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OFFICE OF THE PRO-VICE-CHANCELLOR

KEM/km2

14 November, 2025

The Registrar

(Secretary to Council)

National University of Lesotho

Roma 180

Lesotho

Dear Registrar,

RE: Purported Appointment of the Joint Committee of Council and Senate (JCCS) on 22 October 2025 — Fundamental Legal Irregularity and Request for Assurance

I write, in my capacity as Pro-Vice-Chancellor and a statutory officer of the University, to draw your urgent attention to a matter of grave institutional concern relating to the proceedings of the ordinary meeting of the University Council held on **22 October 2025**, which I did not attend, having been on duly approved leave.

Upon reviewing the record of that meeting, I have regrettably discovered that the Council **purported to appoint a Joint Committee of the Council and the Senate (JCCS)** allegedly acting in terms of **Section 16(2) read with Section 16(6) of the National University of Lesotho Act, 1992 (the Act)**, for purposes of considering the selection of a candidate for the position of Vice-Chancellor. It is imperative to place on record, with respect and clarity, that **Council lacked legal competence to do so.**

1. Absence of Statutory Authority

Sections **16(2)** and **16(6)** of the Act empower the Council to appoint a JCCS **only once a vacancy has arisen**. No vacancy presently exists:

- The contract of the incumbent Vice-Chancellor does **not expire until 31 July 2026**; and
- The term of the current Council itself expires on **28 June 2026**.

Accordingly, any attempt to constitute the JCCS at this stage is **ultra vires**, and therefore **a nullity in law**, having been undertaken **in the absence of jurisdictional facts** that would activate the statutory power. **A body without legal authority cannot breathe life into a decision that the law itself does not permit.**

2. Purported Election of Council and Senate Representatives

The reported election of the current Chairperson of Council and two councillors as members of the purported committee, and the subsequent presentation by the Vice-Chancellor before the Senate leading to the selection of two senators, are each equally nullities:

- The relevant legal power is triggered **only upon the existence of a vacancy**;
- Until then, **no committee exists in law**, and therefore **no appointments to a non-existent committee can validly be made**.

These developments regrettably amount to an attempt, using the words of an old legal proverb, to **“manage from the grave,”** binding a future Council to decisions it has not made and cannot be compelled to ratify.

3. Institutional Risk

If allowed to stand, this course of action will inevitably result in:

- The constitution of an **illegally appointed committee**,
- A subsequent **tainted process for the selection of a Vice-Chancellor**, and
- The real prospect of **judicial intervention** and attendant institutional instability.

Such illegalities must not be permitted to prejudice the integrity or reputation of the University, nor erode confidence in the governance structures entrusted to steward its affairs.

4. Request for Confirmation

In the circumstances, I respectfully request **a formal assurance within 14 days of the date hereof that no attempt will be made to implement or operationalise the purported decisions taken at the meeting of 22 October 2025.**

Failing such assurance, and in order to preserve the rule of law and protect the University from foreseeable harm, I shall have no alternative but to initiate **appropriate review proceedings** to set aside the decisions as unlawful and void ab initio.

I trust that the seriousness with which this communication is written reflects the earnest and principled desire to uphold legality, good governance and the enduring dignity of this institution.

Yours faithfully,



Prof. Dr Kananelo E. Mosito KC
Pro-Vice-Chancellor
National University of Lesotho