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Windfall for Basotho ex-miners

NEO SENOKO

... *Silicosis and TB compensation to start this year*

MASERU - Thousands of Basotho former miners are set for a windfall following the approval of a M5 billion settlement agreement by the South Gauteng High Court for ex-miners who contracted silicosis or tuberculosis during or after their employment since 1965.

The M5 billion settlement is not only for Basotho miners but covers former mine workers from other countries in the region that include South Africa, Botswana, Namibia, Swaziland, Zimbabwe, Mozambique and Malawi.

The agreement provides for the payment of benefits worth M5 billion to mineworkers and the dependents of the deceased who may have contracted the two diseases during or after employment since 1965.

To qualify for compensation, each miner will be medically assessed in order to confirm eligibility for compensation. Dependents of those that have died will have to produce proper documentation that links the deceased person to the two ailments.

Ex-Miners Association of Lesotho revealed this on Friday in Maseru, stating that payments will be once off.

According to the association, the benefits will be paid through Ts'iamo Trust, which was set up specifically for this purpose.

The funds will be disbursed over the next 12 years with the payment processes expected to begin towards the end of this year.

The settlement agreement, regarded as one of the most complex multi-party class action settlements ever concluded, will see beneficiaries receiving between M100, 000 and M500,000 depending on the degree to which one is or was affected.

Compensation for claimants who contracted tuberculosis will start from M110, 000 while for silicosis compensation will start from M200, 000.

"We will not be able to assist people in cases where proper evidence is not being availed that links people to the diseases. And it should be clear that no fees will be charged for all these



Ex-Miners Association of Lesotho representative Rants'o Mantsi

processes and Basotho are urged to be wary of any person that seeks to claim on their behalf for a charge," the representative of the Ex-Miners Association of Lesotho Rants'o Mantsi said during a press briefing on Friday.

In 2015, a group of miners and ex-miners throughout southern Africa sued several gold mining companies for exposing them to tuberculosis and silicosis while working in the gold mines. A large part of these miners and ex-miners are from migrant labour exporting countries in the region, including Lesotho.

In the end the miners and gold mining companies came together and negotiated a settlement which was geared

towards compensation of the miners who had contracted TB and silicosis. The laws of South Africa required that this agreement be approved by the High Court of South Africa before it could be implemented.

In 2018, the companies as well as the miners requested the High Court to approve the agreement upon the terms proposed in the negotiations.

The Ex-Miners Association of Lesotho was also part of the negotiations through its regional mother body Southern African Miners Association.

The settlement was approved on July 26 2019 in Johannesburg by a panel of three judges.

Outspoken Mantsi described the settlement as a big victory

for Lesotho and her economy.

"It is important because we are helping these innocent people who do not know how to read or write or even speak English. Almost 70 percent of our people worked in South African mines and through this victory, 90 percent of them will benefit. Even those that have died," Mantsi added.

Going forward Ts'iamo Trust, which has been formed by the miners' legal representatives and the mining companies, will be expected to come to Lesotho through its structures or appointed persons to assist the former mine workers that have been affected to ensure processing of such claims is eased.

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Popular Front for Democracy leader Adv. Lekhetho Rakuoane

Parly 'special' sitting flops

BONGIWE ZIHLANGU

MASERU – The highly anticipated special sitting of Lesotho's National Assembly meant to deal with the National Reforms Authority Bill, 2018 has been postponed to tomorrow, after it was disrupted and eventually failed on Friday, as the opposition questioned why it was termed "special".

The opposition accused government of a ploy to "avoid addressing outstanding issues" such as proposed motions and amendments to the constitution seeking to curtail the prime minister's powers.

They said Speaker of the National Assembly Sephiri Motanyane wanted to lure MPs into working on the NRA draft legislation, after which he would simply adjourn parliament without consulting with MPs.

According to the National Assembly Circular No. 4 of 2019 issued on August 6 and informing MPs that parliament would reconvene on Friday, Clerk to National Assembly Adv. Fine Maema wrote that he was directed to inform MPs of the "Second Special Meeting of the Tenth Parliament of the Kingdom of Lesotho".

"I am directed to inform

to inform you that the Second Special Meeting of the Tenth Parliament of the Kingdom of Lesotho will be held at the New Parliament Building, Maseru, on Friday 9th August 2019 at 9a.m., in terms of Standing Order No. 14 (2). Popular Front for Democracy (PFD) leader Adv. Lekhetho Rakuoane told Public Eye on Sunday that, the opposition were against the manner in which government had called the 'special meeting' of parliament because "it does not exist in the standing orders".

"So, they are calling it a special meeting because they want to cheat. They want us to deal with the NRA Bill after which they would then adjourn parliament without consulting with MPs," Rakuoane said.

"We wanted government to acknowledge that the sitting was the "eighth meeting of the 10th parliament", but they refused saying it was a special meeting because we suspect the Speaker wanted to create an opportunity to adjourn parliament after the National Reforms Authority Bill, 2018 was adopted by parliament, without putting the question to MPs as is dictated by procedure."

Rakuoane said government was hell-bent on pressing on with doing parliament's business without following due process

because they wanted to avoid addressing outstanding issues such as his motion titled Leave to Bring Amendment to the Constitution Bill, 2019.

The motion reads: "That this honourable house gives leave to bring a private member's Bill in terms of standing order No. 52(1) with the Long Title of the Bill to be "Ninth Amendment to the Constitution Bill, 2019. A Bill for an Act to amend sections 82, 83 and 90 of the Constitution, with a view to protecting the life of parliament and its stability."

In this regard Rakuoane said: "They want parliament to deal with the Bill, then adjourn it without consulting members and addressing outstanding issues that were supposed to be on the table before it was adjourned.

"There are proposed motions as well as queries on issues such as the wool and mohair saga, all of which government would rather not be confronted with."

He added that Motanyane should have at least drafted an alternative standing order, as is provided by their parliamentary laws in Standing Order 110 titled Procedure in Case of Doubt, which empowers the Speaker to investigate the usage and practices of standing orders in other jurisdictions, but was quick to add that in the current

case, there were no new standing orders required as the existing ones were still sufficient.

"In a matter not provided for in these standing orders and in any other cases of doubt, the Speaker shall investigate the usage and practices of the member parliaments of the SADC region, the Commonwealth Parliamentary Association (CPA) and other jurisdictions such as the Inter-Parliamentary Union (IPU); to frame and determine a temporary standing order until a standing order for that matter has been adopted in accordance with Standing Order No. 97(6) (Standing Orders Committee)," reads the section. "A standing order framed and determined in terms of this Standing Order lapses if it is not adopted within 20 days of framing and determination."

According to Rakuoane: "While the Speaker said he was going to draft new standing orders which he will bring to the House on Monday, I must say that they are unnecessary because alternative standing orders apply only where there are no substantive standing orders. In this case, we have standing orders that are applied when parliament is reconvened or adjourned. Hence we don't need any new standing orders."

Basotho gather to honour Moleleki

RELEBOHILE TSOAMOTSE

MASERU - Deputy Prime Minister Dr Monyane Moleleki said yesterday Lesotho Ambassador to Geneva, Refloee Litjubo, recommended him for the Honorary Doctorate he received from Geneva School of Diplomacy and International Relations.

Litjubo did this in recognition of his efforts and hard work Moleleki has invested in the different positions he has held as one of Lesotho's long serving career politicians.

Speaking yesterday at celebrations for conferment of the Honorary Doctorate, Moleleki thanked all his guests and disclosed the university made its research and concluded that he deserved the honour even more than Litjubo had recommended.

He said he was not only celebrating his honorary doctorate but everything that the Lord has blessed him with throughout his entire life.

The ceremony was graced by, among other dignitaries, Prime Minister Thomas Thabane and First Lady 'Maesiah Thabane, Basotho National Party leader, Thesele Maseribane and Social Revolutionaries (SR) leader Teboho Mojapela.

According to the Geneva university, conferment of the honorary degree on Moleleki came as a result of his outstanding leadership and service to Lesotho and its people for many years.

The university also outlined Moleleki's engagement in philanthropic activities after establishing an orphanage that provides both educational and health facilities for 80 children.

Thaba Bosiu Principal Chief, Khoabane Theko, described Moleleki as one of the country's best leaders and added the fact that he has been recognised by an international university shows how much of a good leader he is.

He said Moleleki is one of the longest serving civil servants who has dedicated his entire life to good service delivery.

"Dr Moleleki is one of the longest serving leaders in the country," he said.

Theko said he has watched as different governments collapse but Moleleki was trusted by all leaders and governments in



Deputy Prime Minister Dr Monyane Moleleki

recent years to be part of different administrations therefore it was apt that he be recognised and awarded the honorary doctorate.

"He already holds a number of qualifications, so the Doctor in Services will add to the many qualifications he holds already," he added.

Moleleki started school at Nazareth Primary School in the 1960s and progressed to Christ the King High School for his secondary education until 1970.

He then furthered his studies at the Thompson Foundation in the United Kingdom where he obtained a diploma in journalism and broadcasting.

In 1982, Moleleki graduated with a Masters of Arts Degree in Mass Communication. He also obtained a certificate in Television Broadcasting from the University of Witwatersrand in

South Africa.

He worked as a lecturer at the National University of Lesotho and Public Relations Manager at the Lesotho Highlands Development Authority (LHDA).

He was elected a member of Parliament for the then Senqunyane Constituency and was appointed the Minister of Natural Resources from 1993 until 1994.

After a short stint as a back bencher in Parliament, he was appointed back into cabinet within the ministry of information and broadcasting from 1996 to 1998.

The Deputy Prime Minister was again elected into the National Assembly in 1998 for the Machache constituency and served in the Ministry of Natural Resources again from 1998 to 2002, after which he became

Minister of Foreign Affairs.

After the 2007 election, he served as the Minister of Natural Resources again from 2007 to 2012. In 2012, he was elected deputy leader of Democratic Congress (DC) and was also elected leader of opposition from 2012 to 2014.

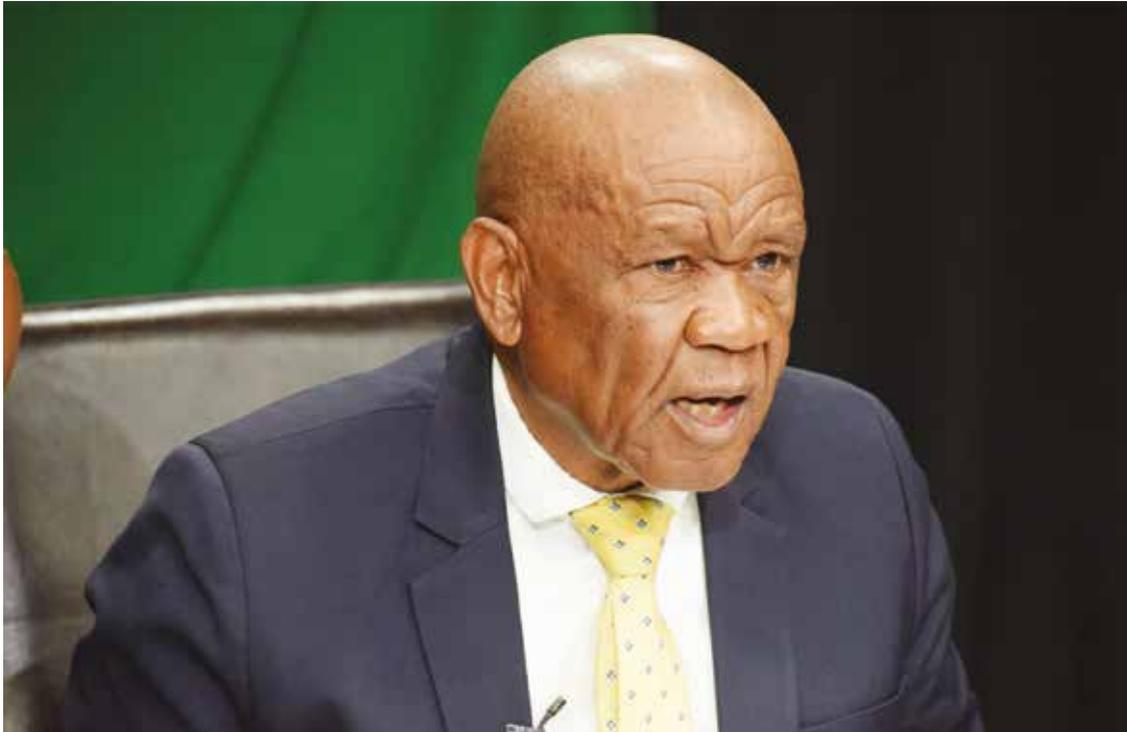
After the 2015 election, he was appointed Minister of Police and Public Safety until November 2016.

In November 2016, he resigned from his position as the police minister to launch his own party - Alliance of Democrats after a fallout with then Prime Minister and DC leader, Dr Pakalitha Mosisili.

Subsequently, he was appointed Deputy Prime Minister and Minister of Parliamentary Affairs, a position he holds to date.

ConCourt faults Thabane

... terminating NSS director's contract 'unconstitutional'



Prime Minister Thomas Thabane

Maseru — The Constitutional Court has declared the termination of Colonel Tumo Lekhooa's appointment as Director General of National Security Services (NSS) by Prime Minister Thomas Thabane is unconstitutional.

Col. Lekhooa of the Lesotho Defence Force (LDF) was on secondment as Director General of NSS.

Judges Moroke Mokhesi, Semapo Peete and Molefi Makara declared Colonel Lekhooa is entitled to emoluments and benefits for a three months' notice period as Director General of NSS calculated from the date of termination of settlement.

Col. Lekhooa was also awarded costs of the application.

As an LDF commissioned officer Col. Lekhooa was seconded to the NSS as its Director General on a three-year contract terminable on three months' written notice.

But Prime Minister Thabane terminated his contract without observing the notice period stipulated in the contract and without affording Colonel Lekhooa a pre-termination hearing.

Colonel Lekhooa challenged the legality and rationality of termination of his contract arguing the Prime Minister's decision to terminate the contract without observing the procedural rules of natural justice breached the principle of legality and the rule of law and was therefore unconstitutional.

Part of the court's judgment explains that given the special relationship between the Prime Minister and Colonel Lekhooa and the need not to unnecessarily hamstring the Prime Minister to efficiently run the NSS, the standard of fairness in dismissing Colonel Lekhooa should be a hearing in its simplest form, that is, simple notification of the proposed action by the decision-maker and a verbal or written representation by the affected person.

The court also noted the standard of fairness meant here is in line with the notion that the Prime Minister must not be unnecessarily shackled by strict procedural requirements such as a formal notice and a fully-fledged hearing in discharging his executive functions with regards to the NSS.

The court further noted the Prime Minister's decision to

terminate Colonel Lekhooa's contract as evidenced by the letter of termination simply shows that he was doing so because a clause in the contract provides for such.

However, the court said this needs to be juxtaposed with the Prime Minister's answering affidavit which refers to Colonel Lekhooa as a threat to national security because he has trail of suspected crimes behind him.

Since such crimes are not explained the court therefore found Thabane's decision to dismiss Colonel Lekhooa without affording him a hearing was unconstitutional.

The court indicated that Clause J of the contract provides for termination on notice but does not state conditions precedent for the trigger of such an option and that apart from express warranty of professionalism, competence, diligence and loyalty in the performance of work by the employee - which could be the basis for dismissal if breached - the contract is silent on the circumstances under which it may be terminated on three months' notice.

"The head of NSS reports directly to the Prime Minister and advises him on national

security issues. "It is hardly surprising that this contract is drafted in this manner; the reason is simply that due to the special relationship between the Prime Minister and the head of the NSS, it would not make it easier for the former to efficiently run the NSS when fetters are placed on the Prime Minister as to when to exercise the option to terminate the contract.

"It has to be borne in mind that of critical and utmost importance in the relationship between the head of NSS and the Prime Minister is mutual and absolute trust", the ConCourt said.

"Whether the Prime Minister's assertions of criminality on the part of Colonel Lekhooa are plausible or not, the fact remains, trust between the two men is at its lowest ebb and this does not conduce to the working relationship of the nature alluded to in the preceding sentences.

"Other than for breach of the warranty by the employee, both parties in the court's judgment in terms of Clause J have agreed to terminate their agreement without cause and have agreed that Col. Lekhooa would only be entitled to benefits accrued to the employee party during the subsistence of the secondment and further that once the contract is terminated, it ceases to subsist and therefore it follows that no benefit would accrue to a non-subsisting contract".

The Constitutional Court went further to observe that at common law where the contract provides for its termination on notice, the measure of damages is the loss of salary for the notice period but in this case the parties agreed that the contract would be terminated without cause.

This means that Col. Lekhooa's entitlement is therefore limited to whatever was due to him under the contract for three months' notice period which was not observed by the Prime Minister.

Col. Lekhooa was represented by Advocate Motiea Teele KC, while the respondents, comprising the Prime Minister, Minister of Defence and National Security, Minister of Law and Constitutional Affairs and the Attorney General were represented by Attorney Monaheng Rasekoai assisted by Attorney Vincent Mokaloba.

— Staff Reporter/Lena

Striking teachers hold their breath

... as 'Maseribane pledges last ditch intervention

MATHATISI SEBUSI

MASERU - The letter that teachers' unions wrote to the cabinet subcommittee, Thesele 'Maseribane, addressing teachers' grievances will only be valid from Monday, 12 August 2019.

In the letter, unions inform 'Maseribane about their intention to resume the strike and plead with him to intervene within five days, failing which they would be forced to resume their strike.

But on Friday the letter was withdrawn after the subcommittee, the Christian Council of Lesotho (CCL) and teachers' unions agreed that the letter be withdrawn and be only restored tomorrow (Monday) to give 'Maseribane a chance to intervene and address challenges slowing progress towards addressing the teachers' grievances.

The agreement is signed by 'Maseribane, CCL and three teachers' unions; Lesotho Teachers Trade Union (LTTU), Lesotho Association of Teachers (LAT) and Lesotho Schools Principal Association (LSPA).

The progress report on addressing teachers' grievances notes that review of teachers' career and salary structure is in process and the consultant that is hired is advised to work with teaching service.

The report also notes that the reviewed career and salary structure will be put operational



in the 2020/2021 financial year.

As per the report, training of teachers on the new integrated curriculum has been completed, grade 8 books have been distributed to all secondary schools and the Ministry of Education is educating the community about the new curriculum through Radio Lesotho's programmes.

The report also shows that the Ministry of Education is still

awaiting judgment in a matter where two printing companies; Moriya printers and Mazenod printers are fighting for the tender to print books.

It further notes, however, the court asked the two companies to resolve their case outside court and, as a result, the Ministry of Education is expecting the two printing companies to deliver books to the Ministry of Education on 8th September 2019.

"The ministry of education has made a bill on 50/50 pension lump sum upon retirement and the bill is awaiting the Ministry of Finance's approval.

"The education bill on appointment of principals on permanent and pensionable terms is before the parliament's social cluster committee," reads the progress report.

The progress report further notes that last year's utility grants have all been paid and only this year's are outstanding.

It also notes that payment of performance contracts has been completed and approved by the subcommittee.

Letampu Mafaesa, Secretary of the Lesotho Teachers Trade Union (LTTU),

confirmed the progress report and the withdrawal of the letter that teachers' unions wrote to 'Maseribane informing him about their intention to resume the strike and plead with him to intervene within five days, failing which they would be forced to resume their strike.

"It is true that we had an agreement with subcommittee to withdraw our letter and reinstate it on the 12th August 2018.

"The progress report is also correct but it is still under the task committee's domain," Mafaesa noted.

Teachers grievances include, among others, amendment of the education policy, performance contracts, payment of outstanding salaries and allowances, salary errors on their performance-based contracts dating back to 2009 and salaries that are corresponding with their academic and professional qualifications, as well as a call to weed out ghost workers from the payroll and evaluation of career structures.

They also demand training towards the new curriculum, availability of resources and infrastructure.



Chairperson of the cabinet subcommittee, Thesele 'Maseribane

Sport

THE BEST SUNDAY READ



MGC donates mini-bus to LSRC



NTHAKO MAJORO

MASERU - Matekane Group of Companies (MGC) has donated a brand new mini-bus to the Lesotho Sport and Recreation Commission (LSRC) to fulfil the promise the company made after the tragedy which claimed five Mabote Beavers Rugby Club players two months ago.

The five players, namely; Lerato Kelepa, Mpho Machelei, Thato Moahi, Keketso Ts'euo and Mamello Moseme, died in a terrible road accident on their way to Bloemfontein, South

Africa for a Test match against Mangaung Rugby Club.

Touched by the tragedy, MGC two months ago promised to donate a vehicle to ease the players' transport problems.

The entire nation is still reeling from the tragedy with MGC's head of corporate communications and marketing, 'Mamotake Matekane, expressing her company's readiness to help the nation as much as possible.

"If we could we would solve all the problems in Lesotho. Where we can we do and those who we manage to help are very fortunate," said Matekane at

the press briefing. MGC spent M910 000.00 to purchase the mini-bus which Matekane urged LSRC to take good care of.

"And we are grateful to see how happy you are to receive this gift, but we will see by your actions that indeed you can take good care of it," she said.

"We have realised that there is a lot of talent in Lesotho and we are happy to say where we can we will help," Matekane added.

LSRC public relations officer, Teboho Rakhomo, assured Matekane that they would take care of the mini-bus.

"We promise to take care of the vehicle and to use it in

an appropriate manner," said Rakhomo.

To show appreciation, LSRC handed an award in a form of a rugby ball to MGC.

"We are saying from the bottom of our hearts that we realise you are important, and this is a token of our appreciation," Rakhomo said as he handed the award to Matekane. Matekane expressed gratitude to LSRC for the award.

"We are indeed grateful," she said.

MGC contributed M25 000 for the funerals of the five deceased players, M5 000 to each family.