

LESOTHO



SUMMARY

Lesotho is a constitutional monarchy with two spheres of government: central and local. The constitution of Lesotho mandates parliament to establish local government and the main governing legislation is the Local Government Act 1997 and Local Government Elections Act 1998. Cabinet adopted a national decentralisation policy in February 2014. The Ministry of Local Government and Chieftainship Affairs is tasked with providing policy direction and support for local authorities. Local government is predominantly two-tier, but the capital Maseru has its own unique single-tier authority, the city council. Following the 2011 local election approximately 49% of councillors were women and in 2013/14 local government expenditure was 3.9% of total government expenditure. Currently the law does not provide for councils to collect and spend their own revenue; therefore the vast majority of their annual income comes through central government transfers. Amongst an extensive list of functions, local authorities are responsible for the control of natural resources and environmental protection, public health and water supply, education, agricultural services and the promotion of economic development.

1. NATIONAL GOVERNMENT

Lesotho is a constitutional monarchy with a bicameral parliament.^{211a} The head of state is HM King Letsie III whose role is predominantly ceremonial. The two houses that make up the parliament are an elected national assembly (lower house) and a hereditary and appointed senate (upper house). The national assembly comprises 120 members elected through the mixed-member proportional (MMP) system; two-thirds are elected according to the first-past-the-post electoral system (one member per constituency) and one-third by proportional representation (the 'party list' form of the system). The term of office for members of parliament may not exceed five years. The prime minister is the leader of the majority party in the national assembly and the King appoints ministers from either house to the cabinet, known as the Council of State, on the advice of the prime minister. The senate comprises 33 members; 22 are principal chiefs while 11 are nominated by the King on the advice of the Council of State.

2. LEGAL BASIS FOR LOCAL GOVERNMENT

2.1 Constitutional provisions

The constitution^{212a} mandates parliament to establish local government. Section 106 (f) stipulates that: 'Parliament shall establish such local authorities as it deems necessary to enable urban and rural communities to determine their affairs and to develop themselves. Such authorities shall perform such functions as may be conferred by an Act of Parliament.'

2.2 Main legislative texts

The principal legislation governing local government is as follows:

- Local Government Act 1997^{212b} (amended 2004^{212c}, 2010 and 2011)
- Local Government Elections Act 1998 (amended 2004 and 2016)
- National Decentralisation Policy^{212d} (adopted by cabinet February 2014).

2.3 Proposed legislative changes

The Local Government Act 1997 is again under review, this time to bring it in line with the National Decentralisation Policy. The Government of Lesotho's commitment to deepen decentralisation within the National Strategic Development Plan^{212e} 2012/13-2016/17 included a number of goals: to enhance the systems and capacity of local authorities for planning, budgeting, monitoring and evaluating projects; to increase accountability; to build consensus on policy direction and vision for decentralisation; to determine functions to be delegated to district councils from district administrators and ministries at the central level; to transfer such functions, in tandem with capacity-building; to develop decentralisation plans, taking account of the decentralisation plans of all ministries to develop a fiscal decentralisation framework; and to update and publish the names of appointed chiefs and provide necessary training and support to them, alongside establishing appropriate accountability systems.

2.4 National urban policy

The National Strategic Development Plan 2012/13-2016/17 commits the government of Lesotho to 'implement efficient planning policies and institutions in order to ensure that the benefits of urbanization are properly utilised and the risks are mitigated. Some areas, such as Maseru, Morija, Roma, Peka and Mapoteng have to be considered for urgent application of physical planning procedures and standards that will allow proper zoning and physical planning.' (page 144)

3. STRUCTURE OF LOCAL GOVERNMENT

3.1 Local government within the state

Lesotho has two spheres of government: central and local. Local government is predominantly two-tier, with district councils as the upper tier and community councils as the lower tier.

KEY FACTS

POPULATION (2016 estimate):

1,958,042

AREA (UN 2006):

30,355 sq km

CAPITAL:

Maseru

CURRENCY:

Lesotho loti (LSL)

HEAD OF STATE:

HM King Letsie III

HEAD OF GOVERNMENT:

Prime Minister Tom Thabane

FORM OF GOVERNMENT:

constitutional monarchy

PARLIAMENTARY SYSTEM:

bicameral

STATE STRUCTURE:

unitary

LANGUAGES:

Sesotho (official), English (recognised)

NATIONAL ELECTIONS:

last: June 2017, turnout: 46.9%; next: 2022

WOMEN IN PARLIAMENT (2017):

22.9%

LOCAL ELECTIONS:

last: Sept 2017, turnout: 37%; next: 2023

WOMEN COUNCILLORS (2011):

49%

LOCAL GOVERNMENT EXPENDITURE as a percentage of total government expenditure 2013/14:

3.9%

The capital Maseru has its own unique single-tier authority, the city council. Recently the number of community councils has been reduced from 128 to 64, to align with the national parliamentary constituencies, following which 11 urban councils have been established.

3.2 Ministerial oversight

The Ministry of Local Government and Chieftainship Affairs^{21,3b} (MLGCA) is responsible for the administration of the Local Government Act 1997, while the Independent Electoral Commission (IEC) is responsible for the administration of the Local Government Elections Act 1998. The MLGCA is made up of seven departments: administration; decentralisation; district administration; lands, survey and physical planning; chieftainship; engineering and infrastructure development; and housing. The main priorities and responsibilities of the ministry are:

- decentralisation: to enable local governments to be responsible for service delivery and development within their jurisdiction
- land: to put in place an effective, efficient and equitable land management and administration system that promotes sustainable utilisation of Lesotho's land resources within the decentralised context
- chieftainship: to ensure that chieftainship and local authorities operate in harmony, and to facilitate capacity-building of the chieftainship institution to enable chiefs to participate effectively in the local government decentralisation process
- housing: to facilitate the delivery of affordable housing and shelter.

3.3 Council types

The main division in local government is between the single-tier urban city council and the two-tier district and community rural councils. All councils are required to establish a standing committee on finance and planning. They have discretion to establish other committees including further standing committees, special committees and joint committees involving more than one council. Discretionary standing committees have been established by some councils for land administration and management, and for social services.

3.3.1 Municipal councils: There is one local authority of this type, Maseru City Council, and it is unitary. All its councillors are elected to represent a single-member division for a term of up to five years and the non-executive mayor is indirectly elected by councillors from amongst themselves. The council must have between 11 and 15 elected members and no more than three appointed chiefs.

3.3.2 District councils: there are ten and members are nominated from the community councils within the district. They also include two appointed chiefs nominated from the community councils in the administrative district. The council is headed by an indirectly elected chairperson.

3.3.3 Community councils: there are 64 and all councillors at this level are elected to represent a single-member division for a term of up to five years. Councillors comprise members elected by the electoral division, chiefs representing traditional leadership, and women occupying reserved seats determined

by proportional representation lists submitted by political parties. The council must have between nine and 15 members and no more than two appointed chiefs. The council is headed by an indirectly elected chairperson.

3.3.4 Urban councils : there are 11 and, like the community councils, are composed of elected members, chiefs and women, according to party political proportional representation. Urban councils are headed by an indirectly elected chairperson.

3.4 Traditional leadership

Chiefs can be elected to serve on any councils but are limited to two on district and community councils and three on the municipal council. Within chiefs' areas, pitsos (public gatherings) are held, in some cases periodically. These open meetings provide opportunities for participation. In terms of proposals made, elected councillors are expected to support such forms of participation.

4. ELECTIONS

4.1 Recent local elections

Most recent local elections were held in 2017, turnout figures were not available. At the 2011 local elections turnout was approximately 37%.^{21,4} Lesotho's first local elections took place in April 2005.

4.2 Voting system

Elections are conducted under the mixed-member proportionate system (with a proportion reserved for women councillors) for universal adult (18 years or over) suffrage. Anybody who has reached the voting age may be elected as a councillor for a term of office not exceeding five years.

Table 21.1a Distribution of councils and population

Region	District councils	Municipal council	Urban councils	Community councils	Population (2011 demographic survey)	Population (2017 est)	% rural (2016)
Berea	1	–	1	8	273,832	na	na
Butha-Buthe	1	–	1	4	105,403	na	na
Leribe	1	–	2	11	331,117	na	na
Mafeteng	1	–	1	7	183,507	na	na
Maseru	1	Maseru City	1	10	389,627	na	na
Mohale's Hoek	1	–	1	7	181,196	na	na
Mokhotlong	1	–	1	4	105,538	na	na
Qacha's Nek	1	–	1	3	63,910	na	na
Quthing	1	–	1	5	129,532	na	na
Thaba-Tseka	1	–	1	5	130,532	na	na
TOTAL	10	1	11	64	1,894,194	1,958,042	72.2

Source: MLGCA communication with CLGF, Lesotho Bureau of Statistics

**Table 21.1b Women councillors and mayors following the last three local elections**

Election	2005		2011		2017	
	#	%	#	%	#	%
Councillors						
Female councillors	na	58	na	49.1	na	na
Male councillors	na	42	na	50.9	na	na
Total councillors	na	100.0	na	100.0	na	100.0
Chairpersons						
Female mayors	na	na	na	na	na	na
Male mayors	na	na	na	na	na	na
Total mayors	na	100.0	na	100.0	na	100.0

Source: Gender links^{21.4b}

4.3 Elected representatives

The total number of councillors in 2010 was 1,221, including a mayor for Maseru City Council and chairpersons for each district and community council.

4.4 Women's representation

Following the 2011 elections, women accounted for 49% of all elected councillors, down from 58% after the 2005 elections^{21.4b}. The 2004 amendment to the Local Government Act 1997 reserves one-third of council seats for women.^{21.4c} No information on the number of female chairpersons was available.

5. SYSTEMS FOR COMMUNITY INVOLVEMENT

5.1 Legal requirement and 5.2 Implementation

Within each council, councillors have an obligation to consult with communities to produce development plans, and members of the public are also involved in prioritising the plans in preparation for implementation. A district development coordinating committee (DDCC) is established in each district. The DDCC considers draft development plans for the district prepared by each council and coordinates such plans into a composite district development plan. The membership of the DDCC includes: councillors, non-governmental organisations, a youth representative, a representative of people with disabilities, and selected public officers from central government as ex-officio members.

5.3 ICT use in citizen engagement

There is no e-government strategy for local authorities.

6. ORGANISED LOCAL GOVERNMENT

There is no local government association

7. INTERGOVERNMENTAL RELATIONS

The MLGCA is the main link between local authorities and the central government. District administrators also play an important facilitating role as they have

responsibility for the performance of not just local government but also other public-sector bodies in their areas of jurisdiction.

8. MONITORING SYSTEMS

Lesotho has an ombudsman, empowered by Chapter XII of the Constitution to 'inquire into and make a finding on the grievances or complaints of citizens against public, local and statutory authorities'. Section 135(b) of the constitution specifies that the provisions apply to 'any local government authority and the members and officers of a local government authority'. In addition to the authority granted to the ombudsman by the constitution, further powers are provided through the Ombudsman Act 1996.

9. FINANCE, STAFFING AND RESOURCES

In theory deficit budgets are not allowed, but in practice supplementary estimates are regularly approved by government.

9.1 Local government expenditure

In 2013/14, local government expenditure was 3.9% of total government expenditure.

9.2 Locally raised revenue

Currently the law does not provide for councils to collect and spend their own revenue. Although the Local Government Act 1997 permits councils to explore various sources of collected revenue, the current Public Financial Management and Accountability Act 2010 still dictates that all revenues collected must be remitted to central government, as councils are 100% financed by central government.

Table 21.2a Aggregate income and expenditure for local government 2013/14

INCOME	LSLm	EXPENDITURE	LSLm
Centre-local transfers		Administration	
Capital projects	360.0	Staff and administration	204.9
Recurrent expenditure grant	204.9	Services	360.0
TOTAL	564.9	TOTAL	564.9

Source: MLGCA communication with CLGF

Table 21.2b Local government expenditure as a percentage of total government expenditure 2013-14

	2013/14 actual LSLm
Total government expenditure	14,566.5
Total local government expenditure	564.9
Local government expenditure as a percentage of total government expenditure	3.9%

Source: Ministry of Local Government and Chieftainship Affairs communication with CLGF

- parks, recreation and culture
- fire prevention
- improvement of agriculture services
- preservation, improvement and control of designated forests.

Consultation is ongoing with line ministries to identify functions earmarked for decentralisation. For those functions already earmarked by line ministries and stipulated in law, the process to clearly indicate the role of councils in their execution is continuing. The Chieftainship Act 1968 sets out the functions to be performed by a chief, which range from conducting pitsos (public gatherings) as a platform for community interactions to supporting community initiatives, protecting developments made by councils and encouraging rural self-help projects.

10.2 ICT use in service delivery

No information is available.

10.3 The role of local government in achieving the UN Sustainable Development Goals (SDGs)

Lesotho government has started a process of sensitisation, prioritisation, localisation and mainstreaming of the SDGs into national policies and plans since the Goals call for increased efforts by governments in terms of technical and financial resources for successful implementation.^{21,10} In an address at the launch of the final Millennium Development Goals country report, the deputy prime minister affirmed that successful implementation of the SDGs also calls for active participation by all stakeholders and urged stakeholders from various sectors such as private sector, local government, civil society organisations,

youth, women and academia to work towards their achievement.

REFERENCES AND USEFUL WEBSITES

- 21.1a Lesotho national government www.gov.ls
- 21.1b Women in national parliaments. Inter-Parliamentary Union <http://archive.ipu.org/wmn-e/classif.htm>
- 21.2a Constitution of Lesotho www.eisa.org.za/WEP/les5.htm
- 21.2b Lesotho Local Government Act 1997 www.aceproject.org.ero-en/regions/africa/LS
- 21.2c Lesotho Local Government Amendment Act 2004 www.aceproject.org.ero-en/regions/africa/LS
- 21.2d National Decentralisation Policy 2014 www.undp.org/content/dam/lesotho/docs/Other/Final_Decentralization_Policy_%28PDF%29.pdf See also UNDP Lesotho video on the National Decentralisation Policy www.youtube.com/watch?v=wci6YoYPmNM
- 21.2e National strategic development plan 2012/13-2016/17 www.gov.ls/gov_webportal/important%20documents/national%20strategic%20development%20plan%20201213-201617/national%20strategic%20development%20plan%20201213-201617.pdf
- 21.3a 2006 Census www.bos.gov.ls Population figures 'de jure' to include those working outside Lesotho on the day of the census.
- 21.3b Ministry of Local Government and Chieftainship Affairs www.lesotho.gov.ls/local
- 21.4a Independent Electoral Commission, Lesotho www.iec.org.ls
- 21.4b Gender in the 2011 Lesotho Local Government Elections <http://genderlinks.org.za/what-we-do/governance/advocacy/lesotho-gender-and-elections>
- 21.4c Transforming Women's Role in Local Government in Lesotho through a Women's Quota www.eisa.org.za/pdf/JAE11.2Shale.pdf
- 21.5 No reference for this section
- 21.6 No reference for this section
- 21.7 No reference for this section
- 21.8 No reference for this section
- 21.9 Based on figure provided by the Ministry of Local Government and Chieftainship Affairs, and the finance minister's 2014-15 speech giving central government expenditure for 2013-14 as LSL14,566.5m www.lesothoembassy.ie/news-events/147-budget-speech-2014-15.html
- 21.10 Successful implementation of SDGs requires sound strategies www.gov.ls/gov_webportal/articles/2017/february/successful_implementation_of_sdgs_requires_sound_strategies.html
- 21.11a UN statistics surface area <http://unstats.un.org/unsd/demographic/products/dyb/dyb2006/Table03.pdf>
- 21.11b Commonwealth Local Government Knowledge hub www.clgf.org.uk/resource-centre/knowledge-hub
- 21.11c Kovar, A (2008). 'Conditions for success: democratic decentralization and public participation, an analysis of local government in the Kingdom of Lesotho', University of Toronto
- 21.11c Local Government Research Unit (2008). 'Local democracy in Lesotho: current strength and challenges', De Montfort University
- 21.11c UNDP HDR Lesotho country profile <http://hdr.undp.org/en/countries/profiles/LSO>



Annex 21a Summary of service provision in different spheres of government in Lesotho

Services	Delivering authority					Remarks
	Central govt.	District councils	Maseru City	Urban councils	Community councils	
GENERAL ADMINISTRATION						
Police	■					
Fire protection		■	■			
Civil protection	■					
Criminal justice	■					
Civil status register	■					
Statistical office	■					
Electoral register	■					
EDUCATION						
Pre-school (kindergarten and nursery)		n/a	n/a			
Primary		■	■			
Secondary		■	■			
Vocational and technical		■	■			
Higher education	■					
Adult education		■	■			
SOCIAL WELFARE						
Family welfare services		■	■			
Welfare homes		■	■			
Social security		■	■			
PUBLIC HEALTH						
Primary care		■	■			
Hospitals		■	■			
Health protection		■	■			
HOUSING AND TOWN PLANNING						
Housing		■	■			
Town planning		■	■			
Regional planning		n/a	n/a			
TRANSPORT						
Roads		■	■			
Transport		■	■			Community councils are responsible for minor roads and bridleways
Urban roads		■	■		■	District councils are responsible for bus stations
Urban rail	■					
Ports	n/a					
Airports	■					There is a single railway station in Lesotho, in the capital Maseru
ENVIRONMENT AND PUBLIC SANITATION						
Water and sanitation		■	■		■	
Refuse collection and disposal		■	■		■	
Cemeteries and crematoria		■	■		■	Community councils are responsible for the maintenance of water supplies and natural resources (sand/stone) and environmental protection (dongas, pollution)
Slaughterhouses	■					
Environmental protection		■	■		■	
Consumer protection	■					
CULTURE, LEISURE AND SPORTS						
Theatre and concerts	■					
Museums and libraries	■					
Parks and open spaces		■	■			
Sports and leisure						
Religious facilities	n/a					
UTILITIES						
Gas services	■					
District heating	■					
Water supply		■	■		■	Community councils are responsible for the maintenance of water supplies
Electricity	■					
ECONOMIC						
Agriculture, forests and fisheries		■	■			
Local economic development/promotion		■	■			
Trade and industry	■					District councils are responsible for agricultural services and forestry
Tourism		■	■			

■ sole responsibility service ■ joint responsibility service ■ discretionary service