

# **Local Democracy in Lesotho: Current Strengths and Challenges**

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## **Table of Contents**

I.	Introduction	5
II.	The Context	7
III.	Legal Framework for Local Government	9
IV.	Methodology	12
V.	Parallel Authorities	15
VI.	Representation and Accountability	30
VII.	Intergovernmental Relations	34
VIII.	Service Delivery and Economic Performance	36
IX.	Infrastructure, Capacity, and Training	36
X.	Summary	38
XI.	Policy Recommendations	39

## **I. Introduction**

The government of Lesotho has made local government reform an important priority in the overall democratization and sustainable development agenda, building on the provision in the national Constitution of 1993<sup>1</sup>. The process of creating local government in the country began with the adoption of a White Paper in 1996. In 1997 the Local Government Act was passed by the Parliament. In addition, the government demarcated the boundaries of new local authorities, and pursued training and awareness raising initiatives pertaining to the new institutions. In 1998 the country passed the Local Government Elections Act of 1998. In 2005, democratic elections were for the first time held to elect councils which have been fully operative since then. Despite the comprehensive nature of the reform and the commitment that the government has shown in pursuing it, local governance still faces many challenges. Since gaining independence in 1966, Lesotho has been by and large a highly centralized country. Barely two years after Independence, in 1968, the District Councils which the British colonial government had established in 1948, were abolished as they were perceived to be centres of political opposition to the then ruling regime. This brought an end to participatory institutions at a local level.<sup>2</sup>

After some twenty years of civilian and military dictatorial rule, multi-party democracy was reintroduced in 1993. However, the deepening of democracy at a local level remains an important challenge and a priority of the current democratically elected government. Local government reform is also unfolding at a time when Lesotho and other sub-Saharan African nations' face significant socio-economic issues, most notably in relation to the effects of HIV/AIDS on all aspects of life within the country. In this context, effective structures of local governance are crucial to addressing the pressing challenges facing local communities.

The new structures of elected local government have been in existence for some three years. Now is a good time, therefore, to take stock of some of the preliminary reform outcomes and to begin to identify emerging strengths and weaknesses of the new

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<sup>1</sup> Constitution of Lesotho (1993), Chapter VIII, Section 106.

<sup>2</sup> E.R.M. Mapetla and S.W. Rembe. *Decentralization and Development in Lesotho* (Roma: National University of Lesotho 1989).

institutions and to provide policy recommendations to the government for tailoring the course of the reform accordingly. This report is based on an in-depth empirical study of the operation of the Lesotho elected local government since its creation in 2005. The purpose of the research was:

1. to establish how local government and local democracy is currently working in Lesotho, focusing especially upon how real practices relate to the legislated design;
2. to establish the extent to which the practise of local government and democracy varies between localities within Lesotho;
3. to develop a practical guide to local government and local democracy in Lesotho on behalf of, and with the cooperation of, the Lesotho Ministry of Local Government and Chieftainship, for circulation around other Government Departments and International non-governmental organisations;
4. to analyse and make recommendations on how new technologies and systems, simply applied, might enhance local government and local democracy in Lesotho;

In 2007 and 2008 a team consisting of the UK Government's Department for Communities and Local government (DCLG) and academic experts on local government from De Montfort University's Local Governance Research Unit carried out several preliminary on-site visits to Maseru and outlying areas. Based on preliminary interviews, a research programme was outlined for a careful study of the operation of the Lesotho local government. The National University of Lesotho (NUL)'s Institute of Southern African Studies (ISAS), which is a recognised centre of excellence in Southern African studies, was then contracted to conduct an in-depth empirical investigation of six local authorities. These constituted a representative sample of foothill, lowland, and mountain areas. The present report and policy recommendations are based on this programme of research.

## II. The Context

The Southern African Kingdom of Lesotho is a former British protectorate and a constitutional monarchy covering an area of 30,335 square km with a population of roughly two million people.<sup>3</sup> It is a landlocked country, surrounded by the Republic of South Africa. Possessing limited natural resources, it is highly dependent economically on South Africa, particularly on its mining sector demand for cheap labour. Accordingly, economic shocks in the South African mining industry are acutely felt in Lesotho. When the South African gold industry contracted in the late 1990s, miners' remittances dropped from as high as 62 percent of Lesotho's GNP in 1989-90, to a low 18 percent in 1998-99.<sup>4</sup> The total number of miners employed is now 52,735.<sup>5</sup>

With roughly 23.2 percent of its population aged 15-49 infected with HIV/AIDS, Lesotho has one of the highest rates of infection in the world.<sup>6</sup> This pandemic has only exacerbated the socio-economic problems of Lesotho with some 40 percent of its population described as "ultra-poor" by the United Nations.<sup>7</sup> Medical infrastructure is underdeveloped and clinics are scarce while the share of government health sector resources has declined in the course of the mid- to late 1990s. The World Bank estimates that the annual loss of GDP growth due to AIDS will increase from 6 percent in 2001 to 27 percent by 2015.<sup>8</sup>

The impact of HIV/AIDS on Lesotho society is both varied and substantial. Beyond the most obvious effects of greatly reducing life-expectancy, the pandemic has also led to many other socio-economic problems. Among the most severe of those has been a substantial increase in the number of orphans in the country, as well as significant losses of income for many families. The need for effective local

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<sup>3</sup> According to preliminary results of the 2006 population census, Lesotho has a population of 1,880,661 people.

<sup>4</sup> Fareed M.A. Hassan. *Lesotho: Development in a Challenging Environment*. A joint World Bank-African Development bank Evaluation (Washington, DC and Abidjan 2002).

<sup>5</sup> Central Bank of Lesotho Quarterly Review (March 2008).

<sup>6</sup> *Human Development Report 2007/2008. Fighting Climate Change: Human Solidarity in a Divided World*. United Nations Development Programme (New York: Palgrave MacMillan 2007).

<sup>7</sup> [http://news.bbc.co.uk/1/hi/world/africa/country\\_profiles/1063291.stm](http://news.bbc.co.uk/1/hi/world/africa/country_profiles/1063291.stm) (accessed 10 July 2008).

<sup>8</sup> Hassan. *Lesotho*.

governance to address the problems created by HIV/AIDS is among the most pressing.

According to the 2005 UN Human Development Indicators, Lesotho has a life expectancy at birth of only 42.6 years and a GDP per capita of only \$3,335.<sup>9</sup> The Gini coefficient is one of the highest in the world, which implies extreme deprivation for a substantial share of the country's population, particularly in rural areas. In 2002, unemployment stood at 23.2 percent according the Household Budget Survey conducted by the Bureau of Statistics<sup>10</sup>. In 2007, Lesotho was ranked 71st in the global human poverty index. The United Nations Development Programme (UNDP) however ranks it among the medium human development countries, having higher development indicators than twenty two other African nations.<sup>11</sup> In particular, Lesotho boasts some of the highest literacy rates in Sub-Saharan Africa - 84 percent according to 2006 National Census data<sup>12</sup> - however only a fraction of those enrolled in schools reach high educational levels. Universal free primary education was introduced in 2000.

Lesotho continues to be highly dependent on foreign aid, with Overseas Development Assistance exceeding the average for Sub-Saharan Africa.<sup>13</sup> The challenge for local government, therefore, is to be both administratively and democratically effective in an environment where there are both significant internal issues to address and a high level of dependence on external support.

### **III. Legal Framework for Local Government**

Local government in Lesotho enjoys constitutional status. According to the constitution, (Section 106.1) "Parliament shall establish such local authorities as it deems necessary to enable urban and rural communities to determine their affairs and

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<sup>9</sup> PPP US \$, 2005, World Bank estimate based on regression. *Human Development Report 2007/2008*.

<sup>10</sup> *Lesotho Bureau of Statistics 2003 Household Budget Survey Report*. [www.bos.gov.ls](http://www.bos.gov.ls) (accessed 17th October, 2008).

<sup>11</sup> *Human Development Report 2007/2008*.

<sup>12</sup> Lesotho Bureau of Statistics 2007. *Lesotho Census of Population and Housing Preliminary Results Report*. [www.bos.gov.ls](http://www.bos.gov.ls) (accessed 17th October, 2008).

<sup>13</sup> Hassan. *Lesotho*.

to develop themselves. Such authorities shall perform such functions as may be conferred by an act of Parliament.”<sup>14</sup> In 1997, the parliament passed a Local Government Act No. 6, and in 1998 a Local Government Election Act. In 2004, amendments were passed to the Act to reduce the number of local councils, and to ensure that one third of all seats are reserved for women. According to the local government legislation, urban areas have single-tier municipal or urban councils. In rural areas, the directly elected community councils are the lower tier and the indirectly elected district councils representing community councils are a second tier. There are ten administrative districts, 128 community councils, ten district councils, and the municipal council of the capital city of Maseru.

Local government elections were held on 30 April 2005 based on a first-past-the-post electoral system. This was a significant democratic development. According to the Lesotho Local Development Programme Concept Paper,<sup>15</sup> the decentralisation process should be understood within the government’s broad vision for national development. The Official working paper of the government of Lesotho on the establishment of Local Government adopted by Cabinet on 10 February 2004, envisaged the Local Government system as based on political devolution and decentralisation of functions, staff, and finances within the framework of a unitary state. The principle, therefore, was to bring democracy and its opportunities closer to the communities.

The term of office is a maximum of five years and the minimum age for candidates is eighteen. Mayors and chairpersons are elected from amongst council members. Only one committee is required by the Local Government Act to be established, the standing committee on finance and planning and the councils are free to set up other committees as they feel appropriate. The Constitution provides for an Ombudsman to inquire into grievances of local citizens which might be raised about local government authorities.

Key local functions as stipulated in the local Government Act are natural resources, land allocation, grazing rights, markets, building permits, local administration of

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<sup>14</sup> *Country Profile: Lesotho*. Commonwealth Local Government Forum, p. 108. Available from [www.clgf.org.uk](http://www.clgf.org.uk) (accessed 10 July 2008).

<sup>15</sup> Summary of Lesotho Local Development Programme Concept Paper (11 May 2006): 1-36.



central licenses and regulation, bus terminals, burial, fire protection, education, family welfare and public health, physical planning, roads and public transportation, cemeteries, environment, parks, sports and recreation, forestry and agricultural improvement.

The revenue structure is formally skewed towards central government grants, comprising as high as 90 percent of the total local revenue even in the national capital Maseru municipal council. Plans are under way however to ensure that local authorities become increasingly self-sustaining.

Central government representatives at a local level are the District Administrators (DAs) who also supervise the work of other public sector agencies and officials at a local level. The Ministry of Local Government and Chieftainship is the key national body in charge of the reform and supervision of local government operation. An inter-ministerial task force also exists charged with improving legislation and policies related to local democracy and performance and raising awareness about the reform. In addition to the above bodies, there are District Development Coordination Committees (DDCCs) in each District, whose structure and functions are specified in the Act.<sup>16</sup>

The traditional chieftainship system continues to operate alongside the new structures of local government. Current legal frameworks incorporate provisions related to the traditional institution of the chieftaincy. The 1993 Constitution and the Chieftainship Act No. 22 of 1968 have been considered in crafting the new policies. There are legal provisions for community councils to have two chiefs which are considered on a par with other councillors, but are not elected and are nominated by other chiefs. Chiefs however are also allowed to stand in elections in other wards.<sup>17</sup>

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<sup>16</sup> Setsabi S, Selinyane N and Tsoeu S. *The Challenges of Service Delivery through Lesotho's Decentralisation Process: A Nationwide Survey*. Report of the Lesotho Council of Non-Governmental Organisations (Maseru: August 2008). These authors identified specific operational and administrative problems confronting both the DAs and DDCCs, namely that Principal Secretaries of various ministries based in Maseru bypass the DAs and DDCCs, and confer directly with their Heads of Departments in the Districts. Often the meetings of DDCCs, in which District Heads of Departments are expected, are less of a priority compared to when the District Head is summoned to Maseru by his or her Principal Secretary.

<sup>17</sup> This section is based on *Country Profile: Lesotho*. Available from [www.clgf.org.uk](http://www.clgf.org.uk) (accessed 10 July 2008).

#### IV. Methodology

The project was conducted in the context of collaboration between the Institute of Southern African Studies (ISAS) of the National University of Lesotho (NUL) and the Local Governance Research Unit (LGRU) of De Montfort University. The government of Lesotho and the Councils' authorities substantially facilitated research by providing relevant information and access, and helping organize meetings with community council representatives, District Administrators, Members of Parliament, Principal Chiefs, and Government officials. The Area Chiefs also helped to organise focus group interviews.

##### 1. Community Council Selection

This was done using a random sampling of four districts and six Community Council areas. The project focused on six cases, spanning four districts:

- A community council in the lowlands
- A community council in the foothills
- A community council in the mountains
- A community council in Maseru District lowlands
- A community council in Maseru District foothills
- A community council in Maseru District mountains

NUL selected appropriate case studies, taking into account the need to have a cross-section of local government from which conceptual findings could be broadly generalised to the wider population.

In order to be able to select the Community Councils (CCs) a map and a list of all the CCs was obtained. For the Maseru district, it was noted that there are fifteen CCs in the district hence the selection of three from Maseru out of the six case studies. For the purposes of the study they were arranged into the three geographic areas of Mountain, Foothill and Lowland and a random selection of three areas was made.

Table 1. Community Councils Surveyed

District	Ecological zone	Name and Code of CC	Population by Gender		
			M	F	Total
Maseru	Lowland	Qiloane –AO1	11 670	12 423	2 3670
Maseru	Mountain	Likalaneng- AO3	5 431	5 462	10 730
Maseru	Foothill	Ribaneng – A12	3 731	3 778	37 500
Butha Buthe	Lowland	Linakeng – B 8	2 14 4	2 203	4 347
Mohale'shoek	Foothill	Mootsinyane – F06	4 743	5 252	9 995
Mokhotlong	Mountain	Sakeng – J09	1 400	1 450	2 850

## 2. Data Collection

In each case study there were a number of data collection activities. First, observation of local meetings was carried out. At least one meeting of the community council was observed, to establish the degree of formality involved and the interactions between members (across party, gender, age, etc.). *Lipitso*, which are traditional village gatherings called by the chief and in which the citizens are free to make demands and express their grievances were also observed, addressing similar issues of formality, engagement, and citizen awareness. Digital photos of the meeting venues and meetings in progress were taken to help understanding of the context.

Second, interviews with local elites were conducted. Up to ten interviews were undertaken in each case study area. Interviews were in the region of half an hour to one hour long and addressed the questions set out in the Appendix. Obviously, the nature of the questions asked, and the way they were posed, depended upon who the respondent was. Respondents included, where possible:

1. The District Administrator
2. The Leader of the Community Council
3. The Secretariat to the Community Council
4. A male councillor
5. A female councillor
6. A representative of the non-ruling party on the council
7. The local Member of Parliament
8. A Chief who sits on the Community Council
9. A Chief in a District Council
10. The Principal Chief of that area

Third, focus group interviews with local citizens were carried out. In each case study area, two focus groups consisting of between six and eight citizens were held. The first group represented young people between the minimal voting age of eighteen and thirty five years old. The second group represented older people in the community

aged thirty five and above. The criteria for selecting people were primarily their willingness to take part. However, researchers also made sure that participants were not involved directly with either of the parallel structures of governance such as the Community Councils or the Chieftainship system; that they were citizens of the community, that is, they were eligible to vote in elections to that community council; and that there was a rough balance of male and female participants.

Fourthly, supporting documentation was collected and analysed. It included examples of committee agendas; committee meeting papers; standing orders or other constitutional devices which the Community Council had adopted; local by-laws which the Council had adopted or which it was seeking to adopt.

### 3. Time Frame

The six case studies were carried out between February and June 2008.

## V. Parallel Authorities

In Lesotho, as in many other African nations, traditional authorities such as chiefs continue to play an important role in local communities. They were the basis of the pre-colonial state and played an important part in the British system of indirect rule; they also continued to be important players in the post-independence governance regimes since 1966 onwards. Because of government efforts to make the chieftaincy more accountable to the state and more bureaucratic, the chiefs continue to carry out a range of public services.<sup>18</sup> In Lesotho, according to the Chieftainship Act of 1968, the chiefs performed many of the functions that civil authorities and local governments perform in other settings. Currently, they continue to perform their customary functions despite efforts to circumscribe them.<sup>19</sup> These civil responsibilities include issuing certificates, such as birth and death papers, writing letters of reference for bank account and passport applications; maintaining community law and order; and adjudicating local disputes. Generally, the chief is the individual to whom the villagers are likely to appeal in the first instance in a variety of situations. An elaborate and well-established hierarchy of chieftaincy also exists whereby the higher level principal chiefs have authority over lower level village chiefs. This hierarchy is also instrumental for exercising law and order and land adjudication functions in land or other disputes situations involving several villages.

When introducing local government reforms in the mid-1990s, the Lesotho government faced a challenge of crafting new institutions while taking some authority away from the traditional structures. Concerns were raised as to the feasibility of this undertaking in a short period of time given the entrenched nature of the chieftaincy and the rural populations' strong identification of the chief as the key source of authority in the village. Careful consideration had to be given as to the precise division of responsibility between the chiefs and the newly set up and empowered local government structures. An awareness raising campaign had to be carried out to inform the local publics of the reform and the changes that it would imply for local authority. Crucially, the chiefs, who have traditionally performed vital services to the

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<sup>18</sup> Resetselemang Clement Leduka, "Chiefs, Civil Servants and the City Council: State-Society Relations in Evolving Land Delivery Processes in Maseru, Lesotho," *International Development Planning Review* 28, 2 (2006): 181-208.

<sup>19</sup> Leduka, "Chiefs, Civil Servants and the City Council."

local populations, would have to be reassured of their continued status and authority, albeit circumscribed under the new arrangements. Land allocation in particular, which according to the 1905 Laws of Lerotholi codifying *Sotho* customary law, had been the prerogative of the chiefs, was one important area of authority that now passed to the councils.<sup>20</sup>

Empirical research carried out by this team suggests that the Lesotho government has so far admirably dealt with this challenge. Both the local councillors and chiefs that were interviewed for this project were generally clear about the nature of the division of responsibilities. Some chiefs expressed relief at having their hitherto heavy workload related to civil matters lightened due to the setting up of local governments. As one chief said, “chiefs were heavily loaded with work previously. The introduction of the elected local councils has reduced the load.” Land issues are perceived to be particularly controversial and some chiefs expressed relief that this burden has been lifted off their shoulders. At the same time, the councillors appeared to be generally content with not having to deal with matters of traditional chieftaincy authority. In areas which used to be the responsibility of the chiefs but now passed under community council jurisdiction, such as land issues the chiefs are sometimes deferred to as possessing better experience and expertise. In one community council for instance, the decision to ask a chief to sit on the community council land committee was perceived as a “strategic” action both because of his expertise and because of his ability to communicate with other chiefs in cases involving land disputes with other chiefs. The chiefs are also perceived to have “leadership skills,” to be “diplomatic,” and “transparent and used to making decisions” which encourages councillors to seek their advice. One chief maintained that the chiefs are particularly useful in councils that have weak skills and capacity and this is where the chiefs’ experience comes in handy.

The two sets of actors also generally expressed high levels of awareness of the nature of the reform and the implications it has for the functions that would now be performed by the respective figures. This was a steep learning process in which training specifically aimed at avoiding misunderstanding of the reform played an

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<sup>20</sup> *Ibid.*

important role. As one chief stated, “at the initial stage of introduction it was as though there was some dethronement of chiefs but the whole process was clarified. The Transformation Resource Centre gave them some training on the work of local government and that of chiefs.” Because the councillors are happy not to encroach on the burdensome services performed by the chiefs, and because the chiefs have a guaranteed quota of two seats per local council, the latter have been reassured of their continued demand and role even under the new arrangements. As one chief reported, “Outside the council members still respect me and know that I am a chief and I have experience in community leadership. Even in our meetings they still seek my advice in some issues.” When issues involving conflicts of authority between chiefs and councillors do occur, the principal chief is usually called in to intervene and resolve the dispute.

At the same time, major challenges remain and should form an agenda for further improvements in the balance that has been hitherto achieved between old and new institutions. The key challenge is that councillor and chief respective roles are not always clearly defined in the legislation. Land grazing boundaries, burial site allocations, pastures and natural resources in particular have been listed among key issues of controversy involving the councils and chiefs. In some areas, it was reported that the chiefs had not been properly consulted when council boundaries were created. This generates confusion among the chiefs regarding their jurisdictional responsibilities involving grazing lands and service delivery by the councils themselves. The community members also are confused on these issues. One councillor complained that pasture lands previously under one chief’s jurisdiction had now passed under the authority of another chief.

Even where the chiefs and local governments are broadly aware of the scope and nature of their respective authorities, the public do not always show the same kind of awareness. For many, the chief continues to be the main point of contact and a source of authority they most closely identify with even when a particular issue of local citizen concern no longer falls within the remit of chieftaincy authority. These individuals understandably have a rather foggy idea of the purpose of the newly set up local governments and do not identify with them. For instance, land disputes are still routinely reported to the chief and not the councillor even though the former no longer

has authority over this area. At the other extreme is the perception of elected local representative as “the new chief,” someone who would adjudicate family disputes or punish transgressors in the village.<sup>21</sup> Not all respondents showed a clear understanding of the purpose of each actor under the new arrangements. Land in particular was mentioned as an area of confusion as some respondents were not aware that it is now the prerogative of the councils and not the chiefs. According to one respondent, “one time I asked the councillor to tell me his role but he was unable to do so, so we as the community are confused because there is no clear distinction of roles between councillors and chiefs.”

Many focus group respondents expressed strong support for the role of the chiefs even under new arrangements. They called for their greater involvement in new local structures: “We would like to see chiefs more involved in local government, as advisors to community councils,” stated one respondent. Still others complained that services hitherto performed by chiefs only worsened under new arrangements. Although initially enthusiastic about local government elections, members of this focus group were severely disappointed once the council failed to deliver and the purpose of marginalising the chieftaincy therefore became unclear. For this focus group, when asked to rank the most important members of the community, the local councillor was perceived to be least important.

The lack of understanding of the respective roles and disillusionment with elected officials also has implications for democracy. While the chief is a respected and important figure in the local community, he or she is not popularly elected. Rather, he or she inherits the chieftaincy and is elected into a community council by other chiefs. An identification of the elected councillors as chief-like figures and also passive criticism of elected officials and a lack of understanding of their role defeats the democratic representation and accountability function of councils. It does little to instil in the minds of rural dwellers the notion that an unresponsive representative could be voted out of office in a way that a chief could not be. Another challenge is that some chiefs nurture resentment of the new reforms because they have lost some important powers such as land allocation rights and they do not receive the same kind

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<sup>21</sup> Personal interview with MPs, Tomila Lankina and Lawrence Pratchett, Lesotho, 31 January 2008.



of resources and training that local governments do. Some are reported to be non-cooperative with community councils.

Generally, there is a perception among chiefs that councillors enjoy the perks of training seminars organized by the government and donors and infrastructure facilities while the chiefs languish in the sidelines. Some local NGOs such as the Transformation Resource Centre (TRC) specifically held training seminars on the chief-community council relationships. Still, the perception is that the chiefs do not receive nearly the same amount of training and resources notwithstanding the continued vital services they perform to the local communities. This situation pertains in particular to chiefs who are not nominated to sit on councils who have not been trained and remain uninformed about the local government process. The chiefs also feel they could be engaged more genuinely in local government reform. One chief maintained: “Most chiefs feel they could do more and contribute positively to the success of the present structure of local government; they can advise on certain issues relating to governance.”

Politicisation of the community council under local government reforms is another area of concern. Many respondents criticised the newly elected local councils for being excessively politicised and for elected representatives being “party agents” and not “public servants.” Although councillors no longer run on a party ticket, the party affiliation of candidates and councillors is clearly identifiable. According to many respondents, excessive politicisation of local decision making hampers effective policy performance. Although the chieftaincy has not been immune from partisanship - some chiefs are known to be supporters of particular parties though they keep quiet about it - the fact that the chiefs now sit on local councils increases the likelihood that they would be dragged into politics. Some chiefs complained that during elections, they were asked by MPs to rally their villagers to vote for a particular party, a role that they resented. One chief remarked: “As chiefs we are leaders and serve everybody in the village regardless of their political affiliation.”

The parallel system of elected councils and traditional chiefs is clearly effective in many areas, with a number of examples of healthy collaboration between the two systems. However, it is also apparent that a number of problems arise from their

coexistence. In many geographical areas, and especially the more rural ones, there remains significant confusion over the respective roles of councillors and chiefs. Perhaps more significantly, chiefs continue to occupy a position of status in many communities; a status which their elected counterparts have failed to gain. Some of this status is historic, and reflects the longstanding role of chiefs in the local governance of Lesotho. Much of it, however, comes from the continuing capacity of chiefs to offer an effective governance system which is not matched by the new system of local government. Elected councillors in some areas appear to lack the range of skills and knowledge necessary to govern. The shortage of skills and knowledge makes it difficult for councillors to establish themselves as key centres within the local governance landscape. Consequently, local democracy delivered through local government is not necessarily achieving its potential in these communities.

## VI. Representation and Accountability

In the last two decades, local government reform has been an important component of the wave of democratisation in many developing and formerly authoritarian settings. Lesotho is among countries that have successfully institutionalised democracy and have embarked on far reaching local government reform as a crucial aspect of the overall democratic reform process.

The government has been very successful in the procedural aspect of the reform. A Local Government Act has been passed clearly setting out the functions and scope of authority of local government. In accordance with the law, competitive democratic elections had been held to the new local government bodies. Local councils meet once a month and sometimes more frequently than that in cases of local emergencies. In one area where councillors have to travel very long distances, councils meet once a month but sessions last four to five days. Proceedings are transparent and open to the public. They are held usually on week days to enable representatives to attend to ceremonies such as funerals and church services. Councillor attendance is high in all councils surveyed. Participant observation of council sessions shows a high level of formality. The chair does not tend to monopolise or otherwise manipulate proceedings or silence critical voices. Generally, the sessions are very formal. There is an opening prayer at each session, the chair person welcomes members and then reads the agenda to the council while the secretary keeps minutes, a copy of which is then sent to the District Council Secretary's (DCS) office. Proceedings are cordial with councillors standing up to ask and answer questions and addressing each other in the formal way of *Mohlomphehi* meaning "the honourable."

No substantial imbalances in gender and socio-economic representation are observed in the councils. In accordance with the Local Government Act, councillors are not allowed to be in full-time employment. They perform their duties on a full-time basis and receive a monthly "sitting allowance" of 1200 Maloti (roughly £67 sterling). The legal clause has been ostensibly inserted to ensure that councillors are not partial in the performance of their duties, which is a commendable goal. At the same time, the current council composition shows that there may be some disadvantages to this practice. Many councillors are retirees, housewives, voluntary sector activists, or

farmers. The councils may be roughly representative of the local electorate however important segments of the population, such as local professionals and youth, do not appear to be well represented in the councils. The exclusion of working professionals may reduce the level of councillor sophistication and skills. Still, such practices also exist in other settings with well functioning local governments and the trade-off between greater independence and councillor sophistication may be a worthwhile one.

Women are not substantially underrepresented on the councils. Table 2 shows that in fact they form a majority in four out of the six councils surveyed and also on some of the committees.<sup>22</sup> In the council committees, which have the role of proposing policy recommendations, important portfolios such as finance are held by women.

According to an MP representing some of the constituencies surveyed, when fulfilling the requirement of nominating two chiefs to a given council, the chiefs in her constituency community councils also tend to make an effort to nominate a male and a female chief to ensure gender balance. Women are also reported to be at times more vocal and active than their male counterparts. This is in fact similar to other settings in the West and the developing world where lower level political or administrative positions are occupied by women and where women are sometimes more active in community affairs. A contributing factor may be that many Lesotho males are employed in South African mining and many households are *de facto* female headed with rates higher than in many other Sub-Saharan African countries<sup>23</sup> and women increasingly assuming ever more important roles as bread winners and community leaders.

Table 2. Composition of Community Councils Surveyed by Gender

District	Geo-area	Name	Number of councillors	Council comp. by Gender		Area Population by Gender	
				M	F	M	F
Maseru	Lowland	Qiloane	11	5	6	11 670	12 423
Maseru	Mountain	Likalaneng	13	6	7	5 431	5 462
Maseru	Foothill	Ribaneng	11	3	8	3 731	3 778
Butha-Buthe	Lowland	Linakeng	9	3	6	2 144	2 203
Mohale's Hoek	Foothill	Mootsinyane	13	9	4	4 743	5 252
Mokhotlong	Mountain	Sakeng	11	5	6	1 400	1 450

While formal, procedural aspects of the local government representative function have been dealt with admirably, important issues remain in the accountability and

<sup>22</sup> Usually the three committees are Land Allocation Committee, Finance Committee, and Community Services Committee.

<sup>23</sup> Hassan, *Lesotho*.

responsiveness function of local authorities. Understandably, the full extent of how well they perform this function would only become evident after the next, second round of elections is held. This is when the extent of the link between councillor performance and their likelihood of being re-elected will become known. Nevertheless, some preliminary assessments of the functioning of the democratic process can be made at this stage.

The first issue concerns downward accountability to the local citizenry.<sup>24</sup> Formal channels for communicating council decisions downwards, to the local citizens, and for soliciting the latter's opinion on what the councillors could do for the local community, are in place. The council sessions are open to the public even though the public are not allowed to speak out at sessions. Very few people however avail themselves of this right - between zero and five were reported to have attended in the councils surveyed though in one council it was reported that in the first year attendance was quite high. One reason given for this state of affairs was that there would have to be considerable investment of time and effort to attend meetings. People have to travel vast distances to attend, especially in more rural areas, and the meetings also last several hours which makes it impractical for working people to be present. Another commonly given reason was lack of interest.

A lack of citizen awareness of some of the key provisions of the relevant legislation also fosters confusion as to their democratic right to familiarize themselves with council decision making after these meetings had taken place. Many council officials maintained that council minutes are not allowed to be publicised. Some chiefs maintained that despite their seats on the council, even they do not have access to the minutes.<sup>25</sup> It was also reported in one council that if a "confidential" issue is discussed, citizen observers are "excused" from the session. Only in one council did the council chair maintain that any member of the community could have access to minutes. However another councillor from the same council maintained that minutes

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<sup>24</sup> For a useful discussion of upward and downward structures of accountability in local government reforms worldwide, see Jesse C. Ribot, "Representation, Citizenship and the Public Domain in Democratic Decentralization," *Development* 50, 1 (2007): 43-49.

<sup>25</sup> Principal chiefs claimed that they too feel marginalized and disrespected because they allegedly do not have access to minutes. One principal chief suggested that minutes should be available to them so they know what goes on in the councils. Personal interview, Tomila Lankina and Lawrence Pratchett, Lesotho, 31 January 2008.

are only for internal use and not all members of the public may have access to them. In reality, while the 1997 Act had no explicit provisions for confidentiality, the 2004 amendment to it explicitly states that “The minutes shall be confirmed, . . . and a copy thereof or extracts therefrom certified by the Mayor or Chairman as a true copy may be made accessible to the public.”<sup>26</sup> This discrepancy in councillor statements and the law suggests either their lack of awareness of the most recent legislation, or a deliberate attempt to obstruct public access to council decision making documentation.

Language remains another issue hampering effective communication within the council and between council and citizens. Some councils reported receiving government directives in English, particularly if they come from donors, and it is the language that is often used in proceedings as well. While the services of a translator are used, this may hamper communication and understanding as the quality and accuracy of interpretation may vary. Complaints were also made that all laws are in English which complicates the work of councillors who are not always the best educated people in the community, as well as disadvantaging the general public who may not have proper English language skills to familiarise themselves with the law.<sup>27</sup> It must be noted that the law itself is written in rather formal and bureaucratic English.

The *lipitso* appear to be the more widely accepted channel of communicating council decisions downwards to the constituencies.<sup>28</sup> According to councillors, the community is consulted on issues before a local council meeting and the decision is then communicated through the *lipitso* which are held when the need arises and do not coincide with council meetings. Usually, a councillor approaches the chief to arrange the *lipitso* after council gatherings as the chiefs continue to enjoy exclusive prerogative in the calling of *lipitso*.

Many citizens however expressed concerns at focus group meetings that while attending *lipitso* the councillors appear to be open to suggestions for community

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<sup>26</sup> *Lesotho Government Gazette* Vol. XLIX, 53 (17 May 2004), Section 16.2, p. 396.

<sup>27</sup> Personal interview with MPs, Tomila Lankina and Lawrence Pratchett, Lesotho, 31 January 2008.

<sup>28</sup> Though the practice of free speech during the *lipitso* stopped during British colonial rule and some scholars question the extent to which it is practiced now. See Leduka; and Machobane L.B.B.J. *Government and Change in Lesotho, 1800-1966: A Study of Political Institutions* (London: MacMillan, 1990).

services improvement, there is little follow up after the meetings and often little gets done. According to one focus group respondent, “we only raise our concerns and needs at *lipitso*... [yet] there has not been any follow up on any of the issues or concerns we raised at *lipitso*, we are still awaiting the councillors... we always ask if there is any follow up on our requests. We do not know why our councillor is not able to implement community plans, she never tells us why. In most cases we are told that our requests have been submitted to the District Council for approval.” A more extreme response from a female focus group interviewee was complete lack of awareness of what local government does. “There is nothing on the ground which shows the existence of local government and councils,” she maintained.

Generally, the youth in particular felt marginalised in the process, showed low awareness of local government, and felt their needs are not reflected. Many reported that they are discouraged from attending *lipitso* as it is the prerogative of older people and some even suggested that separate *lipitso* be held for the youth. According to a youth focus group opinion, “we are not allowed to express ourselves in *lipitso* and that is why we did not come to this meeting [where local government was discussed] in the first place when we were called to the chief’s place because the adults say we are disrespectful if we express ourselves in their midst.” Some called for efforts to ensure that more young people are represented on the councils to ensure youth issues would be heard.

A greater area of concern is that not a single interviewee critical of the functioning of elected local authorities - young or old - considered voting them out of office at the next election as an option for ensuring better performance. Only in one case study area (mountains) focus group respondents maintained that after their councillor resigned, at the upcoming elections “they are only going to vote for a person who is dedicated to community development and someone who will bring change and improvement in the area.” When asked what they would do if the councillor fails to address local needs, respondents stated: “Most of the time we do not do anything” even though “in public gatherings people voice their opinions.”<sup>29</sup>

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<sup>29</sup> Interestingly, none of the councillors and other local officials interviewed was aware of the turnout in local elections when asked that question specifically. According to one local chief “very few people voted.”

The democratic accountability function of local authorities appears to be largely lost on the local voter. In some areas, local citizens reported occasionally dropping on the local councillor to find out about council decisions through “word of mouth” and being even on friendly terms with councillors known to be advocates for local issues, such as youth issues. These instances were however exceptions rather than the rule. While the local citizens usually know their councillor by name and are often quite well aware of the division of responsibilities between the chiefs and councils on service delivery functions, they show lack of awareness of their own role as citizens in punishing or rewarding elected officials through the ballot box. For instance, in one focus group involving youth of eighteen to thirty-five years of age, interview respondents were clear what they want from the council: “Construction of roads to villages, bridges, electricity, provision of tree planting, public phones and play grounds for youngsters - this is what we desire to have.” At the same time, they also said: “There is little hope that we will attain this because councillors are not performing.” “There is no such thing as democracy” said another interviewee. “The villagers’ opinion is that the local government structures should be abolished because the councillors are useless. They are not concerned about people’s needs.” When asked about elections, a respondent from a youth focus group discussion stated: “They are a waste of time.” “They [councillors] meet to socialise (*ba a chakelana*)” and their numbers should be therefore reduced,” was a response in another community. In another focus group meeting with the local youth, an opinion was expressed that “local councillors are supposed to be a link between the public and the central government.”

The local government officials themselves appear to do little to discourage this line of thinking among the citizens. On numerous occasions, elected officials referred to themselves as an “arm of the national government,” “second tier of government”<sup>30</sup> or as “channel to central government.” These statements suggest that their own perception of accountability is of an upward nature, to higher levels of authority, and not to the local citizens. Many respondents also expressed frustration that higher level politics hampers citizen downward accountability. Although councillors are not

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<sup>30</sup> Personal interview with council chairpersons of district councils, Tomila Lankina and Lawrence Pratchett, Lesotho, 31 January 2008.



formally identified by party ticket, informally “everybody knows which party one belongs to.” Opposition candidates report being marginalised. Links with national party are reportedly beneficial for local councils, which increases the likelihood of national and not local considerations motivating decision making. By contrast, villages represented by opposition MPs are perceived to be getting sidelined. There are also complaints that funding is allocated to a community council according to the number of people who voted at the local government elections in the local community. Because of the already high, nearly complete, dependence of local government on national funding, these factors encourage upward and not downward perceptions of accountability, creating distance between councillors and the citizens that they represent.

The actual geographical distance between themselves and the local voter exacerbates this perception. Local governments cover large jurisdictions spanning several villages. Their contact with local citizens is of necessity quite limited. This limited contact of the nascent local authorities has been contrasted to that of the local chiefs who are intimately familiar with villagers and who therefore have a greater likelihood of genuinely addressing local issues because their actions are highly visible to the local community. A Mosotho scholar, Leduka thus explains this phenomenon: “The long history of non-existent local government has meant that rural Basotho have become accustomed to chiefs as the symbol of local authority that is not only intimately understood, but that rural people have over time redefined to accord with their contemporary needs.”<sup>31</sup>

Testimonies to these perceptions are numerous quotes from the focus group respondents and from the chiefs themselves. These quotes are also revealing of the effectiveness of the administrative structure that is in place for the offices of the chiefs to perform administrative duties. As one interviewee stated, “We always get assistance from the chief even if he is not physically present in his office; there is always someone to help us.” Says another respondent: “the chief serves every citizen, he is approachable; this is why members of the community report all their problems to him, even if they are personal or family issues.” According to one chief, “Councillors

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<sup>31</sup> Leduka, “Chiefs, Civil Servants and the City Council.”

have a lot to do; they are hardly in their villages... [By contrast] there is a saying in Lesotho that “a chief does not travel” (*Morena ha a ete*) meaning that the chief’s office is always open, there is always someone to serve the community even if the chief is physically not present. There is a chief in every village but councillors are only responsible for several villages in the electoral division.” In another community respondents said: “if you report your problems to the chief, he is patient to listen to you and he will try by all means to help you, if he cannot help, he will find someone who can help you with your problem amongst the villagers or even refer you to the relevant government department in town.” In one instance, a local complained that while the “councillor is disrespectful of the chief” and there is “hatred” between the two, “we have not had any developments in our village since [the introduction of] local government.” The councillor was also accused of only helping “relatives, friends, and close neighbours.” This was contrasted with the positive actions attributed to the chief such as the facilitation of the village electrification scheme, maintaining peace and stability, obtaining passports and writing reference letters. “Ever since I was a child, I always knew my chief as someone to whom I can report my problems, I can just say, the chief should continue doing the good job,” said one young male participant.

This form of accountability is distinct from the democratic form of elected office accountability. It may be however perceived more legitimate than that of the more remote local councils because of the chiefs’ immediate and visible impact on the lives of local people. The key differences between the chiefs and elected representatives, as perceived by citizens, are around impartiality and responsiveness. Chiefs are deemed to be impartial and working for the greater good of the community, while councillors are thought to be more self-interested. Equally, chiefs have a long-standing capacity to respond to the requests of individuals while councillors appear to avoid helping, wherever possible.

This absence of responsiveness among councillors might be explained by at least two structural factors. First, the functions of councillors are much more strategic when compared with those of the chiefs. While the chiefs can demonstrate an immediate response to individuals through the issuing of certificates and so on, councillors are involved in longer term issues which limit their ability to appear immediately

responsive to citizens' demands. Second, relationships between DAs and Councils may give the appearance of reducing local autonomy, thereby limiting the capacity of councillors to respond to the wishes of individuals. It is to this issue of central-local relations that the report now turns.

## **VII. Intergovernmental Relations**

Given that local government reform has been carried out only recently there is, understandably, a considerable dependence of local authorities on higher national government bodies or their representative offices on the ground. The newly set up and elected local governments require training and a period of transition whereby the necessary expertise is acquired to carry out their functions. Infrastructure and economic development are key stated prerogatives of local authorities. These are of necessity tied to the wider goals and programmes of the national government aimed at reducing poverty, combating HIV/AIDS, and promoting sustainable development. The scope of local government authority is therefore tied to these wider pressing national objectives. At the same time, a high degree of local government dependence on national government in the long term could be detrimental for both local democracy and local social and economic performance.

Local government is highly dependent on the national government for fiscal revenues. Central allocations are tied or “with strings attached,” that is, local governments have very limited power to decide on the precise nature of revenue expenditures. They are also constrained in their ability to raise additional revenue. The 5 per cent source of revenue which is generated through fees such as the grazing fee apparently generates meagre income. Councils also complained that even where revenue has been collected locally, they do not have easy access to it.

An excessive dependence of local authorities on central allocations and spending decisions deprives them of the incentive both to spend money wisely and to pursue local developmental objectives. In fact, experience from other countries suggests that local authorities would be more likely to perpetuate the situation of dependence on national allocations. If allocations are need-based then local governments have an incentive to remain poor so as to continue to receive funding from the national government. By contrast, if local authorities have both a larger share of their own revenues, and greater scope for local decision making, they may be more likely to perform better. Accountability to local constituencies, rather than just to national government, would be also increased as local governments would be more sensitive to local needs and would tailor local policy accordingly.

Understandably, the government of Lesotho has had to balance legitimate concerns of local corruption, financial incapacity and mismanagement, with those of providing local government with sufficient revenue of their own and incentive to promote local wellbeing. Ensuring this balance should not however come at the expense of a complete lack of trust of local authorities which results in micro-management of their spending decisions. The councillors that we interviewed provided some examples of the challenges involved in maintaining this balance and the issues it generates. One council reported that the government challenged and overruled its decision to spend money on a community football event celebration whereby soccer balls would be given out to young people. The government was concerned that such an event would represent misuse of public funds. There was apparently considerable disappointment in the local community when the event had to be cancelled with only a day's notice.

Another issue within community councils is the question of unfunded mandates. Many councillors reported lacking funds to even perform duties that fall within the remit of their authority let alone pursue any initiatives outside of this narrowly prescribed set of functions. Some councils complained of a lack of a bank account, which substantially increases the volume of "bureaucracy" and delays community council decision making because money does not reach them on time.

In addition to fiscal dependence on national government, there are also strong formal lines of institutional accountability of elected local bodies to the national government or its offices in the localities. According to section 65 of the Local Government Act of 1997, the Minister is allowed to suspend or dissolve a council and appoint a local government administrator until elections are held within ninety days or another unspecified period deemed appropriate by the minister "whenever by reason of the refusal, failure or inability of a council adequately to discharge all or any of its functions, the Minister considers it necessary or expedient in the interest of local administration to do so."<sup>32</sup> While there are procedures for appealing to a Tribunal, its members, including legal practitioners, consist of minister appointees (sections 67 and 75). This legal clause ensures local authorities' dependence on the national

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<sup>32</sup> 'Local Government Act 1997,' *Lesotho Government Gazette* Vol. XLII, 41, (3 July 1997), p. 417.

government, particularly given the lack of alternative judicial mechanisms for resolving disputes between national and local governments.

The District Administrators (DAs) are the arm of the national government in the localities. The DA's office is responsible for supervising and coordinating the work of local government offices and local authorities. Generally, these offices are staffed by individuals with superior training and managerial skills compared to those of the newly created local councils. They also possess resources vastly more superior to those of local government. While the majority of community councils lack their own meeting space, transportation, and adequate computer facilities and telecommunications equipment, the DA's offices have a four wheel drive car, and are equipped with computers, faxes, printing and copying machines.

The DA's offices' role is therefore indispensable for the smooth operation of national government developmental and social objectives in the localities. At the same time, excessive dependence of local authorities on these bodies could be detrimental for development of a healthy local government in the long run. Local authorities look to these bodies for guidance with respect to local decision making thereby strengthening their upward lines of accountability. As elected officials, their downward accountability to the local constituency becomes undermined in the process however. Local decisions are made based on the preferences and priorities of national bodies and not necessarily those of the constituencies that elected the local governments.

There is as yet a weak record of the functioning of conflict resolution mechanisms involving central and local authorities given the limited time that has elapsed since local government has been established. Community councils report that in the rare cases of a failure of conflict resolution within the council, the matter is deferred to the district council and is normally resolved with the help of a district level legal advisor. The councils reported few controversial decisions necessitating central government intervention. In one instance, local government appealed to national government for help in dealing with a councillor who proved "difficult" and was obstructing the smooth operation of the council and the individual was removed. No judicial review was involved in this case however. In another case involving the transgression of community council boundaries by cattle from another council area, the issue was

resolved with the help of the DA, the chiefs from both communities, and the police. In the longer term, judicial review could be a sound mechanism for dealing with cases involving national government challenge to local decision making. Where the judiciary is independent, such a mechanism serves as a check both on abuse of local power and that of the national government *vis-à-vis* local authorities.

## VIII. Service Delivery and Economic Performance

The delivery of social services, economic development and infrastructure promotion are among the key functions of local authorities. Insufficient time has elapsed since the establishment of local government to make sound judgements about the quality of local performance in these spheres. Interviews with councillors and focus group respondents suggest that while progress is being made in local government capacity to deliver in these areas, there are important challenges as well. Some local residents expressed a high degree of satisfaction with local councillors' responsiveness to their needs in such areas as the management of land grazing, local road construction, and the generation of employment. Consultation with local residents and solicitation of their views on local priorities led to tangible actions such as building a new road or other infrastructure. Some respondents were pleased that community councils always ensure that villagers get paid when engaged by the councils to build roads, cut thatching grass, or perform other local activities. They contrasted this practice with that of chiefs who summon villagers for public works without pay. In addition to generating employment and income for the villagers, this is also evidence of how local authorities are eroding traditional practices, which may not be uniformly embraced by all villagers as positive and as leading to sustainable local development.

In many instances however councillors expressed frustration that despite their repeated calls for more national funding for infrastructure, insufficient funds were available. In those areas, residents expressed frustration that local councillors were unable to address their needs despite repeated calls for action. Local councillors in turn blamed national government for failure to provide adequate funding. This situation highlights the dependence of local authorities on national allocations and also the perception of their weak performance by the local citizens.

Respondents also tended to lack awareness of the precise areas of local government authority over policy and services. Their expectations reflected this confusion. Many perceive the local elected representative as a new form of chief, who is to adjudicate village disputes or get himself or herself involved in minor *ad hoc* familial issues. The citizens expected elected officials to be administrators, and do not understand that their role as political figures and as representatives is quite distinct from that of



administrators. Because the chiefs have traditionally performed many administrative functions, local citizens erroneously assume that elected officials are now expected to perform the same set of functions. While the chiefs and councillors show high levels of awareness of their precise areas of responsibility, this could not be said of ordinary citizens. This fact suggests that training of local government officials is quite effective, while the awareness of citizens is quite low. Citizens however should be as much a part of the process as local authorities themselves. Greater awareness of local government functions and purpose among the citizenry is bound to not only improve the perception of the local authorities by the citizens, but would also strengthen accountability as the local electorate would know precisely what to expect from local government and could punish councillors at the ballot box if they do not deliver. Awareness raising and citizenship training among the local citizens, and not just elected officials and chiefs should be therefore an important agenda for further improvement in the functioning of Lesotho local government.

## **IX. Infrastructure, Capacity, and Training**

Community councils are generally under-resourced and facilities for carrying out their work are quite limited. This debases the nascent local authorities and reduces their prestige. The space for monthly council meetings is usually rented out or is provided by other agencies such as Ministry of Tourism or a local clinic. The councils reported to be badly in need of permanent meeting space and complained of the dilapidated facilities which they are forced to use. In some councils, it takes as long as six or eight hours to get to meeting places, and some councillors have to arrive the night before to be on time; poor road infrastructure, road and bridge breakages often delay this even further.

Most of the surveyed councils have only limited possession of such infrastructure as laptops, printers, copy machines or faxes, and lack access to Internet. In one case communication with councillors is only done through a messenger on horseback, and bus or taxi drivers, who sometimes forget to deliver messages about council sessions. Even in councils that did have equipment like laptops and printers, interviewees reported that they possess only limited skills for using this equipment and are in need of training. Mobile telephone technology however is generally effectively used for communication between councillors and government agencies and between councillors and constituencies. Mobile phones are used to communicate session meetings and to send out reminders about them a few days in advance. While community councils generally lack their own transportation, they could request the District Council Secretary (DCS) office for a vehicle or travel allowance. Transportation however remains a serious issue in some councils due to poor road conditions and the large distances they have to travel to meet with constituencies or attend council sessions. Usually, no special funding is provided for councillors to travel to meet with constituents.

Most of the councils reported to have benefited from training sessions held by the Ministry of Local Government and Chieftainship (MoLGC) and its hired consultants, the HIV/AIDS Commission, Ministry of Forestry and Land Reclamation, Ministry of Finance and Development Planning, NGOs, donors particularly the German agency *Gesellschaft für technische Zusammenarbeit* (GTZ), and the National University of

Lesotho (NUL). Training areas have included committee role and responsibilities; HIV/AIDS awareness; land issues; budgeting; public relations; gender issues and conflict resolution. At the same time, some respondents lamented that training in some areas takes the focus away from other priority issues. HIV/AIDS has been repeatedly mentioned as one area that has received priority at the expense of such other pressing issues as addressing food shortages and nutrition. “HIV/AIDS awareness is not a priority for people because they want food,” said one local councillor.

## **X. Summary**

The government of Lesotho has made an impressive effort at building the foundations for local government in Lesotho. Local government legislation had been passed, boundaries had been demarcated and democratic elections held to the new bodies. Major conflicts have been so far avoided between chiefs and local bodies and there is a relatively good understanding of what the reform implies for the two sets of actors. There is a high degree of procedural sophistication and formality in the way councils operate, which enhances the prestige of local government both in the eyes of councillors and local citizens. There remain however many aspects of the reform that need improvement and many challenges that are yet to be addressed. These challenges relate to parallel authorities; democracy, representation, and accountability; intergovernmental relations; service delivery and economic performance; infrastructure, capacity, and training. Based on the study conducted by DMU and NUL, the following policy recommendations are made.

## **XI. Policy Recommendations**

### **1. Parallel Authorities**

- Further work should be carried out to ensure better awareness of the new legislation and the division of responsibilities between the respective actors.
- The wider public should be better informed generally about local government and specifically about the roles of councillor and chief.
- Greater effort should be made to involve the chiefs - both those engaged directly in local councils and those who are not - in training and other activities related to local government reform so as to increase their awareness and avoid feelings of resentment and marginalization.
- The operational and decision making relations between the DAs and DCSs should be reviewed.

### **2. Representation and Accountability**

- Channels of communication between councillors and citizens should be improved with the aim of reducing the real and perceived distance between councillors and citizens.
- Directives and legislation on local government remain in English. We are aware that English and Sesotho are official languages however it would be practical to use Sesotho as a language accessible to ordinary people.
- In some areas council meetings are poorly attended. Because citizens have to travel vast distances and because meetings are extremely long, lasting several hours, it becomes unfeasible for citizens to attend the whole session in one block. Mechanisms should be put into place to facilitate citizen attendance of council sessions either by providing transportation or to dividing sessions into short blocks for easy citizen access.

- Council meeting minutes should be made public to ensure greater transparency of local decision making.
- Greater effort should be made to ensure downward accountability of councillors, and not just upward one to national ministries or party leaders.
- The chiefs, councillors, and all citizens should be made aware of the distinction between the political/representative function of elected officials, and administrative roles mostly performed by other, un-elected officials. Unlike chiefs or DAs, elected councillors should not be seen as administrators but rather as individuals representing, aggregating, and articulating community preferences.

### 3. **Intergovernmental Relations**

- National government should cede more powers and authority to the local bodies to ensure that local government is genuinely “local,” rather than being an arm of the national government.
- At the moment there is a lack of trust of community councils by the national government. Greater trust should be encouraged between these actors. Mechanisms to enable local revenue generation such as giving authority over grazing fees should be put in place.
- While national government is right to be concerned with potential abuse of local powers should too much authority be ceded to community councils, there are effective potential ways of national scrutiny of local decisions which involve impartial legal or other review. Legislation should, therefore, be amended to include an element of independent judicial review and scrutiny when conflicts occur between national ministries and local councils.

### 4. **Service Delivery and Economic Performance**

- Endowing local authorities with relative independence in tailoring service delivery to the local needs should be improved. Dependence of local councils on national allocations excuses them of the need to strive hard to reflect community preferences and to deliver services well because they can always blame national government.
- Local economic resource base should be improved. Given local authorities are allowed to retain only a fraction of locally generated revenue, they have little incentive to pursue economic promotion in their areas. Legislation should be amended to allow local authorities to generate more than 5 per cent own revenue.

## 5. **Infrastructure, Capacity, and Training**

- Local government infrastructure, capacity, and training should be improved.
- Local authorities should possess their own bank account.
- The government should strive to reduce the discrepancy between the level of DA offices' endowment with modern communications technology, transportation, meeting spaces, and other infrastructure and that of local authorities by reallocating resources from DA offices to community councils.
- Particularly in areas with poor transportation and roads, mobile phones, printers, and vehicles should be made available so as to facilitate timely dissemination of information about council sessions to councillors and citizens.
- Appropriate permanent meeting space should be allocated to each community council. Meeting in inappropriate premises rented out on an *ad hoc* basis debases local government and reduces its prestige in the eyes of the councillors themselves and the local citizens.

- The government should also strive to enhance the calibre of local elected representatives. While the legal provision that councillors may not be simultaneously employed may ensure that they are not partial in the performance of their duties, it may reduce the constituency from which councillors are drawn. The government may wish to amend the legislation to ensure that more educated and highly skilled professionals are not entirely excluded from the process.
- The government should also continue pursuing training activities, which result in generally high councillor awareness of the legislation.
- The Government should consider further supporting the Lesotho Institute of Public Administration and Management (LIPAM) or commissioning another local body of academic status, such as the National University of Lesotho, to develop a vocationally based qualification on local administration which both councillors and chiefs could study for. Such a qualification would work through the studying of some key topics alongside the development of practice portfolios by the individuals concerned.