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Just Atonement Inc.

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Just Atonement Inc. (JAI) is global community of lawyers who have joined forces to address imminent threats to democracy, human rights and a livable planet.

JAI was established in 2017 in the United States of America.

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of the Kingdom of Lesotho.

Summary of Conclusions

1. Global climate change has exacerbated the food security crisis in Lesotho due to the geography and politics of the country. Global climate change is resulting in dryer and hotter seasons, which can cause more frequent and severe droughts, floods, and complications with agriculture. **Lesotho is highly vulnerable to the consequences of global climate change because it is largely a mountainous region susceptible to droughts and floods.**
2. Political instability evidenced by coups d'état and consistent political turmoil that has been in Lesotho since they gained independence from the United Kingdom in 1966. Military intervention and coups d'état have been prevalent in Lesotho and the most recent was an attempted coup in 2014-2015. Additionally, Lesotho is heavily dependent on South Africa economically, largely due to the geographic location of Lesotho within the borders of South Africa.



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Analysis

Climate change impacts

3. Climate change is predicted to negatively impact the water resources in Lesotho. As a mountainous region, Lesotho has groundwater from runoff, which is significantly decreasing because of climate change. Additionally, due to climate change, the precipitation levels are decreasing and temperatures rising. This leads to an increase in evaporation losses, decrease in run-off, and less ground-water replenishment. The occurrence and severity of floods and droughts will also increase as a result of climate change.
4. The effects of climate change will significantly impact the agricultural productivity in Lesotho. Desertification is a concern due to decreased precipitation and run-off, as well as increased temperatures. The rising temperatures will cause the crops to use more water, which is problematic when high temperatures are accompanied by less availability of groundwater. Livestock will also be affected by the increased temperatures, low crop yields, and decreased water resources.
5. Article 25 of the Universal Declaration of Human Rights states that “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family...”. The consequences of climate change could infringe these human rights belonging to the people in Lesotho.
6. Currently, fertilizer and high-yield crop seeds are not in use and/or not accessible in Lesotho. There is an effort towards incorporating climate change into agricultural policies, but there hasn’t been significant progress in this area yet. Without implementing and utilizing sustainable agricultural strategies, the effects of climate change will pose an even greater challenge.
7. Maize is one of the primary crops grown in Lesotho, along with sorghum, beans, wheat, and peas. Maize, as other plants, is not well adapted to the high temperatures accompanied with climate change in southern Africa. Livestock may also be impacted by the effects of climate change through the decrease in access to fresh water, crops for food, and the increase in temperatures.
8. An essential part of agriculture is having access to water, which will become problematic as the droughts worsen and groundwater replenishment decreases. Generally, access to clean and safe drinking water has been a problem in Lesotho with only about 76% of the



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population having access to clean safe drinking water. Efforts to address this issue include the Lesotho Highlands Water Project, Metolong Dam project, and organizations such as The Water Project. Ironically, a significant portion of Lesotho's revenue comes from selling water, primarily to South Africa. Thus, it is even more important for Lesotho to develop a way to increase access to clean and safe water and decrease the negative impacts of climate change on these water resources.

9. The right to have access to safe water can be found in the UN Special Rapporteur on the human rights to safe drinking water and sanitation and is derived from Article 21 of the Universal Declaration of Human Rights. Although this report may not be binding on Lesotho, the right to clean water is clearly important and should be addressed as an inherent universal human right.
10. Food security in Lesotho is another related concern and is due in part to the ineffective agricultural practices. The majority of the population spends half, or more than half of their income on food. Many Sotho people are undernourished, especially children under the age of five and at risk groups such as those with HIV/AIDS.

Political instability and sovereignty in Lesotho

11. Since Lesotho gained independence from the United Kingdom in 1966, it has been struggling to obtain political stability. Lesotho has experienced six coups d'état in the past forty years, the latest of which was an attempted coup in 2014.
12. Lesotho has had coalition governments since 2012, creating greater political instability. The All Basotho Convention (ABC), headed by Prime Minister Tom Thabane, is the ruling party of the three party coalition government. As the ABC ruling party begins to weaken due to internal conflict, the coalition government becomes even more unstable.
13. Military interference is a significant problem for establishing political stability in Lesotho. The military intervention by both internal forces, called the Lesotho Defense Force (LDF), and the military forces deployed by the South African Development Community (SADC). Interference and coups d'état are both likely violations of Article 21 of the Universal Declaration of Human Rights, which states:

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (2) Everyone has the right of equal access to public service in his country. (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.



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14. One example of this military intervention is the LDF supported coup of 1986 and 2014. The SADC was instrumental in resolving the political crisis in 2014 and in the past, the SADC has repeatedly attempted to restore peace and political stability in Lesotho.
15. Lesotho's geographical location has led to Lesotho's economic dependency on the decisions and goodwill of South African government. For example, nearly 80% of Lesotho's consumer goods comes from South Africa. Although this dependency has not had any significantly negative effects, it would be important for political stability to be an independent and completely sovereign state.

Recommendations

Sustainable and climate-smart agricultural practices and water management

16. Climate change is a global problem that requires a unified global effort to resolve. However, the consequences of climate change in Lesotho may be addressed by aiding in sustainable agricultural practices, and land and water management.
17. Agricultural practices could be improved by providing access to high-yield crop seeds, as well as water-efficient crop seed variants. By providing the Sotho people with sustainable agricultural methods, they would be better able to combat the negative consequences of climate change.
18. The World Bank has been helping African countries develop climate-smart agricultural practices. Climate smart agricultural practices include contour farming, planting shade trees, use of climate-smart varieties of crops.
19. Drought-tolerant and climate-smart crops have been used in Kenya to combat droughts and resulted in greater consistency and higher yields of maize. Kenya and most of southern and eastern Africa has been in a drought since 2014 and the drought-tolerant maize has been helpful in aiding with food insecurity.
20. Sustainable agriculture practices have significant impacts on preventing desertification, water conservation, and eventually help with food security in a world affected by climate change.

Assisting Lesotho to achieve political stability

21. Creating more sovereignty in Lesotho and more independence from South Africa could provide more political stability in Lesotho. Yet, due to the geographical location of Lesotho, greater independence from South Africa could negatively impact the economy.



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Many Sotho people travel into South Africa to work in industries such as textile production, which would be negatively impacted by greater independence from South Africa. Additionally, Lesotho provides South Africa with water through the Lesotho Highlands Water Project, which would also make independence a challenge. Overall, the dependence of Lesotho on South Africa would be challenging to change and would likely have many consequences. However, if Lesotho could be independent and uninfluenced by South Africa when creating policy and making decisions, and perhaps become more globally connected, this could positively impact the political stability in Lesotho.

22. Complete demilitarization could be a solution to the consistent military intervention contributing to the political instability in Lesotho and is an idea that Prime Minister Thabane has mentioned at the urging of the SADC. Looking to the past at the military supported coups and attempted coups, it is clear that military intervention can strain an already unstable government. Without the LDF, Lesotho may be even more dependent on South Africa and the SADC. Another possible solution would be to decrease the military spending and overall presence in Lesotho. Instead of demilitarizing entirely, Lesotho could also decrease the military spending and overall physical presence in Lesotho.
23. The South African Development Community (SADC) has stepped in to stifle the 1998 coup in Lesotho. This shows that external intervention could help put a check on the military in Lesotho, but it also demonstrates the dependence of Lesotho on South Africa. The external checks by the SADC have been important in maintaining political stability and peace in Lesotho, but it would be better to reform the LDF so external interference is not necessary.

Respectfully submitted,

/s/ Inder Comar and Abby Gasser

of Just Atonement Inc.