisations of Lesotho in Democracy-building: The Case of the Transformation Resource Centre (TRC) by Mr Mzimkhulu Sithetho.

I understand the purpose and procedures of the study that the research will conform to the conventional ways of conducting a study such as setting appointments with my staff members who will be expected to participate in face-to-face interview sessions with the researcher on agreed dates and times. The researcher has also intimated to us that he will furnish us with an interview schedule, which will help us familiarize ourselves with the questions to be asked. We are aware of the duration of the interview encounter for each staff member, which has been said to be a maximum of 45 minutes.

The researcher has also indicated that he would like to record every interview with our staff members if that is not a problem with them and that if they do not feel comfortable, they can declare beforehand to allow him find other ways of capturing the information correctly

I declare that my participation in this study is entirely voluntary and that I may withdraw at any time without affecting any of the benefits that I usually am entitled to.

I have been informed that there are no expectations as regards compensation as a result of study-related procedures.

If I have any further questions/concerns or queries related to the study I understand that I may contact the researcher at +266 63125773, email address: mzimathatha@gmail.com.

If I have any questions or concerns about my rights as a study participant, or if I am concerned about an aspect of the study or the researchers then I may contact:

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Additional consent, where applicable

Signature of Participant

Date

Signature of Witness
(Where applicable)

Date

Signature of Translator
(Where applicable)

Date

UKZN HUMANITIES AND SOCIAL SCIENCES RESEARCH ETHICS COMMITTEE (HSSREC)

APPLICATION FOR ETHICS APPROVAL For research with human participants

INFORMED CONSENT RESOURCE TEMPLATE

[Information Sheet and Consent to Participate in Research](#)

18 July 2018

Dear Professor Motlamelle Kapa

My name is Mzimkhulu Sithetho, a Master's Development Studies student with the University of KwaZulu-Natal, School of Built Environment and Development Studies University of KwaZulu-Natal, Howard College Durban 4040, South Africa.

You are being invited to consider participating in a study that involves research The Role of Civil Society Organisations of Lesotho in Democracy-building: The Case of the Transformation Resource Centre (TRC). I humbly request your permission to allow me to obtain information from your company/organisation for purposes of research, and where possible, to use your resources such as your library and other sources of information such as journals etc in fulfilment of this giant assignment.

The study seeks to achieve the following objectives:

- a) To examine the role of Lesotho's CSOs in entrenching a culture of human rights observance and respect among citizens of Lesotho, with particular focus on TRC.
- b) To assess the effectiveness of advocacy programmes of TRC in holding the government accountable for human rights observance, respect as well as reporting on international human rights instruments,
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The researcher believes that the discussions of the proposed research fall squarely within the ambit of the company/organisation as you have dealt with human rights issues, particularly representing victims of human rights violation.

You are free to withdraw from the study if there are pressing circumstances hindering you from participating in this study, either during or before the study. However, I would highly appreciate your participation nonetheless. If such a need for withdrawal arises, I will request you indicate in writing. Also bear in mind that the research also can termination the participation of a respondent from the study if for other reasons, the researcher discovers some conflict of interest that may jeopardise the credibility of the study. In like manner, the researcher will communicate in writing beforehand about the desire to terminate the respondent from the study.

I promise that I will treat information obtained from your company/organisation with the highest level of confidentiality where necessary. This is in keeping with the ethical requirements inherently imbedded in the assignment. I will not disclose sources of information where such request has been advanced and will treat all information obtained from the company/organisation with the utmost care and use it only for the purpose for which it has been intended as mentioned above. Drafts of information gathering will be kept safe so that no information gets finds its way into wrong hands.

In the event of any clarity-seeking questions or queries or any information that you may feel you have not been able to provide during the interview, please contact me in the below-mentioned contact details.

Mzimkhulu Sithetho

Masters' Development Studies Student

School of Built Environment and Development Studies

University of KwaZulu-Natal, Howard College

Durban 4040, South Africa

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Email: HSSREC@ukzn.ac.za

CONSENT

I Motlanelle Kapa (Phd), have been informed about the study entitled The Role of Civil Society Organisations of Lesotho in Democracy-building: The Case of the Transformation Resource Centre (TRC) by Mr Mzimkhulu Sithetho.

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I declare that my participation in this study is entirely voluntary and that I may withdraw at any time without affecting any of the benefits that I usually am entitled to.

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If I have any further questions/concerns or queries related to the study I understand that I may contact the researcher at +266 63125773, email address: mzimuthatha@gmail.com.

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Additional consent, where applicable

_____	_____
Signature of Participant	Date
_____	_____
Signature of Witness	Date
(Where applicable)	
_____	_____
Signature of Translator	Date
(Where applicable)	

UKZN HUMANITIES AND SOCIAL SCIENCES RESEARCH ETHICS COMMITTEE (HSSREC)

APPLICATION FOR ETHICS APPROVAL

For research with human participants

INFORMED CONSENT RESOURCE TEMPLATE

Note to researchers: Notwithstanding the need for scientific and legal accuracy, every effort should be made to produce a consent document that is as linguistically clear and simple as possible, without omitting important details as outlined below. Certified translated versions will be required once the original version is approved.

There are specific circumstances where witnessed verbal consent might be acceptable, and circumstances where individual informed consent may be waived by HSSREC.

[Information Sheet and Consent to Participate in Research](#)

18 July 2018

Dear Ms 'Matlali Maketekete,

My name is Mzimkhulu Sithetho, a Master's Development Studies student with the University of KwaZulu-Natal, School of Built Environment and Development Studies University of KwaZulu-Natal, Howard College Durban 4040, South Africa.

You are being invited to consider participating in a study that involves research The Role of Civil Society Organisations of Lesotho in Democracy-building: The Case of the Transformation Resource Centre (TRC). I humbly request your permission to allow me to obtain information from your company/organisation for purposes of research, and where possible, to use your resources such as your library and other sources of information such as journals etc in fulfilment of this giant assignment.

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Mzimkhulu Sithetho

Masters' Development Studies Student

School of Built Environment and Development Studies

University of KwaZulu-Natal, Howard College

Durban 4040, South Africa

or the UKZN Humanities & Social Sciences Research Ethics Committee, contact details as follows:

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Email: HSSREC@ukzn.ac.za

CONSENT

I 'Matlali Maketekete (Ms), have been informed about the study entitled The Role of Civil Society Organisations of Lesotho in Democracy-building: The Case of the Transformation Resource Centre (TRC) by Mr Mzimkhulu Sithetho.

I understand the purpose and procedures of the study that the research will conform to the conventional ways of conducting a study such as setting appointments with my staff members who will be expected to participate in face-to-face interview sessions with the researcher on agreed dates and times. The researcher has also intimated to us that he will furnish us with an interview schedule, which will help us familiarize ourselves with the questions to be asked. We are aware of the duration of the interview encounter for each staff member, which has been said to be a maximum of 45 minutes.

The researcher has also indicated that he would like to record every interview with our staff members if that is not a problem with them and that if they do not feel comfortable, they can declare beforehand to allow him find other ways of capturing the information correctly

I declare that my participation in this study is entirely voluntary and that I may withdraw at any time without affecting any of the benefits that I usually am entitled to.

I have been informed that there are no expectations as regards compensation as a result of study-related procedures.

If I have any further questions/concerns or queries related to the study I understand that I may contact the researcher at +266 63125773, email address: mzimathatha@gmail.com.

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Additional consent, where applicable

_____	_____
Signature of Participant	Date
_____	_____
Signature of Witness	Date
(Where applicable)	
_____	_____
Signature of Translator	Date
(Where applicable)	