

LESOTHO

CERD A/31/18 + Corr. 1 (1976)

122. The report before the Committee - combining the initial and the second periodic reports of Lesotho, in accordance with the suggestion made by the Committee at its twelfth session - was considered without the participation of a representative of the Government of the reporting State.

123. Members of the Committee took cognizance of the fact that the situation of Lesotho was a very special one, in that the Kingdom was geographically surrounded by South Africa and a major proportion of its population had to work in that country. They noted that the Race Relations Order, 1971, gave full effect to the provisions of article 5, paragraph (f), of the Convention. And they noted with satisfaction that the Government of Lesotho had stated that it was prepared to supply additional information.

124. Information on measures giving effects to the provisions of the Convention (other than those of article 5, paragraph (f)), the texts of the relevant articles of the Constitution of the country and the information envisaged in general recommendations III and IV were requested, and the hope was expressed that such information would be organized, in the next report, in accordance with the guidelines laid down by the Committee at its first session.

CERD A/33/18 (1978)

139. The detailed information contained in the third periodic report of Lesotho and its 15 annexes was considered by the Committee together with the supplementary information given by the representative of the reporting State.

140. The Committee noted that that information referred to all the substantive provisions of the Convention; and that it dealt not only with legislative measures but, where applicable, with administrative measures as well; that it was supplemented by the texts of all relevant laws; and that it was organized in accordance with the guidelines laid down by the Committee.

141. Members of the Committee recalled the unique position of Lesotho, noting that its territory was an enclave in South Africa and that most of its economically active population worked in that country. They therefore noted with appreciation that, notwithstanding that situation, Lesotho opposed apartheid and, despite economic pressures from South Africa, refused to recognize the Transkei; that it had taken special measures, such as the Deferred Pay Regulations of 1974, to stop indirect financial assistance to the apartheid régime; that it was attempting, with limited means, to counteract the pro-apartheid radio propaganda emanating from South Africa, to which its own population and other populations of the area were constantly exposed; and that it had halted all imports of goods from Rhodesia and prohibited the entry of vehicles from that country as well as the transit of its aircraft through Lesotho's airspace.

142. A member of the Committee drew attention to some interesting and original features of the anti-discrimination legislation of the reporting State, such as those provided for in articles 5, 7 (para. 3) and 8 of the Race Relations Order of 1971.

CERD A/34/18 (1979)

456. The fourth periodic report of Lesotho (CERD/C/18/Add.6) was considered by the Committee together with the introductory statement made by the representative of the reporting State, who pointed out that no changes of significance had taken place in the country from the time of consideration of the previous report of Lesotho.

457. Members of the Committee expressed their concern at the difficult situation in which the population of Lesotho found itself owing to the geo-political situation of the country and its economic dependence on South Africa. The Government of Lesotho was commended for its campaign against racism and a hope was expressed that the United Nations Information Centre established in Maseru would be able to support the Government of Lesotho in its efforts. Questions were asked concerning the situation of refugees from South Africa and the position taken by the Government of Lesotho in connection with the refugee problem.

458. It was noted from the report that there had never been any necessity for administrative or judicial measures to deal with racial discrimination and that no cases of racial discrimination had been brought before the courts. It was asked, in this connection, if there were any minorities in Lesotho.

459. The representative of Lesotho explained that refugees from South Africa continued to enter Lesotho daily and provided some information about measures of assistance to them in co-operation with the United Nations High Commissioner for Refugees and other organizations. He informed the Committee that, apart from a few foreigners, there were no minorities in Lesotho and that the whole population belonged to one group speaking the same language.

CERD A/38/18 (1983)

201. The fifth and sixth periodic reports of Lesotho, submitted in one document (CERD/C/90/Add.2), were introduced by the representative of the reporting State, who said that the work of the Committee was of great significance for his country. By an accident of history, Lesotho found itself surrounded by a country in which racism was legalized, so that, while not a racist country itself, it was strongly affected by apartheid, and his country remained committed to fighting that abhorrent crime. As could be seen from the report, there had been no change in Lesotho's legislation to combat racial discrimination. Constantly, it had been decided to combine the fifth and sixth periodic reports in a single document based on the information contained in the fourth report.

202. Members of the Committee commended the Government of Lesotho for its efforts to continue the dialogue with the Committee despite the very difficult circumstances in which the country found itself, being surrounded by South Africa. Therefore, some members were of the view that it was more important for Lesotho to have come before the Committee seeking support and encouragement for the future than for it to have submitted a report. It was stated that the people of Lesotho were a brave people struggling against racial discrimination more directly than many peoples whose Governments had submitted long and detailed reports. Others were of the opinion that, as any other State party to the Convention, Lesotho did have obligations, particularly as a front-line State, to set a high standard in reporting on its implementation of the Convention to the Committee. It was pointed out by the proponents of this view that the Committee was not a political body; its only task was to ensure the compliance of all States parties with the Convention. Those members expressed the wish to see the future report of Lesotho prepared in accordance with the revised guidelines and more detailed information to be provided on the implementation of the provisions of the Convention.

203. In connection with Lesotho's geographical position and thus its dependence in many aspects on South Africa, some additional information was requested on its economic ties with that country. It was observed that Lesotho had long been a nation of independent native landholders, where tribal divisions were unknown, but its economy was currently based largely on the labour of its people abroad. In the absence of a treaty with South Africa, its survival depended on peaceful coexistence with its cruel and powerful neighbour. It was further stated that, since a large number of Basotho travelled regularly to South Africa to seek employment, information would be useful on measures taken by the Government of Lesotho to protect the interests of those workers. All too often, Basotho were pushed back into Lesotho and the country was treated like a bantustan. A question was asked whether any specific agreement had been negotiated with Government of South Africa to obtain better working conditions for the citizens of Lesotho. Although it possessed mineral wealth, Lesotho's potential had not yet been fully tapped, therefore one member was interested to know to what extent the Government, with the help of international organizations, was working to create the employment opportunities at home so that dependence on South Africa could be reduced. The idea was expressed to promote international support for the Lesotho and especially for its migrant workers. In addition, information was requested on Lesotho's demographic composition and the measures taken to alleviate any grievances voiced by any ethnic group.

204. With regard to article 3 of the Convention, it was pointed out that Committee usually asked countries how they were implementing the provisions of article 3 of the Convention concerning

relations with South Africa: the question could not be raised in the case of Lesotho, because it was a country locked in by the racist régime so that its entire population was under the siege of racial discrimination and apartheid. The legal basis for the Committee's competence in the matter was provided in the tenth preambular paragraph of the Convention, in which States parties resolved to build an international community free from all forms of racial segregation and racial discrimination. It would therefore be proper for the Committee to draw the attention of the General Assembly to the fact that a whole valiant country was under the pressure of discrimination and apartheid as a victim of the aggressive policy of South Africa. Members of the Committee commended Lesotho for its opposition to apartheid in the face of unprovoked attacks by the racist régime, attacks which proved that apartheid was not only a pernicious system in itself but a threat to international security. It was proposed that the Committee should state in its report that it supported the Government of Lesotho in its heroic struggle against apartheid and requested the General Assembly to support the Committee on that issue. It was noted that Lesotho had long been seeking to expand its international contacts, and the Committee should, in whatever ways available to it, endeavour to mobilize world opinion in support of the Government. The representative of Lesotho was asked to transmit to his Government the Committee's profound conviction that international support was very important and to convey the fact that, despite the brevity of the country's report, it welcomed Lesotho's co-operation.

205. With reference to article 4 of the Convention, it was stated that an Order in Council which Lesotho felt covered all provisions of that article had been considered by the Committee to cover them only partly. The view was expressed that the Government of Lesotho should consider the Committee's comments carefully and try to correct such lacunae in its legislation.

206. Replying to questions raised by members of the Committee, the representative of Lesotho said that his country's report admittedly did not provide sufficient information but that, in its seventh periodic report, Lesotho intended to deal with outstanding problems. He thanked the Committee for its tributes to his country and for its constructive criticisms. Regarding the question about migrant labourers, Lesotho had, much against its will, been forced to protect the interests of its migrant workers in South Africa through regular contacts and dialogue with that régime. Lesotho was at present engaged in a vigorous campaign to attract foreign investments in order to establish industries and thereby reduce the numbers of its people going to South Africa and eventually, although not in the near future, to halt such migrant labour altogether. He assured the Committee that his Government would, in its next report, furnish more information along the lines suggested by the Committee.

CERD A/47/18 (1992)

235. At its 949th and 952nd meetings, on 10 and 12 August 1992 (see CERD/C/SR.949 and 952), the Committee reviewed the implementation of the Convention by Lesotho on the basis of its previous report (CERD/C/90/Add.2) and its consideration by the Committee (see CERD/C/SR.608). The Committee noted that no reports had been received from the State party since 1983.

236. Members of the Committee recalled that, during the consideration of the initial report of Lesotho in 1976, further information had been requested with regard to the Race Relations Order of 1971. During the consideration of subsequent reports, it had been noted that Lesotho's legislation addressed basic requirements under the Convention but that gaps still occurred.

237. Members of the Committee noted the recent developments in Lesotho, including the promised return of democracy in the near future. In view of the significant changes which had been taking place in southern Africa and in Lesotho itself, the submission of an updated report was considered particularly important.

Concluding observations

238. In concluding the review, the Committee regretted that Lesotho had not been able to respond to its invitation to participate in its meeting and to furnish relevant information. The Committee wished to draw the attention of the State party to the possibility of requesting technical assistance from the Centre for Human Rights.

239. It hoped shortly to receive a new report in accordance with the Committee's reporting guidelines together with a core document, in accordance with the guidelines set out in documents HRI/1991/1.

CERD A/51/18 (1996)

440. At its 1166th meeting, held on 12 August 1996 (see CERD/C/SR.1166), the Committee reviewed the implementation of the Convention by Lesotho based upon its previous reports (CERD/C/90/Add.2) and its consideration by the Committee (see CERD/C/SR.608, 949 and 952). The Committee noted with regret that no report had been submitted to the Committee since 1982.

441. The Committee regretted that Lesotho had not responded to its invitation to participate in the meeting and to furnish relevant information. The Committee decided that a communication should be sent to the Government of Lesotho setting out its reporting obligations under the Convention and urging that the dialogue with the Committee should be resumed as soon as possible.

442. The Committee suggested that the Government of Lesotho avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Centre for Human Rights, with the aim of preparing and submitting as soon as possible an updated report drafted in accordance with the reporting guidelines.

CERD A/55/18 (2000)

108. The Committee considered the seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth periodic reports of Lesotho (CERD/C/337/Add.1), at its 1389th and 1390th meetings (CERD/C/SR.1389 and 1390), held on 17 and 20 March 2000. At its 1396th meeting (CERD/C/SR.1396), held on 23 March 2000, it adopted the following concluding observations.

1. Introduction

109. The Committee welcomes the reports submitted by the State party and the additional oral information provided by the high-level delegation. It also thanks the State party for its additional updated report which not only contains useful information that was not included in the fourteenth report but also gives a more candid assessment of matters relating to racial discrimination on the territory of the State party.

110. The Committee welcomes the opportunity to resume the dialogue with the State party after a 16-year hiatus.

2. Positive aspects

111. The Committee welcomes the Constitutional status granted to the protection of human rights and the recognition of the principle of equality of persons in the State party's Constitution, in particular section 18, designed to preclude any form of discrimination, including racial discrimination.

3. Concerns and recommendations

112. The Committee is concerned about the recent incidents of tension between Lesotho nationals and Asian and South African white factory owners which resulted in kidnapping, violence and the flight of about 100 Asian nationals from the country for fear of persecution. The Committee recommends that the State party take measures to resolve the underlying socio-economic causes of these events. In this context, the Committee draws the attention of the State party to General Recommendation XI on non-citizens and the obligation to report fully upon legislation concerning foreigners and its implementation. It thus requests that more detailed information be included in the State party's next report on the situation and rights of non-nationals, residing in the country.

113. The Committee notes the non-self-executing character of international conventions in the State party and would like to have more information on the status of the Convention.

114. The Committee is concerned about increasing expressions of xenophobia resulting in acts of racial discrimination. The Committee is further concerned about the absence from the 1971 Race Relations Order of a comprehensive legislative framework prohibiting and penalizing such acts. Taking note of information provided by the delegation as to the State party's intentions to review the legislation in this respect, the Committee encourages the State party to establish appropriate and effective remedies and recourse mechanisms and to implement fully all its obligations under articles

2, 4 and 6 of the Convention.

115. The State party is invited, in its next report, to provide further information about: (a) the ethnic composition of the population and (b) measures taken to implement article 7 of the Convention.

116. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of State Parties to the Convention.

117. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of such a declaration be considered.

118. The Committee recommends that States party's reports be made readily available to the public from the time they are submitted and that the Committee's observations on them be similarly publicized.

119. The Committee recommends that the State party's next periodic report, which is due on 4 December 2000, be a comprehensive report and that it address the points raised in the present observations.