

DEVELOPMENT OF CONSTITUTIONAL DEMOCRACY: 20 YEARS OF THE CONSTITUTION OF LESOTHO

'Nyane, Hoolo'

Abstract

The Lesotho Constitution of 1993, although it bears all the hallmarks of the erstwhile British colonies, ushered in a paradigmatic shift in the development of constitutional democracy in Lesotho. It came to break a long haul of non-constitutionalism combined with military rule. The constitution therefore introduces a new order based on popular government and multi-partyism as opposed to militarism and one-party dictatorship; rule of law as opposed to arbitrariness and hope as opposed to despondency. The purpose of this article therefore is to evaluate not only how the doctrine of constitutional democracy permeated the post-colonial constitutional design in Lesotho, but also how it has practically fared in constitutional practice. The essay starts-off by placing the 1993 Constitution within its typology and then assesses the theory of constitutionalism. The major strands of constitutionalism are evaluated, namely; separation of powers, the rule of law and independence of the judiciary in the context of the post 1993 constitutional dispensation.

Introduction

The Westminster constitutional design adopted at independence in Lesotho presupposes a healthy balance between democracy and constitutionalism. Both concepts have origins in the liberal political thought whose heyday was the 18th century political struggles in

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The Constitution Of Lesotho

Nihal Jayawickrama



The Constitution Of Lesotho:

Constitutions of African States Asian-African Legal Consultative Committee. Secretariat,1972 **The Constitution of Lesotho** ,2000 *Constitutions of the Countries of the World* Albert P. Blaustein,Gisbert H. Flanz,2008 **The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa: a commentary** Celestine Nyamu Musembi ,Trésor Muhindo Makunya,2023-08-28 The first in a series of PULP commentaries on African human rights law under the series title PULP Commentaries on African human rights law Since its adoption on 11 July 2003 the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa the Maputo Protocol has become a landmark on the African human rights landscape It has steadily gained prominence as a trail blazing instrument responsive to the diverse realities of women on the African continent This comprehensive Commentary on the Maputo Protocol the first of its kind provides systematic analysis of each article of the Protocol delving into the drafting history and elaborating on relevant key concepts and normative standards This Commentary aims to be a one stop shop for anyone interested in the Maputo Protocol such as researchers teachers students practitioners policymakers and activists **The Constitution of Lesotho** Lesotho,1993 Towards the Abolition of the Death Penalty in Africa Lilian Chenwi,2007 **The impact of the African Charter and the Maputo Protocol in selected African states** Kounkinè Augustin Somé,Polycarp Ngufor Forkum,Armand Tanoh,Meskerem Geset Techane,Satang Nabaneh,Michael Gyan Nyarko,Saoyo Tabitha Griffith,Paul Ogendi,Sizakele Hlatshwayo,Sarai Chisala-Tempelhoff,Seun Solomon Bakare,Roopanand Mahadew,Augustine Sorie Marrah,Ofentse Motlhasedi,Linette du Toit,Dumsani Dlamini,Grace Kamugisha Kazoba,Charles Mmbando,Agaba Daphine Kabagambe,Tarisai Mutangi,2016-07-13 The year 2016 was declared by the African Union as the African Year of Human Rights with Particular Focus on the Rights of Women to commemorate and celebrate significant milestones in the realisation of human rights on the African continent The year marks the 35th anniversary of the adoption of the African Charter on Human and Peoples Rights African Charter 30th year since coming into force of the African Charter and 10 years since the inauguration of the African Court on Human and Peoples Rights Since its adoption the African Charter has been supplemented by the Protocol on the Rights of Women in Africa Maputo Protocol All AU member states with the exception of new comer South Sudan are state parties to the African Charter and 36 of them have accepted the Maputo Protocol This book assesses the impact and effectiveness of the African Charter and the Maputo Protocol in 17 African countries namely Burkina Faso Cameroon C te d Ivoire Ethiopia Gambia Ghana Kenya Lesotho Malawi Mauritius Nigeria Sierra Leone South Africa Swaziland Tanzania Uganda and Zimbabwe The book is the result of research conducted by selected alumni of the Centre for Human Rights LLM in Human Rights and Democratisation in Africa programme **The Constitution of Lesotho** ,1994 **A Year Book of the Commonwealth** ,1970 *The Department of Labor's ... Findings on the Worst Forms of Child Labor* ,2005 **The impact of the Maputo Protocol in selected African states** Susan

Mutambasere, Ashwanee Budoo-Scholtz, Davina Murden, 2023-01-01 This book assesses the impact and effectiveness of the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa Maputo Protocol in 16 state parties These countries are Burkina Faso Cameroon Cote d'Ivoire the Democratic Republic of Congo Ethiopia Eswatini the Gambia Ghana Kenya Lesotho Malawi Mauritius Nigeria Sierra Leone Tanzania and Zimbabwe Each of the chapters traces the impact that the Protocol has had on the policies laws court decisions civil society activism and legal education in the particular state Each chapter also discusses the relationship of the state with the African human rights mechanisms The book is an update of two prior volumes of essays titled The impact of the African Charter and the Maputo Protocol in selected African states published by PULP in 2012 and 2016 and edited by the Centre for Human Rights University of Pretoria Centre and Victor Ayeni respectively The third edition focused more narrowly on the Maputo Protocol appears as the continent marks 20 years since the adoption of the Protocol on 11 July 2003 By 11 July 2023 54 out of 55 African Union member states with the exception of Morocco have become party to the African Charter and 44 of them have accepted the Maputo Protocol The book is edited by and contains several chapters by alumni of the Master's in Human Rights and Democratisation in Africa programme of the Centre The Centre intends to use this research as the basis for a continuously updated database on the impact of the African Charter and Maputo Protocol

Scotland's Constitution Chris Himsworth, Christine M. O'Neill, 2009 Scotland's Constitution Law and Practice is a clear comprehensive account of the Scottish dimension of constitutional law within its UK and European context It describes and analyses constitutional arrangements while integrating that analysis with a general background to constitutional law and the UK institutions which have a continuing relevance for the government of Scotland This highly regarded text considers law making powers for Scotland the legislative process at Westminster and at Holyrood the accountability and scrutiny of government the independence of the judiciary and the role of the courts in interpreting and adjudicating upon constitutional and administrative law questions The second edition has been fully updated throughout and includes a wholly new chapter entitled Citizen and State covering important recent developments in human rights and civil liberties Account is also taken of the work of the Calman Commission the current Scottish government's National Conversation and developments in the House of Lords and the Supreme Court Further new material relating to data protection and freedom of information elections and the reform of the tribunals system has been included This text provides an essential introduction to constitutional law for law students and for others with a general interest in this subject Chris Himsworth is Professor of Administrative Law at the University of Edinburgh and is a Solicitor admitted in Scotland and in England and Wales Christine O'Neill is a Partner at Brodies LLP Contents Constitutions and Constitutional Law Constitutional Law and Constitutional Values The Scottish Constitutional Context The UK and Scottish Parliaments Law Making Competences for Scotland The UK Government and the Scottish Executive Local Authorities and Other Public Bodies Law Making Procedures The Parliamentary Accountability of Government Public Finance Courts and the

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