

Challenges of Local Government in the Community Councils of the Maseru District in the Kingdom of Lesotho: An Historical Overview

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ABSTRACT Among the many challenges experienced by the Community Councils in the Maseru District in the Kingdom of Lesotho, the local government ones appeared to be the most frustrating ones. Over the years since the introduction of the Lesotho Local Government Act of 1997, the challenges of lack of funding, human resources and the lack of the central government to decentralise political power to the districts affected service delivery at the local government level. This study attempts to redress such imbalances in the spheres of government in the Kingdom of Lesotho. The study concludes with an observation that the problems experienced at the local government sphere actually emanates from the central government. Although concentration of this study is on the Kingdom of Lesotho, the levels of such challenges engulf many of the African countries, particularly during the post independence period.

INTRODUCTION

The Kingdom of Lesotho is an enclave landlocked, independent parliamentary constitutional monarchy, entirely surrounded by the Republic of South Africa. The tiny landlocked country, covering 30,355 square kilometres, has been subject to both internal and local government challenges, which have hindered political as well as social development. Therefore, this study departs from the premise that there are two broad forms according to which local government may be structured. The first form is where local government consists of single tier, all-purpose units that provide all services and perform all functions and powers devolved by the central government. The structure of local government in Botswana is a classic example of this form. Botswana has district, town and city councils. Each exists as a separate entity from others.

The second form is where local government become divided into two or more tiers. There are lower tiers that fall within the geographical jurisdiction of upper tiers. This form is usually referred to as a fragmented structure. Interestingly, the Kingdom of Lesotho has adopted this fragmented structure. Although not clearly stated, arguably the Lesotho Local Government Act of 1997 established single-tier, all-purpose councils in the urban areas. Following the establishment of community councils and district coun-

cils, all relevant Ministries in the Kingdom of Lesotho, such as the Ministry of Forestry and Land Reclamation; the Ministry of Health; Ministry of Agriculture and Food Security; Ministry of Public Works and Transport were required to devolve functions that could be performed more effectively and efficiently at local decentralised level to the local authorities. Furthermore, they had to transfer staff to support the local government system. The process of transferring staff began in 2007 but it has not been completed due to the complications, amongst other things, by the Local Government Services Act of 2008, its Strategic Plan (2009-2013) as well as the National Decentralisation Action Plan of 2009.

In view of the above, the study attempts to analyse whether the Kingdom of Lesotho's newly established local governments meet the proposed conditions for achieving benefits of decentralisation. This will be done by specifically evaluating the challenges of local governance in the Maseru District (capital city of the Kingdom of Lesotho). Furthermore, the study will address the institution of community councils in the district due to its proximity to the country's local government headquarters. The study presents a typology of decentralisation and explores the linkages between decentralisation, its possible outcomes and public participation. Consequently, there are also attempts to answer the following questions: To what degree can the

Kingdom of Lesotho's local government system be classified as a devolved system? To what degree does it allow for meaningful citizen participation? What are the remaining challenges along the way to meeting these conditions? What implications do they have on the citizenry of the Kingdom of Lesotho, particularly in Maseru? It is envisaged with this article that local government in the Kingdom of Lesotho can be contextualised and understood from an historical viewpoint. Therefore, it is hoped it will contribute towards improved and better local authorities in the Kingdom of Lesotho as well as impacting on the neighbouring countries whereby the challenges of local government are still a problem.

RESEARCH METHODOLOGY

The study uses a variety of historical research tools and qualitative research method. Firstly, primary information in the form of oral testimonies was gathered. The oral testimonies provided the study with first-hand information in an attempt to understand the local sphere of government in Maseru. For the purpose of this article, chiefs, councillors and ordinary citizens of Lesotho were randomly chosen from the three Community Councils: Mazenod A08, Mhlakeng A07 and Semonkong A13.

Besides the above, in attempts to complement the oral testimonies, secondary sources were consulted. In spite of the successes in conducting oral testimonies, however the authors were sometimes exposed to negative attitudes by possible interviewees. Firstly, not all the people targeted were willing to divulge information about the challenges of local government in Maseru. Secondly, it proved to be difficult to access the villages of *Ha-Farelane*, *Ts'enekeng* and *Ha-Phallang* in *Semonkong* because the places are mountainous. The most notable secondary sources consulted included relevant chapters in academic books, peer reviewed academic article journals and the credible internet sources. Furthermore, local government reports were also consulted. Information gathered in this regard was contextualised to be in line with the topic under discussion.

Conceptual Framework

For the purpose of this study, it is important to highlight the different concepts related to the

topic in order to understand how local government functions in the Kingdom of Lesotho. Firstly, it is vital to classify the different kinds of decentralisation. Decentralisation can be achieved through delegation, de-concentration and devolution. Decentralisation describes the transfer of authority for public functions and resources from national to sub-national levels. This transfer has three dimensions, namely, a fiscal, an administrative and a political one (Jutting 2004: 6). Delegation can be described as the weakest form of decentralisation because it does not transfer decision-making powers to the local citizens and their representatives (Jutting 2004: 5). Some public functions were transferred to the local level where local authorities within or outside the government structure were tasked with implementing programmes on behalf of a government agency. Although some decision-making authority were also delegated, ultimately the central state remained in charge, reserving control over key aspects of policy, and being in a position to hold local authorities accountable (Ribot 2002: 12). It is clear from the study that the issue of accountability at local government is a serious challenge as many of the officials there are mainly appointed due to their political affiliations and that in return compromise the delivery of services.

De-concentration, also known as administrative decentralisation, can be described as a somewhat more extensive concept. It implies a process in which governmental functions and resources, such as civil servants or budgetary funds, are re-allocated downwards within the state bureaucracy (Jutting 2004: 6). This was done without weakening the hierarchy of the system. De-concentration units remain subordinate to central government, with which decision-making power remains. Although some downward accountability may be built into their functions, local civil servants' primary responsibility is to their supervising ministries who appoint local staff and determine their powers (Jutting 2004: 67).

In contrast to the above-mentioned administrative forms, decentralisation can also be political, entailing the transfer of decision-making powers to local citizens and their representatives. Democratic decentralisation or devolution thus entails all three dimensions of decentralisation (fiscal, administrative and political) transferring resources, functions and decision-making

ing power to autonomous territorial units. These can act largely or wholly independent of central government within the scope of their functions. Such autonomy also entails that local units are not primarily accountable to the centre, but downwardly to their electorate (Jutting 2005: 19).

Nevertheless, it should be noted that local authorities are not at all autonomous in the Kingdom of Lesotho. The Community Councils report to the central government but not to the community who give them the mandate. This was because the Community Councils were too depended on the central government. Devolution therefore, is a process of changing the balance of power from the central to sub-national levels and counts as a 'strong' form of decentralisation (Bossuyt and Gould 2000: 4).

According to Lankina (2008: 6), theoretically, decentralisation held great potential for development. This view was based on the assumption that, as local government operates closer to the people, so community participation would be enhanced, leading to more responsive, efficient, and equitable service delivery. Therefore, with the establishment of Community Councils in the Kingdom of Lesotho seemed to be heading in the right direction, in order to bring about community participation and equitable service delivery. The Lesotho government acknowledged this rationale and defined the aim of decentralisation as improving service delivery through promoting 'people's participation in decision-making, planning and the implementation of development programmes' (Lesotho Government, Local Government Amendment Act 2004: 18). From the perspective of information and transaction costs, externalities on the other hand provided an argument for centralisation, given that the centre had the ability to gather, process, and disseminate relevant information. Yet, in many cases, central authorities did not have this ability and lack the 'time, place and knowledge' to implement policies reflecting local people's real needs and preferences (Crook 2003: 77).

Furthermore, decentralisation provided many opportunities for large parts of the population to participate politically, either directly in government through elective offices or indirectly through local elections and closely watching government at work. Owing to this proximity, local officials could be more easily monitored and held accountable by local communities than

officials in central government, thus increasing the transparency and predictability of decision-making. According to Agrawal and Ribot (2000: 1-43), participation and citizen involvement was good by involving the electorates in the planning and implementation of community needs. This increased the chances of the outcomes being accepted and protected by most of the people.

Theoretical Framework

As mentioned before, the Kingdom of Lesotho is a constitutional monarchy with two spheres of government, namely, central and local. Watt (2006: 9) opines that an understanding of the role of local government stems from an understanding of the overall role of government. The Minister of Local Government and Chieftainship is tasked with providing policy direction and support for local authorities. It should be noted that in this study the role of local government is viewed in the context of the overall role of government. The local sphere of government is important for understanding the social context within which social conflict and contestation occurs.

According to Kapa (s.a: 4) the concept of local government has been defined in numerous ways. He suggested two broad ways: Firstly, it is a means of promoting local democracy through making it possible for the people to vote for their leaders and opening channels for popular participation in decision making processes. Secondly, it is an instrument of improved service delivery. In the Kingdom of Lesotho, the role of local government was to address service delivery issues.

Jensen and Simonsen (1981: 279-291) argues that 'the local area, with its specific historical development and local political scene must be factored into any analysis of social conflict and protest'. The concept of the local state was perhaps most forcefully introduced into the critical studies of local government studies in the 1970s by Cockburn in her study of a London Borough called Lambeth. Cockburn was largely concerned with the changes introduced in the local government architecture that ensured the ascendance of technocratic and managerial aspects of local government in Britain's Lambeth in the 1970s. Her study laments the apprehension solicited by these changes, especially the argument that central government was clenching its

fist and usurping the autonomy of local government (Cockburn 1977: 46).

DISCUSSION

The Relationship Between Central and Local Governments in Maseru District

This section aims at explaining how central and local governments relate to each other in the Maseru District. In the Kingdom of Lesotho the Community Councils constitute local authorities within the ambit of Section 106 of the 1993 Constitution of Lesotho. This states 'that parliament shall establish such local authorities as it deems necessary to enable urban and rural communities to determine their affairs and to develop themselves. Such authorities shall perform their functions as may be conferred by an Act of Parliament' (Nyane 2010: 2-7). This section of the Constitution gives parliament the power to establish local government, and such local authorities shall perform the duties stipulated by the Local Government Act to improve their lives and develop themselves.

According to Nyane (2010: 5), it was only through the proper grasp of this constitutional edifice that people could accept that the current design of Section 106 of the Constitution, and that the meddling of central government in local affairs was inevitable. Under this design, local government as is the case in the Kingdom of Lesotho becomes the creature and the wing of central government. As a result, central government finds it difficult to resist the temptation to interfere and sometimes repossess the otherwise decentralised powers. Under this design, the State is constitutionally designed in centralised manner and local administration units, district and local authorities are simply intended to ease the burdens on the central administration, not to create a separate sphere of government. This meant that the local authorities were not autonomous at all and in most cases they are to help central government to implement its mandate. The above arguments show that local government in the Kingdom of Lesotho is not necessarily a separate sphere of government but a limp wing of the executive.

The Challenges of Local Government in Maseru District

According to Shale (2004: 1) the notion of decentralisation brought with it an epoch of

many challenges characterised by conflict that has affected many organisations in less developed countries. Therefore, there is a need for local authorities to have the political, administrative, financial and development capacity as a pre-requisite for the successful implementation of the decentralisation policy. Generally, local governments in urban cities in developing countries face continuous challenges related to improving the quality of public service. Furthermore, their capacity to formulate and implement adequate policies and practices that respond to the challenges of decentralised governance, economic development and citizen participation should be addressed. Turner and Hulme (1997: 151) contend that 'a major obstacle to the effective performance of public bureaucracies in most developing countries is the excessive concentration of decision-making and authority within central government'. In the Kingdom of Lesotho, for example, this becomes a problem because councillors end up depending on central government even in matters that they could easily handle. Underneath are some of the challenges:

Reluctance of Central Government to Decentralise Functions

In its draft in 1997, the local government strategic plan admitted that in reality, many of the functions legally subscribed to local government remained at the level of central government. Section 5(1) of the Local Government Act empowered district councils, municipal councils and urban councils to regulate; control and administer functions stipulated in the First Schedule. The First Schedule contains 27 functions included the control of natural resources (sand and stones); environmental protection; public health; physical planning; land allocation; minor roads; grazing control; water supply and maintenance in villages; provision and regulation of markets; streets and public places; burial grounds, parks and gardens; control of building permits; fire; education; recreation and culture; roads and traffic; services for the improvement of agriculture; and the preservation, improvement and control of designated forests in local authority areas. To date, only Ministries of Forestry and Land Reclamation, Public Works and Transport, Trade and Industry; Health and Social Welfare; and Education and Training had abided by the stipulations of the above men-

tioned Act. In most cases, many functions continue to be performed by central government ministries through their field and central officers.

The data from the Mazenod A08 Community Council office showed that between 2005 and 2010, in all nine wards, only five roads were maintained in wards A0802, A0804, A0805, A0806 and A0809 because of limited funds. *Mants'ebo-Chiboko* Road was a new construction while four at *Ha-Jimisi*, *Ha-Paki*, *Ha-Lekhobanyane* and *Thota-Moli* were simply maintained or upgraded. The maintained roads were quickly washed away by water during the rainy seasons of 2007/2008. On the other hand, the *Mants'ebo-Chiboko* road construction was unfinished because the councils were ordered to refrain from hiring the plant and machinery and to wait for such from the Maseru District Council which would rotate amongst the councils (Makana 2010).

Control of Natural Resources without By-Laws

The Community Councils had to deal with several challenges, such as the control of natural resources without by-laws and ineffective councillors who were related to the chiefs. Many problems remained unresolved at the end of these councillors' terms because councillors lacked the capacity to carry out their mandate. There had been a severe lack of capacity to carry out their constitutional and legal mandates. The system experienced a lack of financial and human resources to provide services to the communities as provided in the Local Government Act of 1997, Second Schedule. Local councils lacked autonomy to make and implement their policies and programmes with the problem being exacerbated by central government who dictated what the councils could do and even, at times, issued an ultimatum (Maseru Council Minutes 2009). For example, the government imposed on the councils a moratorium over land allocation, the effect of which had been a completely stalled land allocation for new applicants and a high level of frustration on the part of the council and the people they serve.

There were some complaints from the Community Councils were that the central government took the councils' development funds to buy the plant machinery that would help in the construction of council infrastructure. More-

over, in 2007 the yellow plant and trucks were bought and the plant started work at the *Mohlakeng A07* Community Council. At that time, all road construction projects were halted in the Maseru District except for *Mohlakeng A07* where the plant machinery was working. The other projects were stopped, but with the assurance that the machinery would rotate. Eventually, by the end of 2009, the excavator and grader were taken to Mazenod A08, *Ratau A02* and *Manonyane A06* Community Councils (Matipi 2011). In an interview with C Jane (2010), he recalls 'The move to take the excavator and grader to Mazenod A08 was taken after a three months' debate (from September to November 2009) between the District Council Secretary and the Community Council Secretaries at the Maseru District Council office over the usage of the plant'.

Community Council's Lack of Financial Accountability

The Community Councils were not allowed to open bank accounts. That was the prerogative of the central government. This lack of financial management and accountability had detrimental results of the functions of the Community Councils and impacted negatively on their chances of receiving donations. In an interview with M Khoanyane (2011) remembers: 'R Khan, a Developmental Consultant was interested in funding some of developmental projects in Mazenod A08 Council, but he became sceptical after discovered about the financial status of the Councils. The Councils cannot open up bank accounts because of the stipulations of the Local Government Act of 1997 that all monies received by any Council shall be lodged with an approved bank'. The above was a clear indication that the Councils had to rely wholly on the central government for financial resources. They are not able to collect revenue to fund their programmes.

Insufficient Financial Resources

The budget allocation to Councils since 2006 has been modest because the understanding was that the decentralised functions would be followed by financial and human resources. However, this did not happen and left the Councils with no capacity to implement their given

mandate. Fiscal resources that correspond to responsibilities and particular conditions of local government are a critical part of all their powers. Without them, local authorities may not be able to implement or enforce their decisions (Ribot 2002). Ironically, in Lesotho, the most frequently mentioned critique on the part of local government concerned the lack of funds. This was because central government doubted the integrity of the Councils concerning financial management; thus, local authorities were allocated only minimal funds. The income of local government from central government grants far exceeded the revenue from the charged rates. Therefore, local authorities were totally dependent upon central government support for such grants.

Human Resource Challenges

In the Kingdom of Lesotho, besides a severe lack of human resources to provide services to the communities as provided in the Local Government Act of 1997, the Councils had human resources challenges. The implementation of local government in Kingdom of Lesotho was not intended to bloat the wage bill. The approach to local government staff was that decentralised functions would be assisted and monitored by staff from the central government who performs such functions. Some staff members from the central government were deployed to the local government. To date, the decentralisation process has suffered gaps because of capacity challenges in terms of numbers and the quality of available human resources to lead, monitor the process and produce the necessary tools and manuals in order to sustain its functionality.

Local Councils lacked autonomy to make and implement their policies and programmes with the problem being exacerbated by central government who dictated what the Councils could do and even, at times, issued an ultimatum. For example, the government imposed on the Councils a moratorium over land allocation, the effect of which had been a completely stalled land allocation for new applicants and a high level of frustration on the part of the Councils and the people they serve. Again, central government simply dictated the Council what should be done about matters affecting them, even if they had an opinion on the issue (Matipi 2011). This lack of autonomy impacted negatively on many Councils in the Maseru District.

The Kingdom of Lesotho has been subservient to internal cleavages resulting from ideological factors, which have caused internal divisions and posed challenges for local government. Another challenge in the area of structure, functions and resources was observed by Sabela and Reddy (1996: 4) when they indicated that: 'A major crisis experienced in local government is one of ill adjusted functions in terms of meeting the demands of citizens. The crisis manifests itself in many ways, namely, services that should be functionally consolidated or placed in the hands of the authority are fragmented among several bodies, thereby increasing the difficulty of meeting the needs of communities; and many local authorities are too small in size and revenue and, consequently, fall short of adequately qualified personnel and technology to execute their activities to an acceptable standard.' One could not agree more with the above observation that services that should be placed in the hands of one authority were fragmented among many Community Councils that were relatively small in size and with little revenue.

Political Culture

A major issue that has been detrimental to the Kingdom of Lesotho's development is its political culture; it remains a threat to the well-being and economic and political stability of the country (Mahlakeng and Solomon 2013: 35-53). The country's political system has historically been marked by conflict and instability. From the onset of its independence, the Kingdom of Lesotho has had numerous forms of government, *coups* and internal political factions, which had hindered development and stability. There have been four military *coups d'état* and 23 years of authoritarian rule, including seven years of military government (Matlosa 2006: 17-21).

CONCLUSION

The study argued that the Community Councils of the Maseru District in the Kingdom Lesotho still have a long way to go before they can reach the stage of being autonomous. This is because the funds of the Councils are still controlled by the District Councils. They still lack the capacity to run the funds by themselves. Only administrative devolution has been implemented, whereas fiscal devolution was done by

the central government. Evident to the above was the fact that local authorities did not have their own bank accounts. This negatively affected their operations. In some instances, the donors were reluctant to fund Councils' projects because they did not have bank accounts.

RECOMMENDATIONS

The above study has clearly shown the challenges of local government in Lesotho. For local government to address these challenges in the Kingdom of Lesotho, the following is recommended: officials appointed at local government level should possess the necessary skills such as finance and leadership; to enforce the stability of the macroeconomic environment at local government level; and provide infrastructure development with clear performance indicators to local government officials.

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