

KINGDOM OF LESOTHO

NATIONAL DECENTRALISATION POLICY

Ministry of Local Government, Chieftainship and Parliamentary Affairs

P.O Box 686

Maseru 100, Lesotho.

February 2014

BASIC DEVELOPMENT INDICATORS

Human Development Index (HDI 2012)[1]	0.461
Human Development Index (HDI) Rank [1]	158/186
Gross National Index (GNI) per capita (PPP US \$, 2012) [3]	2210
Total Population (million) [2]	2.1
Population growth (%Annual)[1,2]	1.1%
Adult literacy rate (% aged 15 and above, 2010) [3]	89.6
Net intake ratio in primary education (<i>% of official school-age population, 2011</i>) [3]	58.2
Under-five mortality rate (<i>per 1,000 live births 2012</i>) [3]	99.6
Gross Domestic Product (GDP) per capita (\$) [2]	1963.1
Gini Index [2]	52.5
Poverty level (% of total) [2]	62.3
Aid Per capita (\$) [2]	96.4
Life expectancy at birth (years) [2]	48.2
Urban Population (% of total) [2]	28.3
Gender Inequality Index (GII) [2]	0.534
Corruption Perception Index [4]	55/175

[1] HDR Report, UNDP, 2013; [2] BTI, 2014; [3] WDR, World Bank, 2013; [4] Corruption Perception Index 2013, Transparency International, 2013.

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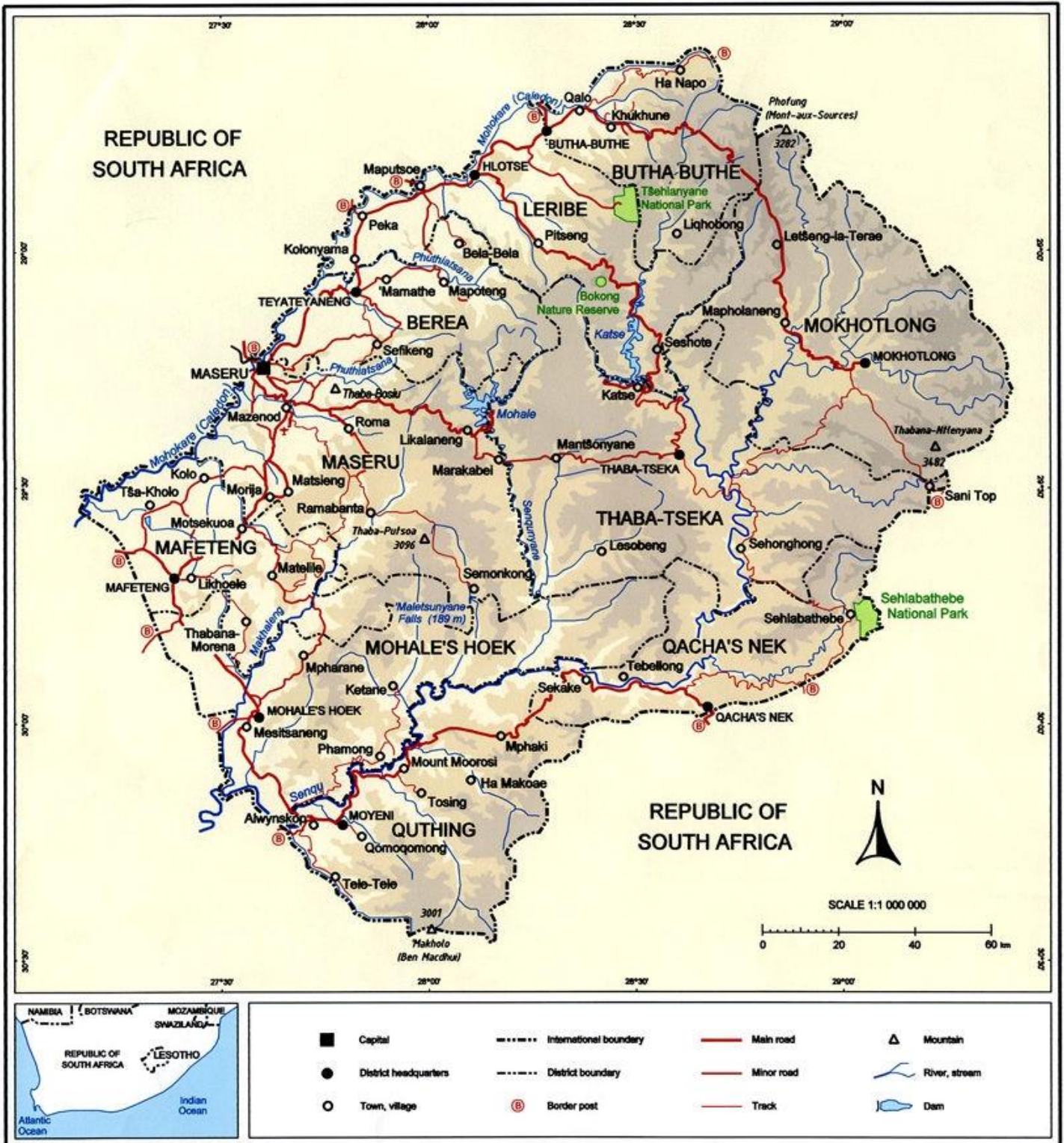
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ACRONYMS AND ABBREVIATIONS

AIDS	Acquired Immune Deficiency Syndrome
CCS	Community Council Secretary
CG	Central Government
CSOs	Civil Society Organisations
DA	District Administrator
DCS	District Council Secretary
DDP	District Development Plan
ED	Electoral Division
FBOs	Faith Based Organisations
GOL	Government of Lesotho
HIV	Human Immune Virus
ICTs	Information and Communication Technologies
IFMIS	Integrated Financial Management Information System
LDFE	Local Development Facilitation Fund
LED	Local Economic Development
LG	Local Government
MDGs	Millennium Development Goals
MoLGCPA	Ministry of Local Government, Chieftainship and Parliamentary Affairs
NDISAP	National Decentralisation Implementation Strategy and Action Plan
NGOs	Non Governmental Organisations
NSDP	National Strategic Development Plan
OAG	Office of the Auditor General
PAC	Public Accounts Committee

PFM	Public Financial Management
PPP	Public-Private Partnership
PRS	Poverty Reduction Strategy
PSIRP	Public Sector Improvement Reform Programme
SADC	Southern African Development Community



Prepared from Lesotho Map 1:750 000 (1977) by the Department of Lands, Surveys & Physical Planning (LSPP), P.O. Box 876, Maseru 500

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Administrative Map of Lesotho

FOREWORD

Dear Stakeholders,

I'm pleased on behalf of the Government of Lesotho, to share with you our first ever National Decentralisation Policy.

Lesotho is unique in many respects. It has been called the Kingdom in the sky and other similar names in admiration of its unique natural beauty. In terms of governance it is a Kingdom with a vibrant democracy at all levels. Decentralisation has been Lesotho's long-term program to empower citizens, promote equitable development, and protect territorial integrity and security since pre-colonial times. All these decades, however, it has not advanced as fast as was expected, often making reversals because we didn't get many things right.

Over the last 8 years, however, we have made some progress with 2 successive democratically elected Local Councils in 2005 and in 2012. During this period, local councils have helped bridge the gap between the Central Government and communities by facilitating citizens' mobilisation, identifying development needs and implementing some projects in areas such as opening up new rural roads. While service delivery by councils is still low, we have, nevertheless, learnt lessons and established a foundation on which to build stronger more effective Local Governments.

We realised that Lesotho's decentralisation will only advance if we have a well formulated policy with a nationally owned vision, clear objectives and measurable strategic results. We embarked on policy formulation after careful reflection on where we are and what lessons we have learnt from our own and other countries' experiences in decentralisation.

We have formulated this policy through a highly participatory and consultative process. The policy statements and strategic actions contained in this Policy therefore reflect the views and aspirations of Basotho, the GoL's priorities for decentralisation and inputs from Lesotho's development partners. I wish to reiterate the fact that this is a national policy which embraces all sectors of Governance and development. I also take opportunity to restate the Government's commitment to fully implement the Policy. I'm confident that this policy will help us focus and sustain our decentralisation process around building stronger and more effective local authorities, economically empowered and politically active citizens who are responsible for their own destiny.

Finally, I appeal to all stakeholders to own this policy and take it as a key guiding document in their programs, projects and routine activities. It is only through concerted efforts of all of us that this policy will make the desired difference in the lives of Basotho and the nation's aspirations.

Mothetjoa METSING

**Deputy Prime Minister and Minister of Local Government,
Chieftainship and Parliamentary Affairs**



EXECUTIVE SUMMARY

Overview

Lesotho is a unique country in terms of everything from its location to its geography, its people and its governance. It's a vibrant multi-party democracy at all levels but His Majesty the King is the Head of State. This Decentralisation Policy has been formulated to provide a framework for deepening and widening the economic and social benefits of democracy to all citizens.

It is important to appreciate that Lesotho has struggled with decentralisation and participatory local governance for most of its colonial and post-colonial history. District councils were first formed in 1959 but were abolished only 8 years later. Subsequent decades and the political processes that followed created unstable conditions for local governments to evolve with viable political, administrative and fiscal capacities. Over the last 8 years, however, the country has managed to maintain elected local councils at district, community and urban levels using the Local Government Act of 1997 (amended several times) as the main instrument. To-date, however, these councils have remained under-funded and not structurally supported by a clear administrative and service delivery framework. Elected local councils have provided the Government, development partners and citizens a good platform to promote grass-root democracy and raise local development needs to be addressed, but there have not been sufficient structures and systems to address development. The Government has, therefore, decided to take them to a higher level by providing policy guidance, robust institutional structures and financing mechanisms.

Objectives of the Decentralisation Policy

The purpose of the decentralisation policy is to deepen and sustain grassroots-based democratic governance and promote equitable local development by enhancing citizen participation and strengthening the local government system, while maintaining effective functional and mutually accountable linkages between central and local governments entities.

The specific objectives of the Policy are to:

- i) increase citizens' access to public services;
- ii) ensure quality and accountable service delivery at local levels;
- iii) increase *participation* of citizens and non state organisations in governance and service delivery;
- iv) promote equitable economic development;

- v) promote livelihood and economic security;
- vi) enhance local autonomy by ensuring that local government institutions are sustainably capacitated and organised with a strong collective voice;
- vii) promote the preservation of national values, identity and unity by re-positioning and empowering the chieftainship and other traditional institutions;

Key areas of Policy focus and strategic action

- 1) Adopt devolution as the Mode of Decentralised governance and service delivery;
- 2) Establish Local Governments with autonomy and executive authority;
- 3) Develop and implement a strategic framework for participatory and integrated planning;
- 4) Fiscal decentralisation and prudent public financial management;
- 5) Develop a framework for exercising local autonomy and Inter-governmental relations;
- 6) Implement a strategy for human resources management in local governments;
- 7) Provide an enabling legal framework for devolution;
- 8) Introduce performance contracting to increase efficiency in service delivery;
- 9) Develop Mechanisms for participation and coordination of non state actors;
- 10) Implement a national strategy for local economic development;
- 11) Develop data and information systems to support evidence-based decision making;
- 12) Implement a strategy for settlement re-organisation and urban development;
- 13) Implement a strategy for integrated land use planning;
- 14) Re-defining the role and position of chiefs and the chieftainship;
- 15) Decentralisation to localise regional integration and international cooperation;
- 16) Civic Education programs to enhance citizens' empowerment and accountability;
- 17) Communication strategy to foster inter-governmental relations and change management;
- 18) Scale- up investments in ICT infrastructure to promote e-government and local economic transformation;
- 19) Implement a Strategy for community development and local innovation;
- 20) Centre of excellence in decentralised governance and local development;
- 21) Develop sustainable capacity at national and local levels for effective decentralization.

Implementation Strategy

This policy will be implemented following a phased approach to enable the Government and implementing partners to take measured steps, learn by doing, and to better define targets, manage the process with existing capacities, focus resources on high level priorities, and ensure that all actors in decentralisation are well coordinated.

1. INTRODUCTION

1.1 General Background

Lesotho has progressed considerably in its democratisation process, with a vibrant multi-party democracy at all levels. Citizens elect their leaders freely in democratic elections, and at local Government level, two consecutive terms of local councils have been elected, directly (at community council and later urban council level) and indirectly (at district Council level).

Decentralisation in Lesotho has also been driven by the need to promote long-term political stability that is rooted in effective service delivery, equitable local development and knowledgeable and skilled citizens.

Lesotho's decentralisation is enshrined in the National Constitution of 1993 and operationalised through several national legislations and policies. These instruments emphasise promotion of participatory democratic governance including political stability; human rights and security; livelihood improvement and equitable local development, among others.

Decentralization was considered to be the main mechanism to promote good governance, enhance local development and take services closer to citizens. Efforts to implement decentralisation using the legal instruments (mainly the Local Government Act of 1997), have only succeeded in creating political councils with limited technical capacity, resources and guiding framework to deliver services to citizens. This has led to unfulfilled expectations and citizens' dissatisfaction with local councils. It is on this basis that the Government decided to formulate a comprehensive national decentralisation policy.

1.2 Current Strategic Framework for Decentralisation

1.2.1 Policy and Legislation

Decentralisation will be considered a framework to realize national development goals stated in various policies and strategies. The main ones linked to decentralization are:

- 1. The Vision 2020:** This long-term development framework, among others, places decentralisation and participatory governance at the centre of Lesotho's transformation to a democratic, stable and prosperous country. The Vision reiterates the government commitment to good governance, and highlights the Government's commitment to implementing decentralisation and establishment of a well established system of local governance with full ownership and participation of citizens in decision making.
- 2. National Strategic Development Plan (NSDP) 2012/13-2016/17:** The NSDP is the GoL's medium-term plan to achieve accelerated and sustainable economic and social

transformation. Strategic actions to achieve the NSDP objectives, of which decentralisation is a key pillar, are: a) to enhance systems and capacity of local authorities for planning, budgeting, monitoring and evaluation of projects and accountability of public expenditure; and b) to establish an effective and efficient Local Government system with a major component of the Government's strategy to fulfil these commitments.

- 3. Public Financial Management (PFM) Reform:** The Government is presently reviewing the PFM laws, regulations and systems to increase efficiency and effectiveness in public budget and expenditure management. A key component of this framework is to extend the Integrated Financial Management System (IFMIS) to local government operations, and strengthen financial reporting from all cost centres within Government.
- 4. Public Sector Improvement Reform Programme (PSIRP).** This programme aims to improve efficiency in the public sector. Component 2 of the PSIRP specifically identifies decentralisation as the main framework for improving service delivery. The PSIRP also outlines the outcomes that serve as guidelines for decentralisation in Lesotho, among which is the clarification of roles and functions and building capacity of local authorities. Further public sector reforms are planned in the medium term and its important to ensure that they are informed by the National Decentralisation Process.
- 5. MoLGC Strategic Plan (2009-2013):** A five-year strategy adopted in 2009 aimed to promote a sustainable and effective local governance system in order to improve service delivery and enhance the quality of life for all Basotho. Formulation of a comprehensive national decentralisation policy was a key output of this strategic plan.

The main legislation guiding decentralisation and local governance in Lesotho to date are:

- 1) **National Constitution, 1993:** mandates parliament to establish local authorities. Section 106 (1) 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 are mandated to perform such functions as may be conferred by an Act of Parliament"*.
- 2) **Local Government Act, 1997 (as amended):** provides the legal basis for establishment and operational functioning of local councils (district, municipal, urban and community councils) and deconcentrated administrative structures. Local Government elections since 2005 have been held under the Local Government Amendment Act, 2004. This provided for inclusion of Chiefs in councils through nomination by fellow chiefs.
- 3) **The Chieftaincy Act, 1968:** recognises and provides for the existence and operations of chiefs in a changed governance environment. This law has also been amended in view of the new roles between councillors and chiefs under decentralisation.

- 4) Other legislation relate to human resources and public financial management regulations. They include the Local Government Service Act, 2008 which provides for recruitment, remuneration and discipline of personnel in local governments; and the Local Government Elections Act (amended) which deals with election of local councils.

1.1.2 Political Systems and Structures

Political decentralization refers to the transfer of political decision making authority to local structures, usually occupied by elected officials. Emphasis is put on elected leadership because the aim is to transfer power to citizens through local leadership that are closer and more accountable to them. Thus political decentralisation aims to increase the voice of citizens by deciding who leads them through free, democratic regular vote.

There are 4 levels of decentralised political structures in Lesotho, i.e. 10 District Councils, 1 Municipal Council, 11 Urban Councils and 64 Community Councils are elective. The structure of each council is summarised as follows:

- i) ***District Councils:*** are constituted by councillors indirectly elected through electoral colleges. The electorate comprises members of community and Urban Councils within the district. Council resolutions are implemented by the District Council Secretary (DCS) who acts as the Head of the Council Secretariat and Chief Executive Officer in the district.
- ii) ***Municipal Councils:*** These are constituted by councillors representing wards within an urban area categorised as Municipalities. Presently, the City of Maseru is the only urban area with the Municipal status.
- iii) ***Urban Council:*** The councils of the designated urban areas of Botha-Bothe, Leribe (Hlotse), Berea, Mafeteng, Mohale's Hoek, Quthing, Qacha's Nek, Thaba-Tseka, Mokhotlong, Maputsoe and Semonkong constitute urban councils. With the exception of Maputsoe in Leribe district and Semonkong in Maseru, all other urban councils serve as seats of district headquarters.
- iv) ***Community Council:*** Community councils are the lowest formal government structures in the hierarchy of Government. They are constituted by Councillors elected to represent Electoral Divisions (EDs) and 2 chiefs representing chiefs within the area constituting the community or urban councils, as well as 2 chiefs elected/nominated by other chiefs in the local government area to represent them in the council. An ED is a cluster of 2-4 villages depending on the population.

At local level, only Councillors are elected. Presently, there are 194 district councillors, 164 urban councillors and 1,256 community councillors. There is fair gender balance and women account for 49% of councillors. The Councils are headed by Chairpersons elected at the first

sitting. The lowest level is the Community Council and Urban Council which comprise of directly elected councillors, including 2 Chiefs (elected by gazetted chiefs). These constitute electoral colleges for District Councils. The local council structures are presented in table 1. Despite overlapping jurisdictions, these councils are independent as the law considers each council a body corporate.

Table 1: Present Local Government Structures by District

	District	Area (Km2)	Population (2006)	No. of Councils	No. of directly elected Councillors	No. of Political groups in Councils
1	Botha-Bothe	1,767	110,320	6	68	7
2	Leribe	2,828	293,369	14	167	7
3	Berea	2,222	250,006	10	97	7
4	Maseru	4,279	393,154	13	116	6
5	Mafeteng	2,119	192,621	9	92	4
6	Mohale's Hoek	3,530	176,928	9	105	4
7	Quthing	2,916	124,048	7	84	4
8	Qacha's Nek	2,349	69,749	5	65	2
9	Thaba-Tseka	4,270	129,881	7	89	5
10	Mokhotlong	4,075	97,713	6	73	4
	Total		1,876,633	86	926	

Data Source: MoLCPA Records

As indicated in table 1, political representation in Lesotho's local councils is diverse. This diversity underscores the importance of political parties in decentralisation, and highlights the need to manage diversity through consensus.

1.1.3 Administrative Structures, Systems and Practices

Administrative decentralization relates to the transfer of functions, authority, responsibility and financial resources to lower entities or other institutions (parastatals or private institutions) to facilitate provision of public services. Political decisions can only be translated into actual results by competently qualified technocrats in a bureaucratic system.

Administrative decentralization have been implemented through allocation of functions and responsibilities in the Local Government Act 1997 and subsidiary legislation. A Local Government Service (LGS) is responsible for all personnel in local councils.

1.1.4 Fiscal Decentralization and Public Financial Management

Financial responsibility is a core component of decentralization. If LGs are to carry out decentralized functions effectively, they must have adequate and predictable flow of income. The main challenges of policy interest for fiscal decentralisation are:

- 1) ***inadequate funding***: Financial transfers to local councils have revolved around M 179 million – 229 million during the period 2007/08 – 2012/13¹, which is about 2-5% of national recurrent budget. It should be noted, however, that inter-governmental transfers to-date only relate to the budget appropriated to MoLGCPA (about 60% of the MoLGCPA budget). They would increase significantly under devolution.
- 2) ***Weak Public Financial Management and accountability systems***: Financial management in LCs is manual, making it difficult to create a credible PFM system. The treasury considers the current budgeting process in local councils as below the required threshold for public expenditure. Without a credible budgeting and public expenditure and accounting system, it is difficult to entrust local councils with public funds.
- 3) ***Low local revenue generation***: Local Councils collect hardly any revenue, with some collecting no more than M 5,000 a year – just enough to pay one councillor’s allowances for one month. The Government acknowledges the absence of incentives to maximise local revenue collection, complicated by having multiple revenue collection institutions².

1.1.1 Institutional Framework and Inter-Governmental Relations

Decentralisation is coordinated by the Ministry of Local Government, Chieftainship and Parliamentary Affairs (MoLGCPA). Although other ministries and institutions are expected to play a significant role especially those which have shared responsibilities in service delivery with decentralised entities, they have only deconcentrated offices at district level.

There are national institutions (parastatals, Boards, authorities and commissions) with a key role to play in decentralisation. These include the Auditor General’s Office, Ombudsman’s Office and other authorities and parastatal bodies. The involvement of these institutions with local authorities is still low, largely due to absence of policy guidance, technical and institutional capacity, among other factors.

¹ National Budget Estimates (In Kellam III & Muwanga, 2013. Diagnostic Assessment of Decentralisation in Lesotho.)

² Lesotho Revenue Authority (LRA) collects all tax revenue – including customs and internal revenue (Value added Tax and Pay as you earn (PAYE)); *The Ministry of Trade and Industry* collects trade licence fees; *The Ministry of Interior* collects livestock branding and registration fees; *The Ministry of Transport* collects vehicle and automobile registration and licence fees; while *Local councils* collect an assortment of fees, fines, rents that include ground rent, market dues, pound and grazing fees, as well as public toilets, abattoirs, sale of goods and kiosks.

1.2 Key Factors underlying Lesotho's Decentralisation Process

A number of factors have influenced and continue to shape Lesotho's local governance and the decentralisation model that the country adopts. The most critical ones are:

- 1. Political institutions and actors:** Lesotho is one of the most progressive multiparty democracies in Africa, with progressive gender policies. In some districts, up to 7 political groups (parties and independents) are represented in Local Councils. The Decentralisation Policy must therefore enable political parties to promote grass-root democracy, participatory and accountable governance and equitable service delivery.
- 2. Governance system:** As a parliamentary democracy, the party or coalition of parties with the majority of seats in the National Assembly forms the Government, with a similar situation expected at local government levels. It is thus realistic to appreciate the influence of local politics, including who is nominated to lead or what priorities they will spend public resources on, but this has to be guided by national policy.
- 3. Monarchy and chieftaincy:** The chieftaincy institution remains the fulcrum of Basotho nationalism and governance despite shifts in power balance. Chiefs are regarded by Basotho as symbols of unity and cultural preservation. The role played by chiefs is exercised under the Chieftaincy Act of 1968. A chief is considered the first custodian of law and a symbol of His Majesty's authority at village level. Lesotho is a nation that takes pride in its history and is keen on preserving positive attributes of its history to shape its governance and development models. Democratic decentralisation, however, necessitates reviewing the position and role of the Chieftaincy so that chiefs can contribute to governance and service delivery in ways that avoid antagonism and conflict with democratic and citizen-managed institutions.
- 4. Social and demographics:** The changing social environment and demographic patterns means that ability to deal with issues of concern – e.g. youth employment, access to services, equitable development, etc., will re-direct the political agenda and influence leadership. Attention to local specific challenges will increase as decentralisation deepens, more resources are transferred to sub-national entities, and as technical competences and leadership quality at lower levels improve.
- 5. Economic structure:** Lesotho's economy is dominated by a few extremes i.e. the tertiary sector (largely trade concentrated in the hands of a few urban dwellers) and the primary sector (predominantly smallholder agriculture struggling to meet the basic nutritional needs of 75% of Basotho that depend on it). Through decentralisation, the Government will intensify efforts to exploit opportunities in tourism, services and commercial agriculture in addition to emerging sectors like mining and manufacturing, to increase employment, reduce poverty and promote equitable development.

- 6. Geography and settlements:** the rugged terrain and scattered settlements are a major constrain to delivery of public services. The Government is constrained to extend services to remote areas because of the small resource envelope and the high cost of delivering services. Decentralisation has potential to address issues of local development concern (such as energy, rural roads, public health, water, etc) in a cost-effective way, primarily because of its focus on local development.
- 7. Natural resource distribution:** Natural resources – including water, minerals and unique landscapes – are important drivers of Lesotho’s economy, even though the current levels of exploitation are sub-optimal. These resources, however, are not evenly distributed throughout the country. Decentralisation will assist the Government in exploration and sustainable exploitation of natural resources in different localities, and ensure that the proceeds from such resources specially benefit local populations.

1.3 Strategic Issues for Decentralisation in Lesotho

This decentralisation policy aims to address the following strategic issues for local governance and service delivery:

- 1. Need for efficient, financially viable and technically effective local government structures:** The Government appreciates citizens’ concerns that local councils are not appropriately organised and adequately capacitated to deliver services effectively. It acknowledges the need to re-organise territorial boundaries³ and technically strengthen local Government structures for better services, cognisant of the need to manage public administration costs.
- 2. Quality of local leadership and institutions:** The GoL is aware that one of the dilemmas faced in decentralisation is to ensure that there is quality and visionary leadership at the local level, especially where existing laws do not make any specific provisions. At the same time, this must be balanced with the obligation to sustain the democratic rights of citizens to elect leaders of their choice as enshrined in the Constitution. Considering the role of political parties in ensuring quality local leadership, political institutions must pay attention to leadership and managerial capabilities of aspiring leaders to ensure effective decentralisation. The Government also acknowledges the need to empower citizens with civic information and knowledge so that they can vote leaders with desired capabilities, including appropriate formal education qualifications. The Government will implement

³ For instance, Maseru City - the largest and most densely populated administrative unit, is served by only one council – the MMC, with no lower level councils. As a result, citizens’ access to services both in terms of cost and efficiency, is reported to be a challenge, and the MMC’s’ ability to collect revenue and enforce legislation such as building regulations, property rates or solid waste management, is difficult.

measures to encourage people with requisite skills to aspire for local government leadership positions or make contributions in other local platforms.

- 3. Need to increase financing for decentralised activities:** The Government appreciates the fact that devolution cannot effectively work without adequate and reliable financing. Local Governments must also be supported to develop their own revenue potentials. Another issue of concern in this regard, is the fact that the Local Councils have yet to develop capacity to take responsibility for all budgeting and expenditure responsibilities, resulting in Central Government often taking up some of the Local Government responsibilities. The Government considers that devolving the responsibility for local budgeting and other PFM issues to local councils and enabling such levels to have cost centres will increase performance of Government across all sectors.
- 4. Coordination of decentralised functions:** The Government acknowledges that there is inadequate coordination of public sector institutions, resulting in duplication of effort and inadequate provision of services to citizens. The Government is aware that institutional structures, human resource management strategies, and legislation may in some areas constrain rather than support efforts to promote coherent and coordinated planning and implementation of public services. Decentralisation is expected to facilitate establishment and operationalisation of appropriate coordination mechanisms at national and sub-national levels.
- 5. Citizens' Participation in and control over service delivery:** The Government acknowledges the fact that regular free and fair multi-party elections are not an adequate measure of citizens' participation. Citizens must be empowered with the information, knowledge and confidence to demand for services and hold their local leaders and other service providers accountable. Local leaders should in turn also be able to ensure that citizens have access to information on services, and should have the means to respond to citizens' needs.
- 6. Information systems and information management:** The Government acknowledges that there is inadequate information flow to citizens about Government policies and programs. Decentralisation, as a political and technical process must be effectively communicated for stakeholders to understand and participate effectively. The Government considers decentralisation as an important arrangement for creating effective communication channels that link Government to citizens and other actors.
- 7. Inadequate participation of civil society:** The GoL recognises that inadequate involvement of important non state actors, notably Non Governmental Organisations (NGOs), Faith-Based Organisations (FBOs) and community-based organisations (CBOs). The Government recognises the role of these stakeholder groups, and the need to facilitate them to contribute effectively to the national and local development processes.

Decentralisation must provide appropriate framework for these non state actors to align their programs to local development plans.

- 8. Environmental Management and sustainable Development:** Environmental degradation threatens the sustainability of livelihoods and economy, yet local councils do not have sufficient technical and financial resources to address degradation. The Government acknowledges that despite the fact that environmental degradation and unsustainable use of natural resources is a threat to poverty reduction and sustainable development. Lesotho is also susceptible to climate change and the effects of limited mitigation and adaptation are most felt at local level. It is also concerned that there are inadequate measures to respond to such challenges.
- 9. HIV/AIDS mainstreaming:** Local councils have played a key role in the fight against HIV/AIDS, especially through sensitisation and mobilisation. The GoL recognises that Local councils are constrained in dealing with HIV/AIDS challenges and that more needs to be done. Decentralisation should empower local actors to address HIV/AIDS challenges.
- 10. Infrastructure for Local Development:** Local Councils face severe infrastructure challenges – District authorities work in small often dilapidated buildings, while Community Councils have even more shortages of workspace and other infrastructure. The Government acknowledges that local governments need to have basic facilities if they are to deliver services effectively.
- 11. Human Resources Management:** There are severe shortages of skilled personnel in critical areas, despite concerns that the public service is over-established. The deployment, supervision and motivation of human resources also indicate low productivity. Decentralisation must enhance human productivity to improve service delivery.

Against the backdrop of these challenges, Lesotho aspires to a decentralisation policy that will assist to:

- 1. Provide better services to citizens:** Although Lesotho is physically a small country, Government structures are perceived to be far away from citizens. It is the wish of the citizens and intention of the Government to ensure that all Government services are accessible to all citizens and of acceptable quality.
- 2. Enhance citizens' empowerment and participation:** Enable citizens to actively participate in governance and service delivery activities, and take responsibility for their own development. Basotho must have power to demand quality services.
- 3. Facilitate job creation, food security and poverty reduction;** The concerns for reducing unemployment, increase food security, improve rural livelihoods and eradicate poverty, are overwhelming. Decentralisation is considered to be a good mechanism to respond to such multi-sectoral challenges that often require local solutions.

- 4. Promote equitable local development:** The Government appreciates that the economic growth that Lesotho has experienced has not benefited many ordinary Basotho (high Gini coefficient of 52.5 indicates high levels of inequality). Decentralisation must be used as an instrument for rural development and equitable growth by re-focusing public investments to local issues while Central Government focuses on issues of policy and strategic nature.
- 5. Reduce public sector inefficiency:** the Government of Lesotho acknowledges the need to improve productivity of its human resources and improve public financial management, including ability to provide more and better services with less resources. Decentralisation is considered to be a good framework to mobilise more resources and extend better services to citizens using less resources.
- 6. Facilitate locally beneficial regional and international cooperation:** The Government is keen to ensure that Basotho directly and productively benefit from regional and international cooperation initiatives⁴. Decentralisation must ensure that Lesotho's local development concerns i.e. youth employment, cross-border movement of labour and goods, climate change and food security, education and skills, are given priority in regional and international platforms.

⁴ E.g. SADC (Southern Africa Development cooperation), NEPAD (New Partnership for Africa's Development) and AGOA (Africa's Growth and Opportunities Act), among others

2. THE VISION, MISSION AND OBJECTIVES OF THE POLICY

2.1 Vision and Mission

The basis of the Vision of the Government for decentralisation is the aspirations of Basotho for good governance and socioeconomic transformation, and is intended to facilitate the realisation and sustainability of the Vision 2020 which states thus: *“Lesotho shall be a stable democratic, united and prosperous nation at peace with itself and its neighbours, with a healthy and well developed human resource base, a strong economy in which the environment is sustainably managed and the foundations for technological advancement well established by 2020”.*

Vision

“Economically empowered and politically active citizens, who are able and motivated to solve their own problems, feel that Government is closer and accountable to them, and are satisfied with the delivery of public services”.

The Mission

To promote political stability, faster and equitable development, and enhance citizens’ participation in governance and service delivery in Lesotho.”

2.2 Purpose and Objectives of the Policy

The purpose of the National Decentralisation Policy is to reduce poverty, promote equitable local development and enhance participatory governance, by transferring functions, responsibilities and resources for service delivery to local authorities and empowering citizens to actively participate in all service delivery processes.

In order to realize this goal, the following strategic objectives will be pursued:

- i) To increase citizens’ access to public services by devolving functions, responsibilities and resources for service delivery to local government structures, and ensuring that services are provided at levels that are as close to citizens as possible;
- ii) To ensure quality and accountable service delivery at local levels by strengthening downward and upward accountability at national and local levels;

- iii) To increase *participation* of citizens and non state entities in service delivery by establishing appropriate mechanisms to actively involve them in decision-making processes regarding service delivery;
- iv) To promote equitable economic development by encouraging and facilitating local economic activities, through local infrastructure development, incentive-based investor mobilisation and other initiatives that directly benefit local people;
- v) To increase livelihood and economic security by ensuring sustainable utilisation and management of land and other natural resources, and controlling environmental degradation;
- vi) To enhance local autonomy by ensuring that local government institutions are sustainably capacitated and organised with a strong collective voice to engage proactively and effectively address issues of common concern;
- vii) To promote the preservation of national values, identity and unity by re-positioning and empowering the chieftaincy and other traditional institutions to work harmoniously with democratic local and national structures;

2.3 Guiding Principles for Decentralisation in Lesotho

The Decentralisation Policy has been formulated on the basis of the aspirations of democratic, participatory and accountable governance that the Government and people of Lesotho aspired for through the Vision 2020. Its conception and implementation is guided by the following principles:

- (i) **Participation:** Decentralisation historically evolved to bring decision making power to levels closest to the citizens in order to enable them participate actively and have influence over the decisions made. Popular participation is enhanced if citizens are sensitised, are given information and their self-confidence to hold leaders accountable, is developed.
- (ii) **Subsidiarity:** The principle of subsidiarity aims to promote efficiency, quality and equity in service delivery, by advocating that functions be performed by the lowest administrative level possible. Central Government should have a subsidiary function, only performing functions that cannot be undertaken effectively at the Local Government level. At sub-national level, district authorities must also ensure that only those functions that cannot be performed by community or urban councils are retained. Upholding the subsidiarity principle requires that local level government structures be technically, administratively and politically empowered to undertake the functions devolved to them.
- (iii) **Separation of power:** Efficiency and accountability in governance and service delivery require that there must be clear separation of powers, functions and responsibilities between political, administrative and technical entities, and between national and local

entities. This must be reflected in the structures and functional linkages, and in the tools, behaviours and practices of actors. Separation of powers, roles and responsibilities assist to avoid duplication, overlaps and conflicts that undermine good governance and development. Without this separation, downward accountability will be compromised and Local Governments might not perform as expected. This, however, should not be pursued by negating positive values of complementarity, integration and coordination that are important success factors in decentralisation.

- (iv) **Local autonomy:** Under devolution, Local Governments are considered to have some level of independence in decision making. Respecting the principle of local autonomy, identity, interests and diversity will enable decentralization to facilitate local innovation and creativity in addressing local livelihood and development challenges; champion people’s participation in addressing their own needs and pursuing their interests; enhance resource mobilisation to translate local development plans from wish lists to results; and provide a platform for citizens and their local leaders to resolve political and social conflicts locally and satisfactorily.
- (v) **Non-Subordination:** This relates to mutual respect between Government levels i.e. the Central Government should not dominate or undermine the Local Government because of its stronger position. Likewise, within Local Governments, district authorities should not dominate lower level authorities (Municipal, Community or Urban Councils). This, however, should not be construed to imply that central Government should not intervene whenever local Governments make decisions outside the law.
- (vi) **Government as a single system or entity:** Decentralisation aims to create sub-national Governments with considerable autonomy but must maintain the authority of one Government as required more so in a small and unitary state like Lesotho. Very often citizens do not know or care about the differences between Central and Local Government but are interested in services being accessible. They see and relate with Government as one entity. Government entities have obligation to work together towards the same national goals, and must find ways of managing differences⁵).
- (vii) **Recognising diversity within uniformity:** Decentralization is premised on the fact that local issues are too important to be ignored and that they are best addressed through competent and capable local government entities. The national government, however, remains responsible for ensuring that all citizens have access to services irrespective of where they live within national borders. This means that they must support and treat Local Governments differently on the basis of their differences in term of resource endowments, infrastructure capacities, demographic and geo-physical features and political structure. It also means that local autonomy should be exercised and supported to the extent that it

⁵ For example, in cases where one or more Local Governments are formed by parties different from the one heading national government.

promotes positive development. A delicate balance must be maintained between local autonomy, power separation and upholding national unity.

- (viii) **Inclusive governance:** Although Basotho are a closely knit society by way of culture, language, beliefs and aspirations, there are inequalities of gender and socio-demographic nature. Women and youth are perceived to be excluded from key decision-making processes despite their numbers even in senior positions of decision making (49% of local councils, 31% in cabinet as of December 2013). Decentralisation must ensure gender equality and equity, and effective participation of youth, people with disabilities (PWDs) and other excluded groups. This principle is consistent with the Constitution 1993, national laws on gender equality and equity and international conventions⁶ to which Lesotho is signatory.
- (ix) **Accountability:** Inter-governmental relations should be characterised by vertical and horizontal accountability linkages that are clear, transparent and cost-effective. Local Government authorities account to the central Government and to citizens. This is especially important to foster mutual accountability at all levels, especially considering that both central and local governments have the common goal of serving and uplifting the wellbeing of citizens.

⁶ These include the convention on elimination of all forms of discrimination against women, the universal declaration of human rights, and the African Charter and people's rights.

3. POLICY STATEMENTS AND STRATEGIC ACTIONS

In order to realize the participatory governance and equitable development aspirations enshrined in the Vision 2020 and embedded in the objectives of the Decentralisation Policy, the following policy priorities and strategic actions will be pursued.

3.1 Devolution as the Mode of Decentralised governance and service delivery

The Government will devolve functions, responsibilities and resources relating to service delivery to Local Governments to the fullest extent possible.

The Government shall ensure that the decentralized functions are continuously clarified as devolution progresses, and ensure that all actors have a common understanding of what is expected to be performed by each level.

Under devolution, line ministries in Central Government shall have responsibility for initiating and formulating policies and national strategies, work with local governments to set targets and prepare sectoral budgets, and provide technical support and monitoring of the implementation processes. Local Governments, on the other hand, shall be responsible for implementing national policies and strategies through local development plans, taking into consideration their unique local needs, priorities and resources.

3.2 Establish Local Governments with Autonomy and Executive Authority

The Government shall constitute administrative and territorial entities with the status of District, City and Municipality, into Local Governments. The local governments shall have autonomy in decision making to the extent determined by law and exercised in accordance with Article 106 of the Constitution.

The Local Governments shall comprise of: i) Executive headed by elected Mayors; ii) Councils with legislative roles as well as provide checks and balances within the confines of the law; and iii) an Administrative structure headed by an appropriately qualified senior civil servant who will be the overall custodian and chief accounting officer for all Local Governments' physical assets, human and financial resources.

The Government will ensure that Local Governments are territorially and administratively structured to deliver services at the lowest administrative levels possible, and as close to the people as possible without compromising quality and efficiency.

The creation and review of administrative entities and demarcation of boundaries for district, City/Municipal, Urban and Community Council, Electoral Division (ED) and village levels shall be made through a transparent process that emphasises increased access to services, development potential, management capacity, and cost of public administration.

The key strategic actions will include:

- (i) Undertake political and legal reforms to establish and clarify relationships between the Executive, council and administrative structures in the districts;
- (ii) Develop operational manuals and tools to ensure that all delegated and de-concentrated functions from the central to local governments are clearly articulated and that the delegating entity has provided the required resources;
- (iii) Establish mechanisms (including criteria and guidelines) for demarcating administrative boundaries of local governments and lower level administrative entities to ensure that they are politically viable, administratively efficient and financially feasible;
- (iv) Ensure that public service reforms are undertaken to facilitate local governments administrative structures and recruitment and deployment of suitably qualified personnel.

3.3 Strategic Framework for participatory and integrated planning

The Government recognises the sustained improvement in wellbeing of Basotho as the main focus of decentralisation, therefore all planning must focus on faster poverty reduction and equitable local development. This calls for integrated rather than thematic or sectoral planning. The Government appreciates the need to improve coordination between local and national planning in order to efficiently utilise the scarce resources and deliver services for all citizens.

The Government will ensure that all development planning is integrated, participatory, evidence-based, and focused on addressing the priority needs of citizens, taking into consideration the national strategic priorities and local specific needs and priorities.

The Government will promote and support innovative area-based planning to enable local government leaders and their partners effectively address specific local development challenges, taking advantage of existing opportunities. The Government will ensure that national plans reflect local priorities and are well linked to local development plans.

The policy actions include:

- (i) Establish village development committees, as community structures to interface with local technocrats in articulating and translating local people's needs into action plans;
- (ii) Ensure that qualified Rural/Community Development facilitators are deployed at lower administrative levels to work as Village Development Facilitators. Ensure that they are appropriately equipped to work harmoniously with local people, and political leaders;
- (iii) Ensure that local planning is results-focused and evidence-based, taking into consideration the locally available resources and capacities;
- (iv) Establish local development support funds to assure reliable financing for local development projects;
- (v) Establish institutional structures and systems to foster bottom-up and top-down coordination of multi-sectoral development planning, monitoring and evaluation, so that all stakeholders' needs, priorities and views are incorporated in the formulation and implementation of local development plans. Ensure regular joint reviews and evaluations.
- (vi) Develop tools for area-based planning to enable each district or locality to have its own baseline, understand its strengths and weaknesses, and develop its own local vision within the wider national vision;
- (vii) Put in place mechanisms to mobilise and ensure community contribution to foster local ownership of development programs.

3.4 Fiscal decentralisation and prudent public financial management

The Government recognizes fiscal and financial management as the pulse of decentralisation, considering that the ability to deliver services largely depends on availability of resources, discretion and leverage that Local Governments have to manage public expenditure.

The Government will undertake measures for inter-governmental fiscal transfers that enable faster and more efficient implementation of service delivery, while maintaining strict fiscal and public financial management discipline.

The Government will establish strong systems and procedures to assure effective, efficient, transparent and accountable planning, budgeting, public expenditure management, and accountability at all levels of the decentralised service delivery. The Government will ensure that local fiscal autonomy is exercised prudently and within established framework of zero tolerance to corruption and strict adherence to the law.

The Government will support Local Governments to progressively increase their ability to finance their own programmes by exploring and effectively utilizing local fiscal potentials.

Central Government entities will be supported to decentralize and fully integrate their activities within the Local Government system.

Strategic actions will include:

- (i) Strengthen local budgeting and expenditure management system by, *inter alia*, establishing fully fledged cost centres at local government level;
- (ii) Review the revenue collection system for Local Governments to develop capacity in revenue generation and management;
- (iii) Establish an equalisation system where local governments with special needs or challenges are specifically supported over and above uniform fiscal transfers;
- (iv) Establish strong safeguards that involve multiple oversight activities from public accountability institutions, by ensuring that public anti-corruption and accountability institutions are sufficiently capacitated to enforce best practices in local government financial accountability and reporting;
- (v) Develop systems to enable citizens to access information on approved budgets, transfers made and expenditure reports from Local Governments.

3.5 Framework for exercising local autonomy and inter-governmental relations

The Government is aware of sensitivities associated with devolution, and will ensure that local autonomy is exercised in ways that promote harmonious inter-governmental relations in all domains from political, administrative, fiscal and financial management.

The Government will establish platforms for regular dialogue within and between central and local government authorities, in order to ensure that all misunderstandings and potential conflicts are identified and proactively addressed before they can cause tensions and other setbacks to political stability and service delivery.

The Government will establish clear lines of communication between the central and local governments, and, at each level of government, clear communication lines between executive, technical/administrative and legislative structures. In this respect, the Government will ensure that all persons holding public offices understand and recognise the protocols and hierarchies within central and local governments, and follows established guidelines in dealing with each level of Government, without creating undesired consequences to service delivery.

The Government shall support Local authorities to establish an Association of Local Authorities as a formal legally recognised institutional mechanism to enhance collective voice in inter-

governmental relations, intra-governmental cooperation, capacity building, and as a platform for advocacy and leadership development at local and international level.

3.6 Strategy for human resources management in local governments

The Government recognises that a highly skilled and motivated workforce is a critical aspect of successful decentralisation, as service delivery ultimately depends on availability and effective deployment of technical skills.

The Government will ensure that all local governments have the requisite human resources in all service delivery domains considered important in their areas, and have adequate authority and means to appropriately deploy, remunerate and supervise them to optimise productivity.

The Government will implement measures to ensure increased human resource productivity and sustained performance improvement at all levels in the decentralised service delivery system.

3.7 Provide an enabling legal framework for devolution

The Government shall review existing legislation and develop a comprehensive legal framework to provide guidance and enforcement in the implementation of decentralisation. The Government will also ensure that all actors have knowledge and understanding of the relevant legal instruments important for their day to day work, including powers and obligations of each level of Government.

The Government will undertake comprehensive and regular review of all legislation relating to decentralisation, to ensure that they are supportive to decentralisation. Particular focus will be put on structure and functioning of political and administrative systems and processes; human resources management in the public sector; fiscal relations and public financial management; as well as other areas considered important for effective devolution.

Strategic actions include:

- (i) Review all legislation relating to or with implications on decentralisation and develop a comprehensive legal framework covering all aspects of decentralisation;
- (ii) Simplify and consolidate all legislation on decentralisation, train and sensitise all public officials about these laws, with specific focus on political leaders, managers and staff in line ministries and local governments, chiefs, media, civil society and judiciary;

- (iii) Establish appropriate mechanisms for regular update of decentralisation-related laws and regulations, to incorporate new experiences and respond to emerging challenges;

3.8 Increasing service delivery efficiency through Performance Contracting

The Government acknowledges that absence of adequate performance management measures is a major challenge to efficient public service delivery at national and local levels.

The Government will introduce Performance Contracts⁷ among local government leaders at all levels starting with District and Municipal Mayors and Chief Executive Officers down to leaders at the lowest level. The Government will ensure that citizens and development actors and stakeholders within particular localities are actively involved, and their roles clearly defined, in the process of formulating these contracts, setting targets and evaluating performance.

The Government will promote performance-based remuneration and other incentives, and other approaches to strengthen results-based management in local government service delivery systems.

Key strategic actions include:

- i) Introducing tools for performance improvement within the public sector at local government level, including linking procedures of hiring, rewards and promotions to performance
- ii) Put in place a framework for designing and execution of performance contracts. Ensure that performance contracts are given high political priority to facilitate priority-based resource allocation and commitment to high impact results;
- iii) Develop a framework for results-based monitoring and evaluation (RBME). Performance targets shall be set with clear indicators and reporting expectations;
- iv) Establish local dialogue platforms for joint evaluation and feedback. Emphasis will be put on expanding participation space for development partners and citizens by ensuring that they contribute ideas and innovative solutions and resources.

⁷Performance contracts are commitments made at different levels of governance to implement specific actions that are central to achieving both national and local government's objectives as stipulated in Vision 2020, NSDP, MDGs, Sector development plans and District development plans. These are specific high-level targets that Leaders commit to implementing as high priority. These targets are considered high level because their implementation is expected to result in significant impact on livelihoods and development of the area. A typical characteristic of these contracts is that they accelerate implementation of local development plans by giving high political and financing attention to these results areas. In order to ensure equitable and inclusive development, Performance Contracts will be implemented across Government and eventually at household level.

3.9 Mechanisms for participation and coordination of non state actors

The Government acknowledges that stakeholder coordination is still a challenge, resulting in limited effectiveness of development programs and projects.

The Government will establish appropriate coordination and partnership development mechanisms to enhance active participation of all stakeholders, especially non state development actors (NGOs, FBOs, Cooperatives, donors, private sector organisations, etc) in decentralisation processes.

Strategic actions will include:

- i) Put in place mechanisms to ensure that CSOs and private sector representatives participate in local development planning processes;
- ii) Provide incentives (including regulatory measures) to encourage partnership⁸ between local governments and non state actors;
- iii) Establish local platforms and guiding instruments for stakeholder engagement in decentralisation.

3.10 Strategy for Local Economic Development

The Government recognises that Lesotho's diverse resource endowments cannot adequately be exploited to realise equitable development unless there is specific attention to local economies. The Government also recognises that a vibrant private sector built around local innovation and value addition to local resources will enhance efforts to achieve faster poverty reduction, rural transformation and equitable development; and ultimately, fiscally strong local governments and better and more equitable service delivery.

The GoL will promote Local economic development (LED) focused on harnessing all local potential, by strengthening the leadership capacity of Local Governments, nurturing and facilitating local entrepreneurs to become more vibrant and innovative, and developing modern support infrastructure in all districts and localities.

The Government will gazette districts, municipalities and localities (where appropriate), as economic development zones and ensure that Local Government authorities are facilitated and

⁸ These may include memorandums of understanding (MoUs), public-private partnerships (PPPs) and other arrangements.

motivated to mobilise and attract private entrepreneurs to their localities, to transform their local economies. In addition, the Government will work with local authorities and private sector actors to ensure that economic development activities promoted in their areas have a strategic and sustainable positive effect on the national economy, and significantly benefit local people through job creation, markets for their products, technological diffusion/transfer, triggering creation of alternative livelihood opportunities, and other positive values.

Strategic actions include:

- i) Support local governments to explore and map local economic endowments and development potentials, and formulate comprehensive local economic development (LED) strategies, programs and action plans;
- ii) Invest in local development infrastructure (including ICTs, roads, markets,) to expand local livelihoods and economic development opportunities;
- iii) Promoting public-private partnerships to attract private capital investments especially in rural areas and strategic sectors. Establish mechanisms to support simple PPPs that benefit local poor people (with special attention to youth, women and PWDs);
- iv) Develop the capacity and innovativeness of local leaders to attract investors and mobilise citizens for production;
- v) Support local governments to develop MoUs with other local governments in the region and beyond, to encourage cross-border partnerships with established and upcoming Basotho or Lesotho-based entrepreneurs within their localities.

3.11 Data and Information Systems to support evidence-based decision making

The Government appreciates that data and records management at sub-national level is under-developed, a situation that constrains evidence-based planning, performance monitoring and sound decision-making.

The Government will develop the data and statistical capacity of local government authorities to ensure that all districts and municipal authorities are able to regularly collect, store, analyse, report and share reliable data on all domains in their territories.

3.12 Strategy for Settlement re-organisation and Urban Development

The Government appreciates the challenges that the country faces in dealing with inappropriate land use and scattered, which constrain service delivery, exacerbate environmental degradation, and undermine efforts to eradicate poverty and provide security

for all. The Government recognises the potential of urbanisation to spur socioeconomic transformation and accelerate poverty reduction, particularly considering the enormous constraints that Lesotho's rural economy faces, and the reality of demographic transition⁹.

The Government will ensure that all citizens and residents live in well organised and serviced settlements. Rural and urban settlements shall be re-organised in such localities and such patterns as to facilitate cost-effective delivery of basic services for human well-being like housing, security, electricity, water, sanitation, healthcare, education, transport, markets, e-communication, spiritual worship, justice, recreation, and administrative services such as proximity to civic registration or Identification issuing centres, among others. Rural settlement re-organisation shall also be undertaken to facilitate optimal land use and market-oriented production.

The Government will promote planned and faster development of regional cities, towns and small urban centres, as engines of economic growth, service delivery, dissemination centres for technology and knowledge, industrial and commercial hubs in all parts of the country.

Strategic policy actions include:

- i) Formulate a strategy for settlement re-organisation to promote organised settlements in line with the long-term goals of access to basic services and adaptation to climate change and other related disasters. Formulate appropriate guidelines/regulations for buildings;
- ii) Formulate an urban development strategy with emphasis on ensuring that all urban areas are established based on known potential; they are delineated and graded according to international standards and provided with essential infrastructure and other amenities to attract capital and resource in-flows; and match service delivery with demand;
- iii) Ensure that urban authorities have capable leadership and management systems to develop, maintain and sustain growth and standards comparable at international level;
- iv) Promote productive rural and urban land use practices by identifying and zoning areas for different functions, including urban development/expansion on the basis of biophysical and socioeconomic suitability and technical feasibility, following long-term scenario-based planning. Formulate appropriate land use planning guidelines and regulations.
- v) Establish a special fiscal and technical support mechanism to address the special or unique needs of urban areas, especially in areas of infrastructure, physical planning, housing, technology, waste management and revenue management.

⁹Lesotho's population is increasingly becoming young and both educated and uneducated young Basotho prefer living in urban areas.

3.13 Strategy for Integrated Land use Planning

The Government appreciates the fact that unplanned use of the scarce land resources is a major constraint to Lesotho's efforts to ensure food security, promote commercial agriculture, eradicate rural poverty and ensure sustainable development.

The Government shall promote rational and integrated land use planning to ensure optimal productivity and sustainable use of land resources.

Strategic actions will include:

- i) Developing an integrated land use and management master plan to guide all rural and urban land uses. These shall be the basis for physical development plans and land allocation strategies;
- ii) Undertake land evaluation to establish land use potentials and suitability for different land units in all districts and municipalities;
- iii) Review land registration and allocation systems to incorporate incentives for productive and sustainable use of land and other resources therein;
- iv) Develop guidelines and tools for planned land use, sensitisation of farmers, and land use monitoring, among others.

3.14 Re-defining the role and position of chiefs and the Chieftainship

The Government considers devolution a new and remarkable phase of Lesotho's democratisation process. It however, appreciates that the Chieftainship and chiefs will remain integral part of the country's local governance, albeit with re-defined roles to create harmony and avoid conflicts.

The Government will ensure that Chiefs at all levels and in all parts of the Kingdom are well positioned and facilitated to effectively serve as the symbol of Basotho's identity and unity; custodians of Basotho culture and security; and embodiment of His Majesty's authority, while advancing the principles of grass-root democracy, local justice, security, human rights and accountability.

The Government will ensure that the dignity, respect, authority and relevance of chiefs and the Chieftainship institution is maintained, preserved and promoted by improving their welfare; ensuring that they conduct themselves in ways prescribed by the Chieftainship code of conduct;

and have the information, knowledge, facilities and tools to perform their roles under decentralisation.

Strategic actions include:

- i) Ensure that village chiefs are protected from partisan political activities and such other activities as are likely to compromise their neutral and inherited authority;
- ii) Review the status, functioning and welfare of chiefs and identify appropriate functions and platforms for chiefs and the chieftainship institution in the democratic decentralisation process;
- iii) Review legislation and institutional structures to ensure appropriate placement and functioning of chiefs while maintaining their dignity, respect and authority;
- iv) Ensure that chiefs at all levels are adequately empowered, facilitated and equipped to actively and effectively play their new roles, such as conflict mediation.

3.15 Localising regional integration and international cooperation

The Government recognises the opportunities associated with regional integration and international cooperation, as evidenced by the several multilateral and bilateral cooperation arrangements to which it's committed. It, however, appreciates that local authorities need to actively participate in such processes if they are to secure tangible benefits for local people.

The Government will ensure that Local authorities are actively involved in regional integration and international cooperation initiatives, with interest in those that increase cross-border trade, guarantee free movement of labour, secure markets, jobs and affordable quality education and skills for Basotho, promote rural development and environmental protection.

The Government will support local authorities to mobilise local businesses and citizens especially youth to take advantage of opportunities availed through international cooperation.

The Government shall encourage and support Local authorities to pursue and engage in various forms of cooperation at local, national, regional and international level including: twinning arrangements, cultural exchanges, scholarships, residential placements, voluntary community activities, among others. The main areas of cooperation shall include:

- ❖ trade and economic development;
- ❖ sharing of experiences in local governance and decentralisation
- ❖ management of common property resources and trans-boundary waters
- ❖ Education, art and culture
- ❖ Peace, reconciliation and traditional justice

- ❖ Science, innovation and technology transfer
- ❖ Youth, gender and social empowerment

3.16 Civic Education Programs to enhance Citizens' Empowerment and Accountability

The Government considers empowered citizens as one those who are aware of their responsibilities and rights are able to claim their rights and dutifully fulfil their responsibilities, irrespective of socioeconomic status, beliefs or residence.

The Government shall promote holistic civic education to ensure that citizens and other residents of Lesotho are aware of, knowledgeable about their roles, responsibilities and rights, and are able and motivated to participate in local and national development activities, and to hold Government and other service providers accountable.

Strategic actions will include:

- (i) Develop and implement a national multi-media program of Information, Education and Communication (IEC) focusing on citizens' rights and responsibilities in development;
- (ii) Compile, publish and disseminate simplified versions of decentralisation and related policies in Sesotho language and in media that all citizens can access;
- (iii) Organise training and awareness raising workshops for local leaders and organised civic groups to train and disseminate information to citizens.
- (iv) Develop a strategy for collaboration and partnership with non state institutions (e.g. CSOs, cooperatives, trade unions, academia, media houses) in areas of civic education focusing on issues of local accountability, citizens' participation and local development.
- (v) Review the national curricula at all levels to integrate civic education aspects, with a focus on local governance and community development.

3.17 Communication Strategy to foster inter-governmental relations and Change Management

The Government recognizes the need to improve communication to promote transparency, accountability and harmonious relationship within Government and with stakeholders. It is a critical change management factor during sensitive governance reforms like decentralisation.

The Government will ensure that information on all policies, programs, projects and other service delivery activities are communicated in clear, transparent and accessible ways to enhance inter-governmental relations, facilitate change management, and build trust among

citizens and other stakeholders. The Government shall ensure that communication from Government Departments at all levels enhances mutual respect, and avoid contradictions.

The Government shall enhance relationship with media to increase public access to information and increase media coverage of service delivery issues in rural areas.

Strategic actions include:

- (i) Formulate a clear communication strategy with appropriate mechanisms for feedback and increased public access to information;
- (ii) Promote coherent information flow at all levels of Government, *inter alia*, by:
 - a. *establishing one-stop-centres* in all ministries and Local Governments;
 - b. *developing communication skills* for all senior Government officials and communications officers. Particular focus shall be put on local government relations with communities, political actors, media and development partners;
- (iii) Develop a regulatory framework and standard communication guidelines across local governments to ensure standardised management of information on decentralisation;
- (iv) Establish stakeholder dialogue platforms at different levels to facilitate regular free exchange of information and feedback on decentralisation activities.

3.18 Scaling- up ICT Infrastructure to promote e-government and local economic transformation

The Government remains committed to its Vision 2020 aspiration of increasing investment in Information and Communication technologies (ICTs) as a key pillar of national development, and particularly recognising its potential to mitigate communication barriers in service delivery.

The Government shall leverage the ICTs to promote e-government services and as a mechanism to extend essential services (e.g. banking, e-business, e-learning) to local people.

The Government will ensure that all Government service delivery centres have access to and effectively utilise ICT facilities. In this respect, the Government will develop strategic partnerships with private sector to expand ICTs infrastructure in all districts, with special emphasis on satellite technologies.

3.19 Strategy for Community Development and Local Innovation

The Government appreciates that Basotho continue to live as communities, and hence strategic focus on community development is critical to the nation's socioeconomic transformation. The

Government also recognises the value of voluntary community initiatives in citizens' mobilisation and its potential to increase ownership of development projects, in areas like food security, micro enterprises, water supply, public health and community security.

The Government shall develop a comprehensive community development strategy to accelerate community-led local development in all areas throughout the country. The Government shall establish mechanisms to encourage voluntary activities and self-help initiatives that promote cultural and socioeconomic development. The Government will undertake measures to ensure that the spirit of volunteerism is entrenched among Basotho in rural and urban areas, as a way of strengthening citizens participation and ownership of development activities.

3.20 Centre of Excellence in Decentralised Governance and Local Development

Local Governance in Lesotho, like its democracy, is unique. It promotes modern democratic practices while retaining traditional governance and cultural values in which chiefs and the chieftaincy remain relevant and continue to play an active role. Important lessons learned during the decentralisation process must be documented and shared with current and future generations of local and national leaders, scholars, and development actors in Lesotho and beyond. In this respect, the Government will work with stakeholders to establish and maintain a national centre of excellence in decentralisation and participatory local governance.

3.21 Developing Sustainable Capacity for effective Decentralization

The Government recognises the significant capacity needs for effective delivery of services at local level. It also understands that capacity building is a long-term process that requires considerable investment and immense commitment of all stakeholders.

The Government shall ensure that all Local Governments have sufficient human, institutional, logistical and infrastructure capacity to deliver quality services to citizens at all levels. The Government will undertake appropriate measures to eliminate all geographical, economic, socio-cultural, political and other barriers that local people face in accessing essential services.

The Government shall ensure that line ministries and other Central Government entities are committed to and have the requisite capacity to lead, guide and facilitate the decentralisation process, and effectively undertake their new roles after devolution.

Policy actions include:

- (i) Formulate a comprehensive capacity building strategy under decentralisation, based on clearly identified capacity gaps and needs;
- (ii) Develop a capacity Building Fund to ensure targeted and reliable response to capacity building needs of Local Governments and line ministries/agencies as well as non state actors;
- (iii) Establish mechanisms to provide special support Local Governments that face unique challenges to attract or retain critical skills e.g. accountants, engineers, doctors, etc;
- (iv) Establish systems for regular functional analysis and organisational audits of the Local Governments to enable effective utilisation of available capacities.

4. POLICY IMPLEMENTATION FRAMEWORK

4.1 Priority Setting and Time Frames

The strategic priorities of the Government for Decentralisation as stated in this Policy are many and all of them are urgent. Nonetheless, it is realistic to appreciate that not everything can be done at the same time hence priority setting will be a critical aspect of the implementation strategy. The Government will work with stakeholders to ensure that the policy objectives set herein are realized in the next 10-15years, and appropriate measures are put in place to scale-up and sustain the associated benefits during subsequent years.

Identifying high level priority issues to be addressed with respective timeframes and resource needs, will be done through medium-term strategies and action plans of 3-5 years. These will be regularly reviewed and continuously updated, to ensure that implementation remains on-course to achieve the policy objectives. The first such plan will be a five-Year National Decentralisation Implementation Strategy and Action Plan (NDISAP) to be formulated as soon as Cabinet adopts the Policy before the end of the Financial Year 2013/14. The first NDISAP will run from 2014/15- 2019/20. Its review is expected to coincide with the evaluation of Vision 2020, which, in terms of planning, is good coincidence. The Government will ensure that the strategies and operational plans to implement this Policy are subjected to regular reviews and external evaluation.

4.2 Cost Implications and Financing of the Implementation Process

A key question for the Decentralisation Policy is what its full implementation will cost. While it may be rather difficult to accurately cost the full policy implementation given its broad and long-term nature, it is reasonably manageable when the Policy objectives are translated into specific strategies and actionable tasks. The GoL will prepare realistic costed plans that consolidate inputs and interventions of various development actors including line ministries' projects, relevant donor programs, NGOs and private sector activities linked to decentralisation.

The Government will ensure that inter-governmental transfers are provided in adequate and timely manner. In order to have reliable financing of decentralisation, the Government will

undertake intensive resource mobilisation. In this respect, a special Local Development Facilitation Fund (LDFF) will be set up to support local government investment projects.

The Government will implement programs to develop the needed fiscal and public financial management capacity within Local Governments to ensure that public funds transferred to local Governments are properly utilised, and that Local Governments are able to mobilise additional local financing on their own.

In order to mobilise more funds for decentralisation through budget financing arrangements, a sector wide approach (SWAp) coordination mechanism for decentralization will be established, to facilitate mobilisation and coordination of development partners. The Decentralisation SWAp will also serve as a platform for joint results management and mutual accountability for all actors involved in decentralisation.

The Government will implement institutional and legal reforms to facilitate effective fiscal decentralisation with a focus on strengthening PFM performance in Local Governments.

4.3 Institutional Arrangements

The implementation of the Decentralisation Policy will be coordinated by the Ministry responsible for Local Government and Chieftainship, which shall work with the Office of the Prime Minister, to establish high level policy structures that must ensure that implementation process is integrated and well coordinated. National technical structures and thematic platforms will be established to bring together different actors and stakeholders and integrate them around the principles of and results expected from decentralisation. The Government will ensure that all actors are enabled to contribute and play their part productively and constructively, so as to ensure effective implementation and full ownership of the process and results. In this respect, multi-sectoral technical teams will be set up at all levels to oversee the implementation process. The Government will exercise due diligence to ensure that the institutional structures put in place to facilitate the policy implementation are representative of all stakeholders' views, interests and aspirations.

To facilitate coordinated decision-making in decentralisation implementation, Inter-ministerial committees will be formed at the level of cabinet, chaired by the Deputy Prime Minister and at the Technical level, chaired by the Government Secretary deputised by the Principal Secretary of the Ministry responsible for Local Government.

Targeted capacity building activities will be implemented to ensure that all national and local institutions responsible for implementing decentralisation are adequately capacitated in terms of technical knowledge and skills, institutional resources and political support to effectively execute their mandate. The Government will work with stakeholders in public and private sectors, including academic and research institutions, civil society organisations, and development partners to ensure that best local and international practices are identified and implemented, and ensure that lessons and innovations generated from the implementation process are well documented for use in future activities.

4.4 Monitoring and Evaluation

The Government is committed to managing the decentralisation implementation process in a transparent and participatory way. A comprehensive yet simple monitoring and evaluation (M&E) framework will be developed, recognising the various actors working in or with interests in decentralisation. From sophisticated stakeholders like the Treasury, to nongovernmental actors at the lowest level (e.g. CBOs), and to donors and media, it is clear that different stakeholders will require different amounts and types of information. The M&E framework will be designed to accommodate different systems to enable all stakeholders to access information on a timely basis without jeopardising the implementation process. Proper documentation of processes, results and lessons learned during the implementation process will be a critical component of the M&E framework.

4.5 Communication and Stakeholder Engagement

The Government appreciates the sensitivities and stakeholder interests in decentralisation. To ensure effective involvement of stakeholders, the implementation process will emphasise the following:

- a) **Communication:** Transparent information flow will be emphasised through regular reporting and feedback on the implementation progress. The Government will establish appropriate mechanisms to ensure that all stakeholders have access to up-to-date information on the implementation process as deemed necessary. Such initiatives will include stakeholder dialogue platform and multi-media communications programs to facilitate active engagement of citizens, development partners and other interested parties with the decentralisation process. The Ministry responsible for Local Government in partnership with line Ministries will develop appropriate communication strategies,

and facilitate alignment of sectoral policies, programmes and budgets with the decentralisation policy.

- b) Partnerships:** To effectively communicate and educate all citizens about the Policy and its implementation process, the GoL will partner with Research and Academic Institutions, NGOs, religious institutions, cooperatives, organised groups (such as Associations of Lawyers, Engineers, Teachers, Accountants, Entrepreneurs, Trade Unions) and other development partners to assist in disseminating information about the policy. These partners will be encouraged and, where feasible, assisted to implement programs on civic education and awareness raising, training and capacity building, and to integrate decentralisation issues into their programmes and projects.

5. CONCLUSION AND FUTURE OUTLOOK

The formulation of this comprehensive National Decentralisation Policy in a highly participatory process represents the Government's firm commitment to deepening and widening participatory democracy, fast-tracking poverty reduction, equitable growth and sustainable development.

The Government considers the Policy as a tool for renewed, more focused and consistent efforts to fully devolve powers, responsibilities and resources to local authorities, as the main mechanism for socioeconomic transformation in Lesotho.

The Government is cognisant of the pessimism that the implementation process could be delayed or derailed, especially in events of political uncertainty. The Government will leverage the experiences with previous decentralisation processes, to mitigate any political, fiscal deficiencies and other risks that the implementation process may be exposed to.

The Government will ensure that there is all inclusive participation, sufficient momentum and sustained financing, as well as stakeholder motivation to drive the Policy implementation process. The Government will undertake regular reviews to take stock of the progress and achievements made, assess whether the policy strategies are still relevant and put in place sufficient safeguards to overcome bottlenecks and keep the policy implementation on track.

The Government will count on the goodwill and sustained motivation of all leaders at national and local level, citizens and the country's development partners to implement the policy and keep the process focused despite any challenges. In addition to strategy-based performance targets to be stipulated in the Implementation plans, the Government will use 3 broad performance measures, as indicators of overall progress i.e.:

- i)* the extent to which local authorities are able to deliver services to citizens with limited direct involvement of central government;
- ii)* the degree to which citizens feel satisfied with the services provided by local authorities;
- iii)* the extent of citizens' ability to hold their leaders and service providers accountable.

Finally, phased implementation guided by clearly stipulated and realistic strategies and action plans will assist the Government to manage the complex reform process including addressing stakeholder expectations.

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ANNEXES

Annex 1: Glossary of Key terms and Concepts Used.

Annex 2: Inter-governmental linkages illustrating the relationship between Central and Local Governments

Annex 3: Structure of the Local Government

ANNEX 1. GLOSSARY OF KEY TERMS AND CONCEPTS USED

Autonomy: Independence in decision-making and in the execution of such decisions within a given framework.

Community: A group of people with shared interests living in one village, ward or electoral division.

Council: A council is a body of democratically elected representatives responsible for political supervision of service delivery in a given geographical or administrative area. In Lesotho, Councils are constituted at Community Council, Urban Council, Municipal/City and District level.

Decentralisation: Transfer of responsibilities, authority, functions, as well as power and appropriate resources, to district and sub-district levels. This can take three forms: deconcentration, delegation and devolution.

Deconcentration is the transfer of functions and resources to lower levels of the same administrative system while authority over decision-making and use of such resources remains with the centre (i.e. from the headquarters of an institution or administrative system to the lower levels). In the case of government administration, this would entail the transfer of some functions performed at the headquarters of the ministry to provincial, district and/or sub-district offices while power and authority are retained by the centre.

Delegation is the transfer of functions and resources to a subordinate¹⁰ authority with capacity to act on behalf of the superior authority with limited or no formal transfer of authority in the same structure. An example is when an office of lower level is assigned to perform some functions by the higher office e.g. delegating the distribution of passports to a district or lower level, transferring responsibility for water service delivery to a Water Supply Agency. However, the delegated office (delegate) is still be required to consult the higher office on matters that require decision-making except as specifically stipulated.

Devolution refers to the process of transferring functions, responsibilities and resources from the central Government to lower tiers of Government by legislative provisions so that the entities are legally empowered to make decisions on their own. The transfer is within formal political structures and is institutionalized by constitutional means. For example, when the central government transfers executive authority to democratically elected councils, local authorities empowering them by law to determine local taxes, raise own revenue and decide on how to use it. Under this form of decentralization leadership is accountable to the local population through a system of elections. They are also accountable to Central Government as per established guidelines.

¹⁰ Subordinate in a sense that the power to determine such functions are determined by the delegating authority.

Empowerment: Enabling people or groups of people to make decisions on issues affecting their welfare, through legislative, policy or institutional reforms, as well as through provision of information, knowledge and skills.

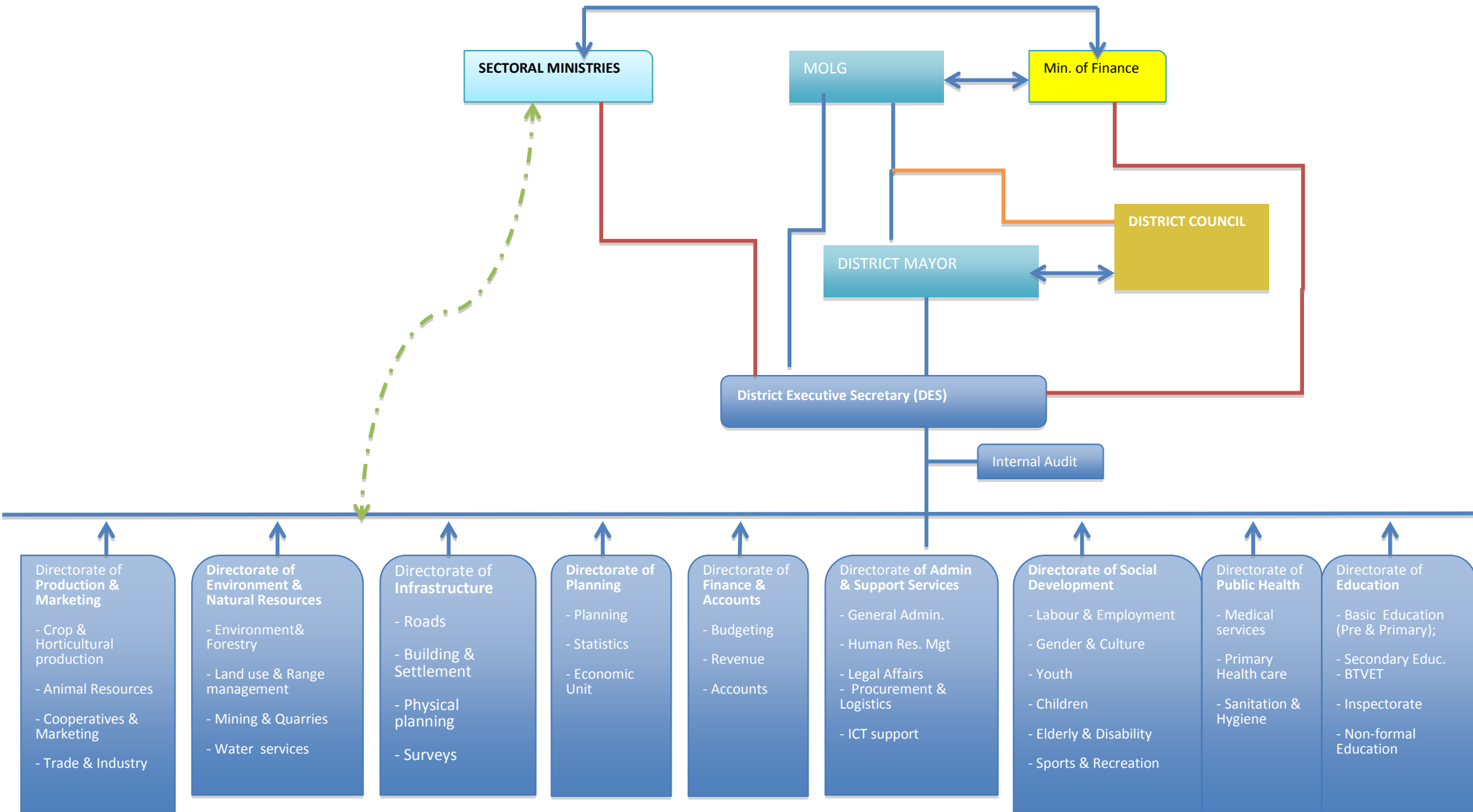
Local Authority: An organised body or institution of Government that has executive or other legally bestowed jurisdiction over clearly stipulated functions and a clearly delineated area.

Local Entity: An organisation, Agency or other organised group, whether Government or non Governmental operating in a locality.

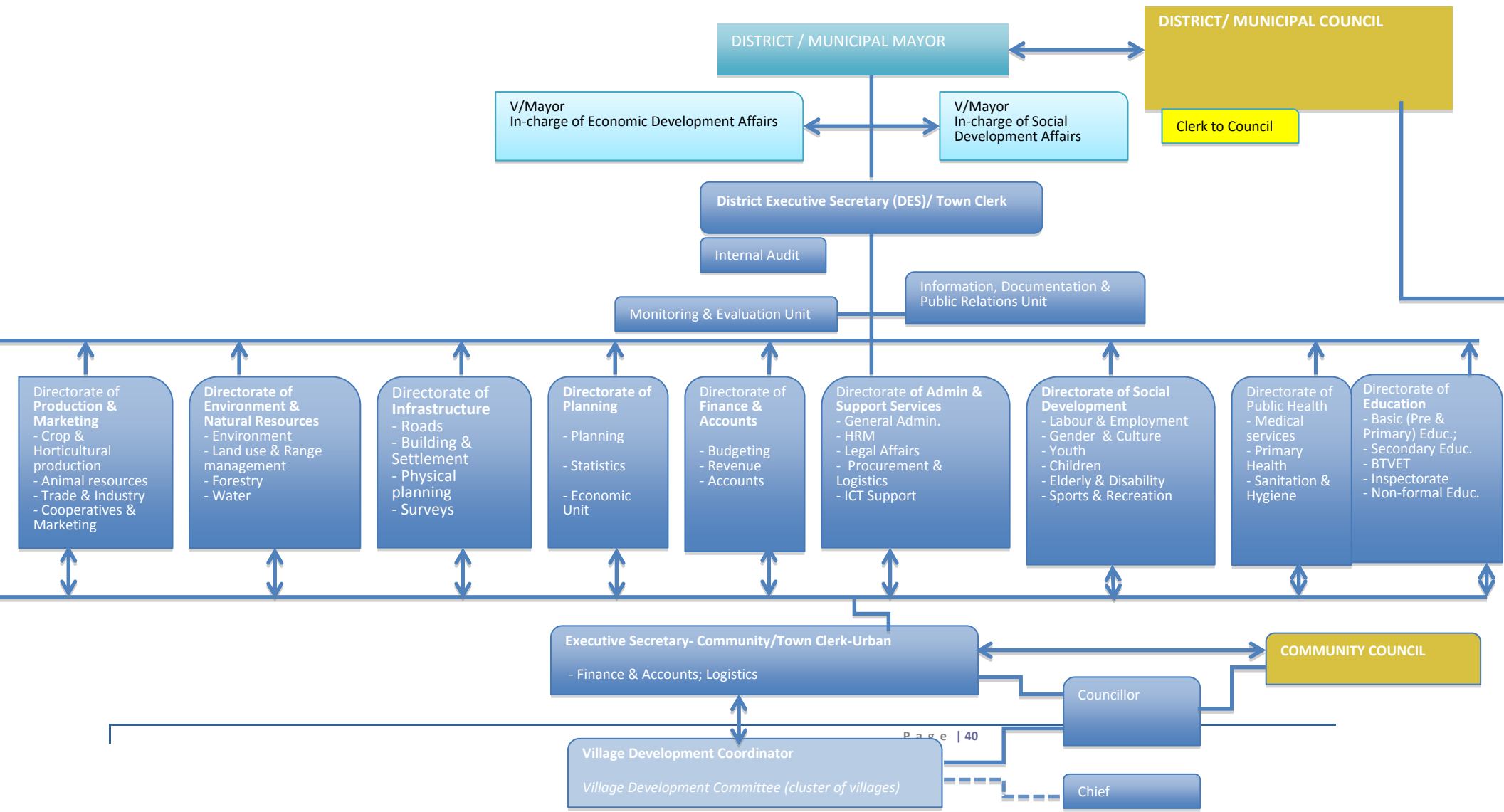
Local Government: A system of Government at local level through which local people manage their affairs, for example Councils. In a fully devolved system, a Local Government functions in many respects as a Central Government.

Village is a social collection of households with a fixed and well defined geographical location, organised in the way they live, relate to each other and with other communities.

ANNEX 2: LINKAGES BETWEEN CENTRAL AND LOCAL GOVERNMENT



ANNEX 3: STRUCTURE OF THE LOCAL GOVERNMENT



Notes to Annexes 2 and 3

Annex 2: Structure and Relationship within Local Government

1. The Head of the Local Government is the Mayor with 2 Vice Mayors, one in-charge of Economic Development Affairs and the other in-charge of Social Development Affairs. The Mayor has executive powers. The Mayor will regularly report to the Council on the Executive's vision and development plan, as well provide briefs on progress towards implementation of approved plans, and state of the district to which councillors may ask questions or seek clarification. Vice Mayors will provide day to day political supervision of the implementation of plans in respective domains (clustered under social and economic development affairs).
2. The District/ Municipal Council shall be presided over by a Chairperson. The council's principal task is to formulate local legislation (bylaws) and provide checks and balances through political oversight on the Local Government operations, as representatives of the people. The scope of jurisdiction for local legislation shall be determined by law. The council shall comprise of directly elected councillors and persons specially nominated on the basis of the expertise, experience and specific interest in the development of the area. These nominees shall not be remunerated as councillors but may be facilitated in the course of their work as the council may afford. They may be requested to chair special committees such as on Budget and accountability.
3. The District Executive Secretary (or Town Clerk in the case of Municipal and City Local Government) is the Chief Executive of the District responsible for all financial and administrative matters. S/he reports to the Mayor and executes the decisions and directives of the Executive through the administrative and technical structures. All staff in the Local Government report to him/her. However, heads of Departments and technical staff will have direct technical relationship with respective line ministries for purposes of smooth execution of sectoral functions and to avoid overloading the District Chief Executive with unnecessary bureaucracy. The District Executive Secretary is the most senior civil servant and head of Public service in the Local Government.
4. The Technical Departments are headed by Directors who are responsible for developing and executing technical plans in their areas of jurisdiction, within the priorities set by the Local Government executive, ministerial/ sectoral plans and national policies.
5. The Technical and administrative structure at the lower level (Community and Urban council), shall be headed by the respective Executive Secretary or Town Clerk. These shall report directly to the District Executive Secretary/ Municipal Town Clerk.

Annex 1: Intergovernmental relations

The Mayor is the Political head of the Local Government. At the national level, s/he is politically supervised by the Minister of Local Government on behalf of Cabinet. He, however, has free contact with political leaders at all levels including line Ministers and Members of Parliament, especially those whose constituencies fall within the boundaries of his/her district/municipality.

The District Executive Secretary reports to the Mayor for purposes of implementing the directives of the executive. S/he, however, has responsibility to advise the Mayor if any such directives are likely to be in conflict with the law. Technically, the District Executive Secretary is supervised by the Principal Secretary of the Ministry responsible for Local Government. As the Chief Accounting Officer, the District Executive Secretary routinely consults with and report to the treasury for all decisions with financial implications including projects for which the local governments may receive direct external financial support, as all Government expenditure fall under the Secretary to the Treasury. Similarly, for all technical, administrative and financial issues regarding sectoral functions, the District Executive Secretary has direct communication with and has reporting obligations to the Principal Secretaries of the respective line ministries. As a Chief Accounting Officer of a Government entity with independent cost centre status, however, s/he is responsible for all technical, administrative and financial accountability. In this position, the Public Accounts Committee (of Parliament) may require him/her to explain and take responsibility for such decisions.