

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

Tushar Kanti Saha



The Constitution Of Lesotho:

The Constitution of Lesotho Lesotho,1993 *The Constitution of Lesotho* ,2000 *Constitutions of African States*
Asian-African Legal Consultative Committee. Secretariat,1972 **The Constitution of Lesotho** ,1994 **The Protocol to
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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
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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

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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 Independence of Judiciary Public Law Adjudication I A Commentary on the South African Bill of Rights G. E. Devenish,1999 Documentation Concernant la Succession D'états Dans Les Matières Autre Que Les Traités United Nations. Office of Legal Affairs,1978

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