

## African Peer Review Mechanism



### Terms of Reference for consultant for Policy Brief Paper on Broadening Civil Society Participation in The Governance Reforms in Lesotho:



**Assignment:** Policy Paper - The State of Corporate Governance in Lesotho: The Case of the Mining and Agricultural Sectors

**Position:** Consultant  
**Duty Station:** APRM Continental Secretariat, Midrand, Johannesburg, South Africa  
**Reporting Division:** Thematic Research & Coordination  
**Date:** 05 January 2018  
**Duration of Project:** 10 days  
**Remuneration:** USD \$ 4000

#### 1. Background

The African Peer Review Mechanism (APRM), is a specialised agency of the African Union. It is a continent's pioneer self-monitoring tool for promoting good governance. Launched in 2003, the Mechanism is a voluntary exercise that offers African states the opportunity to systematically assess and review their governance performance. The Mechanism provides a platform; whereby reviewed states share best practices and improve the formulation, adoption and implementation of their governance policies in conformity with established standards and principles. As the first innovative and ambitious initiative, the APRM monitors governance in the four-key thematic areas, i.e Democratic and political governance, Economic governance, Corporate governance, and socioeconomic development. It executes this mandate by assessing the performance of African states that are members of the Mechanism through a review process with the ultimate goal of assisting member states to improve on the policies that affect governance. APRM has made significant progress, with the membership increasing from six (6) at its inception to thirty-six (36) in 2017. The APRM headquarters is located at No. 230 15<sup>th</sup> Road, Randjespark, Midrand South Africa.

The Kingdom of Lesotho voluntarily acceded to the APRM in 2004, just a year after the launch of the mechanism in 2003. By 2005, Lesotho had established its national structures which included, a Ministerial sub-committee, the office of the Focal Point, a National Governing Council (NGC) and a national secretariat.

Lesotho undertook its first country self-assessment between 2007 and 2008, with the support of two Technical Research Institutions: The National University of Lesotho and the Lesotho Institute of Public Administration and Management. The Country Self- Assessment Report (CSAR) and the National Plan of Action (NPOA) submitted in 2008, paved the way for the first APRM Country Review Mission to Lesotho, held in 2009, led by Head of the

Mission, Professor Adebayo Adedeji and launched by then Prime Minister, Honourable Pakalitha Mosisili on 24<sup>th</sup> March 2009. The Lesotho Country Review Report No. 12 was peer reviewed on 30<sup>th</sup> June 2009, at the 11<sup>th</sup> APRM Forum of Participating Heads of State and Governments, in Sirte, Libya.

## **2. Introduction: The Lesotho Reforms**

In August 2017, the APRM, SADC and other key stakeholders have initiated collaboration on the role both Secretariats will play in efforts to support the governance reforms in Lesotho that the country has embarked on. SADC has expressed its full support to the APRM processes: The Country Review Report, the NPoA and the APR Forum Peer Review all provide lessons and commendable practices, from the region and from a wide cross-section of technical and political expertise from the continent. The APRM also deemed it necessary to assist in the reform governance by first and foremost providing an assessment of Lesotho and the civil society engagement in the National dialogue on governance reform in Lesotho as well as the state of corporate governance, focussing on the Mining and Agricultural Sectors. The analysis will provide a full understanding of the country context in the four thematic areas: Democratic and political governance, Economic governance and management, corporate governance and socioeconomic development as well as the state of the civil society and the role it has played in the governance reforms if any.

## **3. Scope of work:**

Under the supervision of the Head of Division/ Thematic Research and Coordination of the APR Secretariat or his delegate, the Consultant shall produce a policy paper on:

### **3.1. Corporate Governance in Lesotho: Mining and Agricultural Sectors**

The objective of writing this policy paper is to provide the current state of key institutions of the corporate governance in Lesotho with a focus on the Mining and Agricultural sectors and the challenges they face.

- a) Develop an outline of the paper indicating the institutions of the corporate governance in Lesotho
- b) Compile and collect up to date information on the status of corporate governance in Lesotho
- c) Produce a thorough analysis of the key corporate sectors of Lesotho: Mining and Agriculture.
- d) Data must have proper citations on the source of information and must be of quality, and relevant to the issues being analysed.

## **4. Key Outcomes:**

- a) A Policy paper for corporate governance in Lesotho: The Mining and Agricultural Sectors.

## **5. Requirements:**

### **5.1. Consultant Specifications:**

- a. Demonstrates integrity and adherence to the African Union values and ethical standards,

- b. Promotes the African Union - APRM vision, mission and strategic objectives,
- c. Demonstrates thoroughness, availability, attitude to team work and proactivity.

**5.2. Operational skills:**

- a. Ability to operate in the context of institutional, social and cultural reality in transitional and post-crisis situation,
- b. Ability to establish good working relations with a broad variety of culturally and professionally diverse partners.

**5.3. Education:**

- a. At least an advanced Degree, a Doctoral or Masters Degree or equivalent in Business Administration, Business Finance and Accounting, Economics, International Relations, Public Policy, or;
- b. Professional Qualification in Business Accounting and Finance at a Fellow Level – KING III, ACCA, CIMA, CFA, SAICA, ICSA, CSSA.

**5.4. Experience:**

- a. Experience in Company Boards in the private sector and private regulatory bodies
- b. Experience in Training Governance Boards
- c. Excellent research, drafting and communication capacity
- d. Knowledge of economic governance and industry regulation

**Criteria for Selection:**

The Consultant should display the following	Max. Point	Score
<b>Technical</b>		
<p><b>Relevant Expertise, Experience:</b></p> <ul style="list-style-type: none"> <li>• Expert Knowledge on research and analysis experience in corporate governance, business economics, state regulatory bodies, public policy and private sector development, corporate citizenry (20);</li> <li>• Working Knowledge and understanding of agri-business and the mining sector in Africa. Specific knowledge of Lesotho will be an added advantage (15));</li> <li>• Expertise and working knowledge of corporate governance in southern Africa through board membership, training and regulation (15);</li> </ul>	<b>50</b>	
<p><b>Technical Qualification:</b></p> <ul style="list-style-type: none"> <li>• At least an advanced in Business, Economics, International Relations, Law, Public Policy or related field. PhD plus 15 years (30) Masters plus 15 years (20)</li> </ul>	<b>30</b>	

Professional Qualification at Fellow Level plus Bachelors Degree (20) Masters plus 10 years (15)		
<b>Publication and Writing Skills</b> <ul style="list-style-type: none"> <li>• Demonstrated ability to write to a very high standard as evidenced by writing sample (10);</li> <li>• African scholarship publications and research i.e. academic journals, books and articles (10).</li> </ul>	<b>20</b>	
<b>Total Score</b>	<b>100%</b>	