

April to June 2014

Inside this issue:

**Are our Extractives
an economic growth
trajectory or a resource
curse?**



**Women's reproductive
rights must be protected
at workplace**



**Role of Civil Society in
CAADP**



Contents

3. Foreword

4. Editorial

5. Are our Extractives an economic growth trajectory or a resource curse?

9. Women's reproductive rights must be protected at workplace

11. Role of Civil Society in CAADP

14. Deepening Decentralisation and Non-State Actors: Reflection on the impact of the project

17. Service delivery in the context of Decentralisation Policy

19. What is Behind Prorogation of Parliament?

22. Deepening Decentralisation process: a road with CSO, Local Authorities

Editorial

Sekonyela Mapetja
Tšepiso Mncina
Thato Konstabile
Stefan Hladenki
Lira Theko

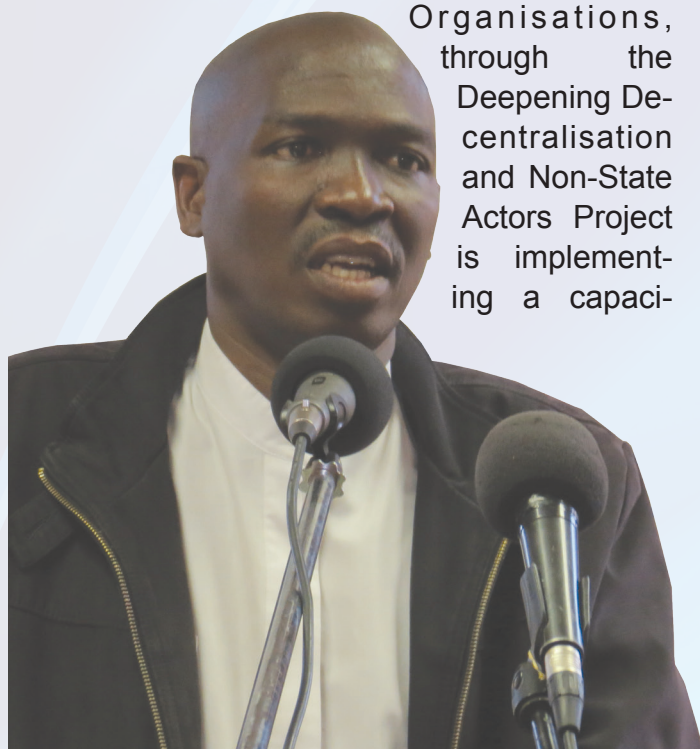
Design & layout

Tšepiso Mncina

FOREWORD

Decentralisation in Africa has a direct bearing on nature of governance and development agenda and goes a long way in improving the standard of living for ordinary citizens. It is through decentralisation process that governments can deliver the much-needed services to the communities. However, this mammoth task requires concerted efforts from all sectors of the society including a very vibrant civil society to push such development agenda. Effective and efficient decentralised political and administrative structures are considered essential element of “good governance” which is a prerequisite for poverty alleviation.

The Lesotho Council of Non-Governmental Organisations, through the Deepening Decentralisation and Non-State Actors Project is implementing a capaci-



ty-building programme for not-state actors with the aim to enhance their contribution towards poverty reduction. This is taking place into 20 community councils in the six districts: Mokhotlong, Butha Buthe, Leribe, Maseru, Mafeteng and Mohale’s Hoek.

The Project seeks further to build organisational

and institutional capacity of both local civil society organisations and local authorities in the direction that would result in influencing inclusive development agenda. In doing this, LCN is complementing the government’s efforts towards deepening decentralisation programme in Lesotho. Though, this may sound as an easy approach, there are still challenges for consolidating local government authorities abilities to appreciate and respond to the many governance and development challenges.

It is noted that efforts to implement decentralisation programme by both political and legal approaches are still in need of processes that aim to empower different institutions for them to appreciate and sustain the productive engagement as evidenced by more challenges with regard to the extractives, local security challenges and food insecurity just to mention a few. We need to continuously empower community-based organisations and local authorities to be able to remain relevant even under this challenging circumstances.

Although it’s evident that Lesotho government has been dragging its feet in decentralising the real power to the local councils, as evidenced by the highly centralised planning and budgeting processes, there is a strong believe that the implementation of the Decentralisation Policy 2014 can lay a foundation for effective and efficient government planning and execution.

This can lead towards elimination of planning in silos of which the government is used to. We are committed to empower the local citizens to demand services and accountability from both local and national government.

Mr Seabata Motsamai
Executive Director

EDITORIAL

Decentralisation must be embedded in broader reform programmes for national development



Decentralisation lies at the heart of any country's development, and has the potential to reduce poverty and increase good governance through fair distribution of resources and power to local authorities.

In many developing countries, decentralisation efforts have been planned and implemented as a means to improve service delivery to all sectors of the society. For decentralisation to have an impact on poverty reduction, it must be embedded in a broader reform programmes, policy-making processes should be transparent, broad civic participation is needed, and a high level of information sharing among all stakeholders must be ensured.

In the case of Lesotho, decentralisation is enshrined in the National Constitution of 1993 and operationalised through several national legislations and policies.

However, the country continues to be docked by poor service delivery at community level. For decentralisation to come into full force, the central government must be willing to part

and delegate responsibilities and resources to local councils for effective service delivery.

Other interesting stories in the publication include a piece on the extractive industry and the misery it has brought to the host communities in Lesotho. The other issue tackle in this publication is Women's reproductive rights at workplace, an issue which seems to be an over sight for those in power. While it is eminent that some jobs are physically demanding, discrimination against women in the workplace continue to haunt women in the armed forces. NGO Web also looks into the role of Civil Society in CAADP.

Your feedback is most welcome, and hope to get suggestion on topics of interest to be covered in the next issue.

Enjoy...

Tšepiso Mncina
Editor

ADDRESS

House No.544
Hoohlo Extension
Maseru 100
Lesotho
Private Bag A445
Maseru 100, Lesotho



Telephone: (+266) 2231 7205/
(+266) 2232 5798
Fax: (+266) 2231 0412
Email: info@lcn.org.ls
Website: www.lcn.org.ls

ARE OUR EXTRACTIVES AN ECONOMIC GROWTH TRAJECTORY OR A RESOURCE CURSE?

The article seeks to discuss the importance of extractives in the context of the New Liberal Theory. The article is not per se an in-depth empirical analysis on the subject matter but rather an opinionated piece supported by what is obtained on the ground, especially from the host communities themselves.

The government of Lesotho Policy Position on the extractives — especially mining.

The extractives at least in Lesotho draw their importance from among other policy documents the Vision 2020. This was a very good and yet ambitious development agenda whose vision is:

By the year 2020 Lesotho shall be a stable democracy, a united and prosperous nation at peace with itself and its neighbours. It shall have a healthy and well-developed human resource base. Its economy will be strong; its environment well managed and its technology well established.

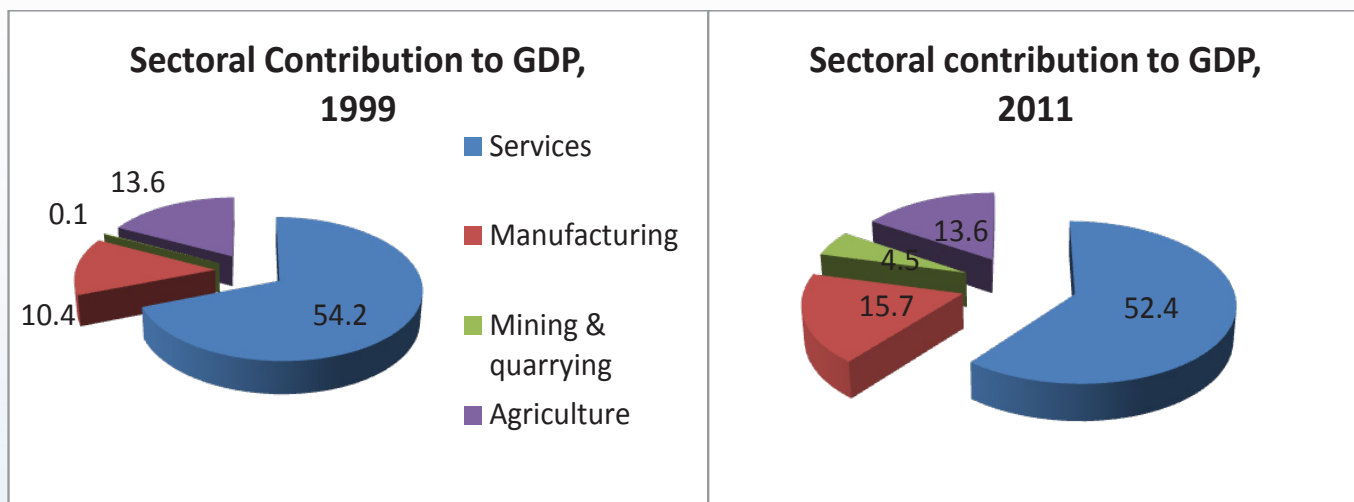
In its wisdom the government



Mr Ralikariki, Principal engineer in the Ministry of Mining, Mr Mpooa - Commissioner of mining, centre and Economic Justice Coordinator Mr Sekonyela Mapetja

of Lesotho, decided to develop yet another document which will implement the same vision. The National Strategic Development Plan (NSDP), therefore becomes the bedrock for every developmental agenda in Lesotho in the medium term. It is then in the NSDP that the issues are further extolled. The government of Lesotho places mining high on its investment agenda. Mining has the potential to transform the economy of the country. Over

the years the mining sector has made important contributions to the GDP of the government of Lesotho. The contribution has been increasing yearly. To illustrate this, in 1999 mining contributed a modest 0.1%. In 2011 its contribution rose to a whopping 4.5%. It is important to note that mining growth has a multiplying effect on other infrastructural sectors. Therefore, it is not surprising that mining is well-articulated in the NSDP. To illustrate the



above the Mining Draft Policy includes the following:

The sector's contribution to the GDP, which rose from a low 0.1% in 1999 to 4.5 % in 2011 indicates a growing importance of mining in Lesotho's economy. In contrast, the contribution of agriculture, the mainstay of the economy, has steadily declined. It shrunk from 20 percent in 1983 to nearly 14 percent by 1999 and to 7 percent in 2011.

Within the NSDP, the Government has articulated clear objectives for the minerals sector which aim to: "(i) Develop a consolidated mining policy and review legal frameworks to adhere to best practices; (ii) Facilitate access of mining companies to the electricity grid and improve the main roads that lead to mining areas; (iii) Enhance investment promotion capacity and indigenous participation in the sector; (iv) Promote the

development of down-stream industries; and (v) Generate comprehensive information to augment mineral resource wealth intelligence and inform potential investors."

Time for hard choices

For mineral-rich countries, large scale extractive industry projects are a double-edged sword. On one hand, mining royalties and taxes provide funds that can be invested towards infrastructure and social services. Mining projects are believed to have the capacity to create jobs and spur demand for locally produced goods and services, supporting livelihoods and boosting economic growth.

Although we believe that mining has the capacity to better the lives of host communities in Lesotho there are still serious complains from such communities that they are

not given a chance to provide even transport services for the mines, let alone other important services. Mining authorities argue that locals do not have the capacity to sustain catering services to the mines to mention a least technical service.

The long and short of it is that in Lesotho issues of side stream linkages to mining are bad, whether by design or by default, communities do not reap meaningful benefits - they don't have a say in the benefits. Communities only accrue meagre benefits via the trickle down effect- mostly pre determined by mining authorities.

On the other hand, there is plenty of evidence that mining revenues are routinely squandered, leaving little to show by way of long-term productive investment or better

living standards. Lesotho is no exception on allegations of squandering proceeds from the mines, this allegations have resulted in many pending cases in the High Court of Lesotho.

Moreover, mining boom undermine growth in other industries by skewing labour demand and swelling the exchange rate. Adding salt to injury, mining operations often leave a legacy of massive and long-term environmental damage.

One person from Lekokoaneng where sandstone mining is widespread said dust emanating from the mines is of large quantities and villagers breathe highly polluted air. In his words he said communities breathe *Motoro* (dust congested air). Rather than receiving what amounts to ‘manna from heaven’, mineral-rich African countries seem to suffer a ‘resource curse’ were mineral wealth does not necessarily translate to significant economic growth. One glaring example is environmental degradation. In Lesotho, apart from diamond mining, there is a lot of quarrying that happens in almost every corner of the country.

The topography of the country in both lowland and foothills are characterised by sandstone

hence there are many quarries for sandstone bricks and there are also lowland rivers ports with sand for building. In acquiring these natural resources there is a lot of accompanying environmental degradation.

The river banks become so deep and fragile in areas where traders mine the sand using caterpillars. River banks fall thus enlarging width of the rivers



There is plenty of evidence that mining revenues are squandered, leaving little to show by way of long-term productive investment or better living standards.

which sacrifice agricultural land and causes unprecedented soil erosion. The foothills and the highlands are home to Lesotho Basalt rock. The rock is famous for producing crush stone which is mainly used for building roads.

The host communities to these minerals are subjected to exploitation by some ‘investors’ who promise them ‘heaven and earth’ before accessing the minerals. Once their

operations are in full swing, communities are taken for a ride under the pretext that there are no laws obligating traders to provide social services for the communities. One community member from the host area once said the government should understand that *Litaemane ha se Tšaane e helloang ebe selemo e ea hlomela* (diamonds are not ‘Erascrotis – Curgular’ that one can harvest and it grows again).

Of course there are shoddy agreements that investors enter into with host communities but the Parent Law on Mining does not provide for any obligation on the part of investors to provide for communities. In the process communities are jettisoned and cajoled due to lack of protective legislature.

The mining industry provides a tangling potato to communities and communities are often misled by dubious promises.

Therefore, it is imperative for any policy or endeavour related to the mining industry to be very clear and strict on investment for the benefit of future generations. Countries should take conscious steps through legislation to ensure that a certain portion of the proceeds from the industry are invested within communities. Countries should also ensure

that host communities enjoy full benefits of the proceeds. Countries like Lesotho practice open pit mining which is not labour intensive unlike shaft mining. There are also no alternatives for proper policies on alluvial and small mining.

Alluvial and Small Mining

In Lesotho the legal framework provides for small scale mining in all minerals except for diamonds. This situation needs to be reversed. This is one choice that the country has to make to allow ASM entry in the diamond industry. Many studies continue to show that Lesotho abounds in diamonds but only few places have enough deposits for installing proper mining structures.

If the legal framework remains the same, then it means all other diamond mines without enough deposits will mostly benefit foreigners, especially engineers constructing roads and dams. This foreign benefit could be translated to *Lefa la Mofonono* in Sesotho. Any economic development that does not provide meaningful improvement to peoples lives is development that perpetuates inequality and thus widens the gap between the haves and the have nots and thus promoting accumulation by deprivation tendencies. A country that has the inter-



ests of its people at heart does not shy away from demanding a full share of the mining proceeds.

The multinational companies that have established themselves as the hub and authority in mining argue that developing countries' governments do not have the required knowledge and resources to inject into the mining industry. On the contrary, strong governments argue that minerals do not decay but they deplete once extracted.

Benefits to foreign extracting companies are enormous, therefore as host countries we should have a larger share of the proceeds or else they should pack and go and leave us with our minerals until we have our own resources to extract our minerals and reap full

benefits.

While it is economically acceptable the world at large that mineral benefaction is the way to reap full benefits of the industry such endeavours should be highly cognisant of improving the livelihoods of the ordinary citizenry.

At the same time legislature should provide for a blueprint for minimum benefits that each investor should provide to host communities. One of the glaring examples is the issue of ground rent. There is no sufficient justification as to why ground rent cannot be a prerogative of the host communities.

These are hard choices of our times that our leaders need to confront.

WOMEN'S REPRODUCTIVE RIGHTS MUST BE PROTECTED AT WORKPLACE

Although the Constitution of Lesotho guarantees freedom from discrimination, occurrences of workplace discrimination and inequality faced by women are an economic reality and social norm lived by the majority in Lesotho. This violates the most basic human right to equality and stifles opportunities, wastes the human talent needed for economic progress, and heightens social tensions.

Women continue to suffer discrimination in almost all aspects of employment, including the job accessibility, remuneration, benefits and working conditions and access to decision-making positions. The gender pay gaps, and difficulties in balancing work and family life has forced the majority of women to resort to part-time or informal work.

For the needs and priorities of men and women to be equally addressed in society, both parties need to be involved and represented in the decision-making process and in policy making and implementation. In most cases, wom-



Lesotho Defence Force

en's access to certain jobs is restricted because of their reproductive role or the fact that they continue to bear the main responsibility of childcare and caring for other dependants.

Challenges facing women in the labour market such as gender-based discrimination have deep social roots, which cannot be simply eradicated by legislation, however the mainstreaming of gender and non-discrimination policies may help to bridge the widening gap.

Basotho women are regularly presented with open gender-based discrimination. In one case, the Lesotho Defence Force Commander, Lieutenant General Tlali Kamoli, while addressing the recruits, advised women recruits that: "This group will not be expected to have children for the next five years because we have very big things planned for them".

Federation of Women Lawyers (FIDA) denounced the remarks saying, "the rule is highly discriminatory and we can think of

no greater deterrent to women contemplating a military career than a woman being barred from conceiving due to the 'heavy artillery' they would be using while in service."

Restricting women their right to reproduce has the potential to strain or break family ties as a result of a couple not conceiving due to work commitments.

According to the World Health Organisation, reproductive rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. The reproduc-

tive rights also include the liberty of all to make decisions concerning reproduction free of discrimination, coercion and violence.

Although FIDA acknowledges that any kind of military or combat is a uniquely demanding job, Lesotho is not under threat or anticipated military attacks, therefore women conception cannot impede on army activities. It further notes that women should be free to exercise their reproductive rights as protected by the law.

The United Nations Universal Declaration of Human Rights declared in article 16 that "men and women of full age, without limitations to race, nationality or religion, have the right to found a family". Lt Gen. Kamoli's remarks seem to go against this international declaration. It is however noted that any attempts by

Lt. Gen Kamoli and the whole Defence Force to control the cadre's reproductive rights will be a breach of their human rights and thus go against the principles of human rights as enshrined in the Constitution of Lesotho.

Lesotho has a patriarchal culture and institutions like the army already enforce norms, standards and stereotypes that can be purported as gender insensitive. Such remarks by the Army Commander are likely to reinforce gender discrimination and further disadvantage women, who are a minority in the armed forces throughout the world and in Lesotho in particular.

Therefore, the Lt. General and his training staff are encouraged to consider the development and delivery of a training package that focuses on women's rights in the country in general and within the Lesotho Defence Force in particular.

The enforcement of women's rights and the development of guidelines for the treatment of women in the armed forces should be the responsibility of a senior officer responsible for discipline in the army.



Lesotho Defence Force Commander, Lieutenant General Tlali Kamoli

ROLE OF CIVIL SOCIETY IN CAADP

What is CAADP?

One of the key models set to guide Lesotho's Agricultural sector outlook is the Comprehensive Africa Agriculture Development Programme (CAADP). This is an important process in the Africa region and in Lesotho as it seeks to increase attention to domestic Agriculture development. Because of its importance to Lesotho's Agriculture sector programming and outlook, constant education, dialogue and discussion between public servants, CSOs, farmers, the business community and other relevant stakeholders is imperative.

CAADP is defined as an Africa led and owned common framework, reflected in a set of key principles and targets, to guide country strategies and investment programmes; stimulate and support policy dialogue and review, organizational and capacity development, (regional) peer learning, private sector engagement and agriculture related entrepreneurship development and growth; and facilitate greater alignment and harmonization of efforts of development partners, inter-



Lesotho Council of NGOs Chairperson Mrs 'Mampho Thulo, Policy and Research Advisor Mr Stefan Hladenki and Agriculture, Environment and Natural Resources Coordinator Mr Thato Konstobole at the CAADP stakeholders review in Maseru

national and local institutions, knowledge centres and think-tank institutions.

Given this scope of reflection, it can be understood that this calls for everybody's commitment and involvement to shape the Agricultural Development agenda of Lesotho. CAADP is the result of African Heads of States and Governments that was endorsed in Maputo Declaration in 2003, where they endorsed CAADP as the specific agenda that responds to Africa's critical need for positive, sustainable growth in the agricultural sector.

What CAADP is not

CAADP is not a **'one size fits all' plan**. It is not a blueprint for agricultural development and does not come with a set of implementable actions or an overarching programme; it does not (or should not) seek to impose a set of conditions. CAADP does not come with large quantities of donor money attached, although many existing programmes will be supported by donors through specific funds. It is not supposed to produce a rash of new projects and initiatives, although some new efforts will inevitably be born out

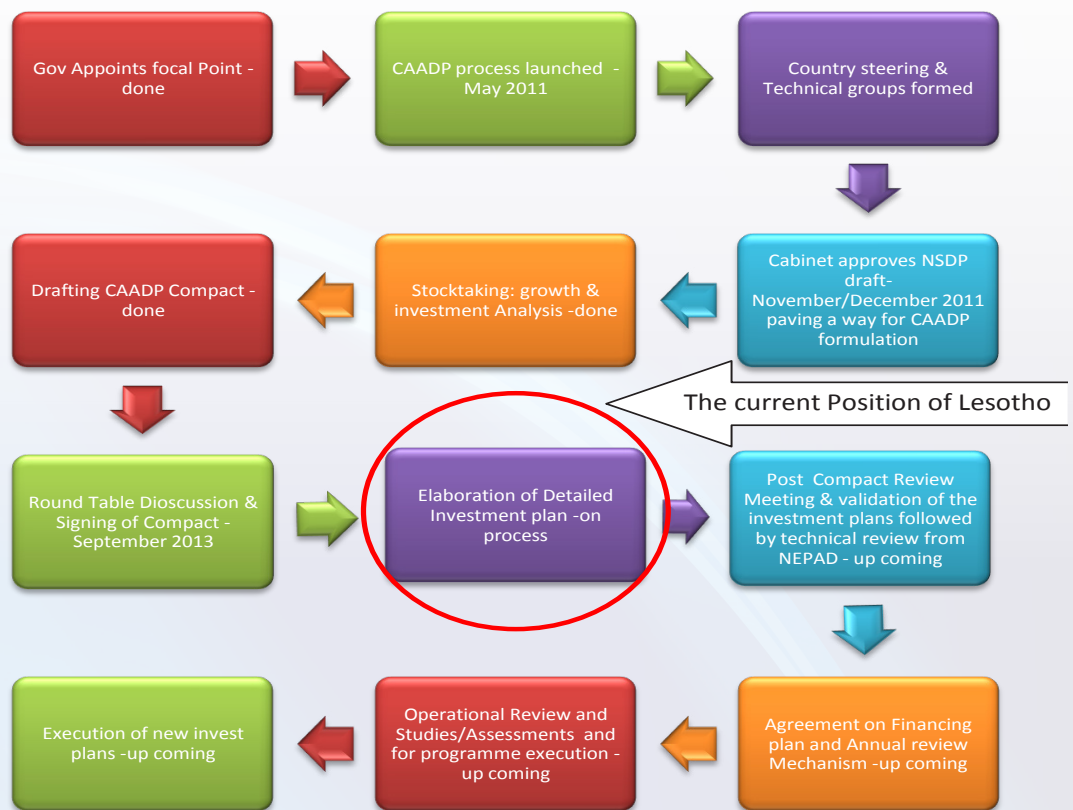
of CAADP (CAADP - A toolkit for civil society, 2009)

CAADP implementation process/ Round Table Process – implementation guide

The backbone of CAADP is the country implementation process (previously called the 'CAADP roundtable'), which is an iterative learning process comprising analysis, design, implementation and evaluation of agricultural investment programmes. In the case of Lesotho, Lesotho National Agriculture Investment Plan (Lesotho-NAIP) is core to guiding the implementation of the agreed interventions. The country implementation process aims to improve the quality and effectiveness of agricultural sector programmes by integrating the principles and values of CAADP into national systems of development planning and implementation (adapted from Guide for country CAADP Implementation).

Where is Lesotho?

The National Forum on Agriculture and Food Security held in 2010 gave birth to the broader national consensus on the strategic



directions for further interventions in agriculture, rural development and food security.

The Government of Lesotho officially launched the CAADP process in May 2011. Following this a CAADP country team that is made up of Ministry Agriculture and Food Security, MOF, Ministry of Development Planning, Ministry Forestry and Land Reclamation, Disaster Management Authority (DMA), Ministry Trade and Industry, Cooperatives Marketing, Ministry of Energy Meteorology and Water (MEMWA), Ministry of Local Government, and the following organizations: Lesotho National Farmers Union, Leso-

tho Council of NGOs, Private Sector Foundation of Lesotho, FAO, World Food Programme (WFP), and the National University of Lesotho (NUL) and the Nepad secretariat was selected to drive the process and in September 2013 a CAADP compact was endorsed. The road map above illustrates Lesotho's progress.

CAADP presents CSOs with a significant opportunity for engagement

The CAADP specifically creates space for inclusive participation of all relevant sector players – from within and outside the state and at the grass-roots level. For this reason, CAADP provides a significant

opportunity for non-state actor engagement. Following are some of the anticipated roles and functions for the CSOs in engaging with CAADP agenda:

- **Policy dialogue and planning** : the voice of sector stakeholders such as the poor, farmers, or agri-businesses should enhance the quality of decision-making, helping ensure alignment to the interests of target beneficiaries and building buy-in and understanding in readiness for implementation
- **Implementation**: the country and regional strategies will require a broad alliance of sector stakeholders to engage in implementation and aligning human and financial resources behind priorities in order to achieve results at scale
- **Accountability**: sector stakeholders have a vital role in holding CAADP partners to account for delivering on their commitments
- **Resource mobilization**: they should not be considered only in technical review processes but also as important partners in resource mobilization. Some CSOs have already secured relevant funding in the next five years. It is important these funds are aligned with Lesotho-NAIP priorities and documented to help meet the overall Lesotho-NAIP

funding requirement.

CSOs also have a specific role in Advocacy and influencing Role.

These are seen to involve:

- **Civil society**: advocacy and influencing roles
- **Agenda setting**: change public opinion with regard to a given issue.
- **Watching**: measure progress towards commitment.
- **Research**: research issues, which are important to the CSO, often linked to an advocacy function
- **Networking**: coordinating other CSOs that work in a particular sector.
- **Serve as umbrella CSO**:



CAADP does not allocate large quantities of donor money attached, although many existing programmes will be supported by donors through specific funds

perform a coordinating and representative function.

- **Federations, consortiums and strategic alliances**: CSOs in one area or sector federate together for goals

they can best achieve through greater numbers.

Recommendations

Strengthening country leadership and ownership - Experience in CAADP implementation has shown that stronger political commitment and leadership is essential in fostering commitment, ownership and implementation for results. Where strong political leadership and commitment has been exercised around CAADP implementation, progress has been realised. This reiterates the importance of creating synergies, complementarities and linkages between CAADP and national planning targets like those included in the NSDP

Harnessing alternative financing models for effective agricultural investments – Experience from other countries has shown that the CAADP country investment plans have become vehicles and tools for attracting public financing to the identified priority areas. There are increasing commitments from both governments and development partners to finance up to 70 percent of public commitments in country investment plans. Thus in many countries as in Lesotho, additional resources of finance are needed to support the full implementation of the country investment plans. With the de-

velopment of the current Lesotho-NAIP a number of alternative sources of financing have not been effectively tapped to complement the government funding commitment.

Establishing instruments and mechanisms for

strengthening accountability – strengthening accountability through improved monitoring and evaluation and reporting will be critical to effectively deliver results and impact beyond high level leadership and commitment. Delivering results and

impact will require a package of interventions drawn from and in alignment with National Strategic Development Plan (NSDP) targets, financing, leadership and commitment as well as effective mechanisms for accountability.

DEEPENING DECENTRALISATION AND NON STATE ACTORS: REFLECTION ON THE IMPACT OF THE PROJECT

Lesotho Council of Non-Governmental Organisations is implementing the European Union funded Deepening Decentralisation and Non State Actors project with the view to enhance participation of non-state actors in poverty reduction strategies through empowerment of civil society organisation based in the community level. The result of this intervention is aimed at improving productive interaction between non-state actors and local authorities, thus accelerating the decentralisation programme in Lesotho.

This Project intervention is crafted in a way that it transfers skills and knowledge to CSOs at local level as to enable them to influence inclusive development agenda, but also to demand accountability from all



Members of community listen attentively as Send a Cow Lesotho delivers training on Rights Based Advocacy at a workshop held at Tšanatalana Community Council

authorities, namely local councils, government ministries and the parliament. Since the project is in the first year of implementation there have been some key lessons to learn from either from the management, leadership and governance,

hence some reflections on the journey travelled so far in particular in the project implementation sites, namely Mokhotlong, Botha Bothe, Leribe, Maseru, Mafeteng and Mahale's Hoek. The target area for the project implementation

is 20 community councils within the above-mentioned districts.

Mashaleng Community Council

As a result of the capacity building training that empowered CSOs, LCN noted that the maternal mortality and drug defaulter rate are still a challenge at the community level, some service delivery institutions adopted other strategies which to a certain extent infringe on the right of individuals. Though the concern is genuine but the approach to respond to them is very challenging in a democratic society. It is noted that the strategy to have **Bafelehetsi** (companion) infringes the right of privacy of individuals who are infected (HIV and AIDS) and also erode the trust of pregnant women to health facilities.

The community members who benefited from the Rights Based Advocacy training continue to engage service providers at the local level particularly on the issues related to **Bafelehetsi**. In the past, HIV and AIDS, TB and pregnant women were required by the Good Shepherd management to bring along **Bafelehetsi** to the healthcare centre. Although, this was not done in bad faith, the community is of the view that their right to health and rights to privacy were being violated. It has been established



A community dialogue held at Ramoetsana Community Council last month

that patients are often turned away if they happen to come to the clinic without **Mofelehetsi**. In some instances, a patient is allowed first visit, but be given a strict instruction that for the next consultation he/she should be accompanied to the centre.

Since this was part of the discussions during the interactions between local CSOs and local authorities it was found that the objective of meeting the Millennium Development Goals, goal number five on maternal mortality and also country's response to HIV and AIDS and TB is under threat because majority of patients did not welcome the idea of having **Bafelehetsi** as a result they shunned the services hence the continu-

ation of high maternal mortality and HIV and AIDS and TB defaulter rates.

Through the dialogue and engagement, there has been agreement that patients will no longer need **Bafelehetsi** to the healthcare centres. This is considered as an achievement in the project implementation because there was creation of dialogue based on empowered members of CSOs who were able to engage effectively. This evidence is generated by PAVA

Butha Buthe Urban Council

There are so many issues in the communities that affect them negatively and they were oppressed by the fear and vulnerability. After the intervention

of CESA, which has benefited on the Right Based Advocacy provided by LCN, some issues have started to surface such as property grabbing, imposed wool shed facility which is not accessible and regarded as a white elephant in Kao.

The case that was brought to the attention of CESA after its interaction with the communities is of the old lady in the Butha-Bothe Urban Council whose property has been grabbed.

Though this case has not been completely resolved, the local authorities namely at District Administrator, District Council Secretary and Town Clerk have positively intervened. If there was constructive dialogue and engagement, the old lady would have registered her concern to the local authorities because all along she was of a view that local authorities have connived with the businessman to grab her land.

The case study above is just an indication that there is a need for improved participation of civil society organisations and local communities in determining development agenda and also in involving other stakeholders such as private sector. This will result in the improved dialogue amongst the development actors. Not only this, but it also enhance accountability, responsive and transparency of



the local authorities in executing their mandate.

Ramoetsane Community Council

The Deepening Decentralisation and Non State Actors project has been designed in the way of building the capacity of CSOs for constructive engagement at a local level. This seems to be not welcome to some community councillors as evidenced by Ramoetsane case study.

In Ramoetsane where Send a Cow Lesotho is implementing the project, some councillors felt threatened by the presence of the organisations intervention in the area of community empowerment. Since the organisation is known on giving the agricultural inputs in other areas, the community councillors though that in Ramoetsane will be the same. Through the

intervention of SACL on areas of advocacy and the demand for accountability, there is a feeling from some members of the community council that the organisation is there to bring confusion, while on the other side, the community are saying that those councillors are threatened by their way of demanding services which fall within their mandate. It is evident that some community members are more empowered by the organisation's interventions.

The above case studies demonstrate how continuously the project is progressing in its journey of empowering and imparting skills and knowledge to ordinary citizens. It is on the basis of empowered citizens the services will progressively be delivered in their areas by the duly authorised community structures such as local authorities.

SERVICE DELIVERY IN THE CONTEXT OF DECENTRALISATION POLICY

In many developing countries, decentralisation efforts have been planned and implemented as a means to improve service delivery to all sectors of the society. For decentralisation to have an impact on poverty reduction, it must be embedded in broader reform programmes, policy-making processes should be transparent, broad civic participation is needed, and a high level of information sharing among all stakeholders must be ensured. 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.

It is against this background that the Lesotho Council of Non-Governmental Organisations is implementing the European Union funded Deepening Decentralisation and Non



Construction of rural roads is critical to service delivery

State Actors project with the view to accelerate progress and deepen decentralisation in Lesotho.

The project which is being implemented in the districts of Mokhotlong, Botha Bothe, Leribe, Maseru, Mafeteng and Mohale's Hoek is aimed at promoting decentralized service delivery for social and economic growth through the development of transparent funding mechanisms and by improving the accountability of local authorities.

LCN in collaboration with fol-

lowing organisations: Campaign for Education Forum, Send a Cow Transformation Resource Centre, Centre for Empowerment of Social Analysis, Lesotho National Council of Women and Patriot Vision in Action will deliver skills and knowledge aimed at improving organisations and institutional performance of CSOs and local authorities.

The Council will also engage with central and local government structures through advocacy budget tracking, social mobilization, policy dialogue and community parliament.

The Deepening Decentralisation project comes at the time when governments are beginning to appreciate the value of civil society as an agent of change to drive decentralisation to the grassroots.

The Government of Lesotho through The National Decentralisation Policy 2014 recognises that there has been 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 non-state actors, and the need to facilitate their effective contribution to national and local development processes.

With its decentralisation programme, supported technically and financially by different international development agencies, the Government of Lesotho follows a global trend towards decentralisation in developed and developing countries. Besides the government, the private sector and civil society play crucial roles in defining and observing decentralisation at grassroots.

Decentralisation is considered to be the main mechanism to promote good governance,

enhance local development and take services closer to citizens. Efforts to implement decentralisation using legal instruments (mainly the Local Government Act of 1997 as amended), have only succeeded in creating political councils with limited technical capacity, resources and guiding frameworks to deliver services to citizens. This has led to unfulfilled citizen expecta-



Decentralisation is considered to be the main mechanism to promote good governance, enhance local development and take services closer to citizens.

tions and dissatisfaction with local councils. To improve the implementation of decentralisation, the Government decided to formulate a comprehensive national decentralisation policy.

Decentralisation will bring services closer to clients, and is expected to increase the motivation, identification and responsiveness of bureaucrats. Decision-making can be speeded up by reducing the overload of information that reaches the top levels of the

hierarchy. Bottlenecks caused by central government control of important economic and social activities can be alleviated, complex bureaucratic procedures can be cut and top managers in central administration are relieved of routine tasks and freed for strategic policy planning. Decentralised administrative responsibilities also serve to encourage innovation in local administration

The 2014 Decentralisation Policy seeks:

- To ensure that all Government services are accessible to all citizens and of acceptable quality.
- **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.
- **Facilitate job creation, food security and poverty reduction;** The need to reduce unemployment, increase food security, improve rural livelihoods and eradicate poverty, are overwhelming. Decentralisation is considered to be a good mechanism to respond to these multi-sectoral challenges that often require local solutions.
- **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 strategic policy issues.

- **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.

- **Facilitate locally beneficial regional and international cooperation:** The Government is keen to ensure that Basotho directly and productively benefit from regional and international cooperation initiatives. 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 in-

ternational platforms.

With the decentralisation fully operational, the Government of Lesotho is expected to delegate functions, responsibilities and resources relating to service delivery to Local Governments to the fullest extent possible.

The Government will also 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. Local Government, on the other hand, shall be responsible for implementing national policies and strategies through local authorities.

By Sofonea Shale

Following announcement that the Premier has advised His Majesty to prorogue parliament the public sphere became polluted with fears, concerns, worries and assertions. The issues raised include claim that Premier has no right to advise the King without cabinet approval and that there are no conditions in Lesotho warranting prorogation.

Though the current and popu-

WHAT IS BEHIND PROROGATION OF PARLIAMENT?

lar question is not necessarily WHAT rather HOW appropriate is, the prorogation of Parliament, the debate will remain elitist, exclusionist and to some extent misleading unless the first question is addressed. In

fact, majority of voters would be rendered a contested audience rather than debaters, on the grand question 'is it the end of road for Coalition Government'?

Prorogation is a parliamentary

break which marks the end of parliamentary session. In terms of the Lesotho constitution, it is done by the King acting on the advice of the Premier. In section 83 (1) and (4) the constitution stipulates that the King may prorogue parliament at any time as advised by the Prime Minister. It can by law take any period of time in prorogation as long as it does not exceed 12 months.

When parliament is prorogued all the business before the House lapses but it could be introduced in the next session. Prorogation does not lead to elections, it is a break, what leads to elections would be a dissolution. Given this explanation, the obvious and legitimate question therefore would be, so what is a fuss about the parliamentary break? Politics is the response!

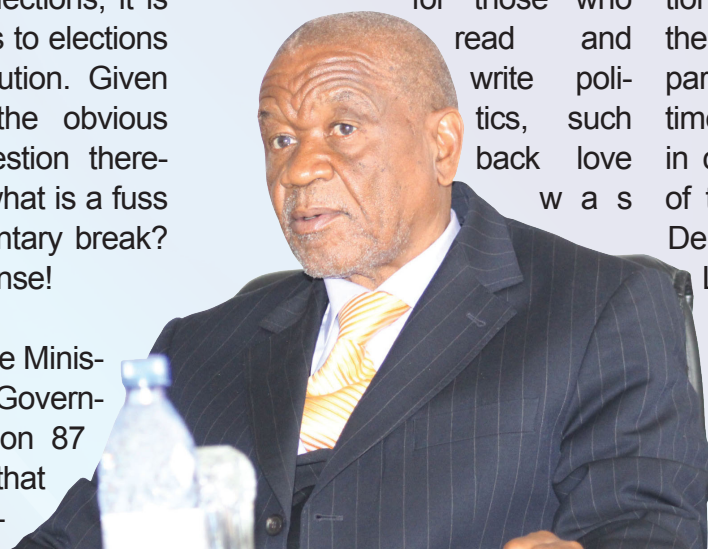
In Lesotho the Prime Minister is the Head of Government as per Section 87 (2) which indicates that such shall be a person commanding the majority of the National Assembly.

In other words the Premier can only legitimately hold office so long as he/she enjoys confidence of the National Assembly.

The sitting Premier derives that majority from the parliamentary collaboration of the ABC, LCD and BNP on the one hand and

the parties of Bloc albeit their fragmentation on the other. In the recent history, one of the parties in coalition; LCD, went on public about its discontent on the non-consultative conduct of the Premier. There was also a sharp turnaround political posture of the parties of congress orientation not only echoing LCD discontent but parading and pleading sympathy to the fellow congress party. Beyond the simple mathematics that LCD and DC can form government and therefore replace the present coalition government,

for those who read and write politics, such back love with a



Prime Minister Thomas Thabane

not only imminent but fast approaching. In desperation to consolidate his position, the ABC leader acted swiftly to advise the King to prorogue. Why was prorogation so important to the Prime Minister? This gives assurance that for the time being Parliament would not

sooner resume, thus delaying D-day when the contemplated LCD-DC re-marriage would be consummated either by floor crossing or any other way which would give Speaker legitimate indication that the sitting Premier has lost legitimacy of Premiership in terms of Section 87(2) of the Constitution. This would create a situation where the Prime Minister would be logically compelled to resign as he would have clearly lost control of majority of the House. This technical knockout would have constitutionally by-passed the Motion of No Confidence barred by the courts. The current recess of parliament *sine die* can at any time be revoked by the Speaker in consultation with the Leader of the House, who is now the Deputy Prime Minister and the Leader of LCD.

The next logical question is 'will this prorogation be used to consolidate or dismantle coalition?' It could be used either way except that it has provided opportunity for talks. Although LCD registers this unilateral move of PM as yet another pointer of the undesirable conduct, its net effect is that they will have opportunity to talk.

The first observation is that there are some issues and tensions within the coalition. The rank and file of the coalition parties

may not be aware of them. Even part of leadership of these parties may not be privy to some of the contested issues. Normally political party leaders package and classify information so that what goes to the followers is controlled. It is this controlled measured information that disadvantages followers yet benefits leaders most in terms of sides and positions followers take.

This means that over and above what is available in the public domain, leaders may engage in discussion, negotiate, do trade-offs and re-invent the coalition government. Whether the LCD discontent has degenerated into an irreparable rapture of the coalition or things could be corrected would be a determination of the leadership forum. In negotiating the give and take may be expected.

The nature of contentious issues on stake normally determines whether parties in dialogue may need mediator or they can handle on their own. In the case of parties doing their own negotiation, they would have to apply high level of discipline and restrain in terms of emotions and arguments otherwise deadlock can be easily reached on non-content issues. In the case of a mediator coming in, few considerations are necessary. Success of mediation depends

on a number of issues inclusive of but not limited to consent to the process of mediation and acceptance of the mediator, respect of the Parties to the mediator thus addressing the authority of the mediator. The combination of skills and authority is normally the secret for success of many mediatory efforts.

The mediator is neither expected to be authoritarian nor is he/she supposed to be punitive. When authority is lacking mediator cannot have parties moving



This prorogation could be used to avoid parliamentary test of support that the Premier enjoys while he goes on executing his functions as the head of executive arm of government

yet being punitive can shun parties away. In the absence of skill the mediator is likely to become punitive and judgemental which is the cause of failure of many state led interventions. Second observation is that the agreement guiding coalition government is thin and may need to be improved.

This process may end up ben-

efiting this arrangement. Or parties may after discussion agree that the coalition has to be terminated in which case they will return to parliament for test of majority and potential change of government. Otherwise the King may be advised by the Prime Minister for dissolution. If the King is advised by the Council of State to take advice then Basotho shall go for elections. If the Council of State advises the King to refuse Premier's advice on dissolution, he will upon lose of Majority in parliament resign or be removed. This engagement and peaceful handling of prorogation could as well be used as an opportunity to talk about possibilities of legislating for coalition government.

On the other hand, this prorogation could be used to avoid parliamentary test of support that the Premier enjoys while he goes on executing his functions as the head of executive arm of government. This could include exercising powers of the Prime Minister to go ahead with the issues that his counterparts may have complained about either leaving them with option to desert coalition government or even being forthright to remove them from cabinet. Clearly this route would lead to a political legitimacy crisis where legal means would have been used to de-constitutionalise the constitutional rule.

DEEPENING DECENTRALISATION PROCESS: A ROAD WITH CSO, LOCAL AUTHORITIES

By Lira Theko - Local Government Officer: TRC

The government of Lesotho in its attempt to transfer power to local authorities through the devolution system has engaged in two projects where it looks at the capacity of district and local authorities in promoting and providing services to the people.

The programme is intended to uplift councils to realise possibilities of improving lives and respond to challenges facing councils since their establishment. The project is focusing on improving and changing the lives of the people of Lesotho — specifically promoting development and provision of services as a priority to communities.

Transformation Resource Centre (TRC) in partnership with the Lesotho Council of NGOs and the European Union are implementing a project on Deepening Decentralisation. The project is aimed at building the capacity of civil society organisations and local authorities to identify gaps and challenges facing service delivery within the community councils.

The project is also creating opportunities for Civil Society Organisations (CSOs) to monitor



the performance of local authorities in the provision of services.

It is a project to promote public involvement in identifying challenges, concerns and frustrations of the people with an intention to influence communities to realise their potential in planning and implementation of initiatives in order to respond to community needs. The project assists both councillors and CSOs in promoting collaboration and coordination of community development initiatives. There are a number of trainings offered to CSOs and local authorities. TRC started its activities with the Social Audit. Social Audit

is a concept which is meant to highlight and expose service providers in the limelight where CSOs and communities can raise their concerns, challenges and aspirations on the level of services provided by different public agencies within the communities.

The concept allows the public to enforce accountability and transparency from their leadership or elected representatives to enable public scrutiny on developmental initiatives. The project activities have started in the five community councils in the Leribe district namely; Manka, Hleoheng, Ramapepe, Matsoku

and Maisa-phoka.

CSOs and local authorities managed to raise issues such as poverty, non-performance of councillors and lack of public participation in as far as community development is concerned. It is also cause for concern that councillors plan without involvement of members of CSOs due to lack of awareness of their potential in driving developmental agendas. The participants at the workshops were able to identify institutions which provide services to the communities and assess the level to which they fulfil their mandates and also to identify existing government policies which need to be exposed and debated among communities for them to have inputs and develop strategies for engagement.

At the end of all the activities, participants were challenged to demonstrate an understanding of the social audit concepts and they had to organise themselves into groups and present policies. Then the participants would consult with communities and engage relevant institutions, which are providing inadequate services to the communities.

The activities revealed that councillors and civil society organisations have to work together when identifying and addressing community needs. It also exposed that it is difficult for

councillors to engage members of CSOs into council's business because they do not have access to funds despite what transpires in the national budget.

Therefore, it is difficult for CSOs to monitor performance of councillors when there is no budget allocation or funds at their disposal. The initiative to bring together CSOs and local authorities was worthwhile because they have realised that for community development initiatives to succeed, all actors and stakeholders in communities have to be involved. The workshops managed to bring about collaboration between local authorities and members of CSOs to work together in developmental initiatives. It also assisted councillors to realise the role played by CSOs in the advancement of community needs.

Monitoring of services was not an issue for communities but the workshop realised that accountability and transparency can enhance participation and promote communities to realise that local government is the responsibility of the public not councillors. At the workshops councillors agreed to organise community hearings then report and challenge members of CSOs on the provision of services by different institutions and agencies. Thereafter CSOs will be expected to advocate for the

needs of the communities.

There are still challenges confronting the project, especially the comprehension of social audit as they are new concepts to be introduced as a tool to bring change in the provision of services. Community Based Organisations seem to have not been in the light of what councils are doing and they do not see their role within local councils. They (CSOs) are also suspicious of working hand-in-hand with councillors because they feel they will be channelled or be controlled by the councils. Doing social audits is also a challenge especially when it comes to monitoring and assessing the performance of councillors in terms of services.

Despite challenges raised, the project is making changes to both institutions because they are now aware of their potential and the possibility of working together for the benefit of improving service delivery in their community councils. Councils and CSOs have appreciated that it is important to work towards achieving objectives of the decentralisation policy.

There is still more to be done to ensure that all relevant stakeholders within communities have a role and understand the importance of including them in determining and participating in community development initiatives.

Calendar of Events

July - September



Mr. Sekonyela Mapetja
Economic Justice Coordinator

Economic Justice Commission

- ➔ Community Parliament preliminary activities: Pilot in the Butha Buthe Urban Council for all partners and associates in the Capacity Building and Deepening Decentralisation project and other selected NGOs for wider coverage
- ➔ SACU: hold talks with NGOs operating at the national level for alternative revenue source besides SACU
- ➔ Seminar on Auditor General's report for all LCN commissions represented



Mrs. Mamathule Makhotla
Health and Social Development Coordinator

Health and Social Development Commission

- ➔ Commission meeting for member organisations under Health and Social Development Commission.
- ➔ Community Parliament in Butha Buthe (Nqoe, Likila and Urban Councils)
- ➔ Rights Based Advocacy Training in Butha Buthe - Nqoe Community Council for Community Councils, chiefs and CBOs
- ➔ Monitoring visits to trained organisations under HTAP
- ➔ HTAP community dialogues on the use of female condoms to empower women in addressing HIV and AIDS (Maseru, Mafeteng and Mohale's Hoek)
- ➔ CSOs Health Advocacy Forum



Mr. Thato Konstabile
Agriculture, Environment and Natural Resources Coordinator

Agriculture, Environment and Natural Resources Commission

- ➔ Agriculture, Environment and Natural Resource Commission Meeting for commission members
- ➔ CAADP process reporting and engagement of the Commission members and all relevant stakeholders in agriculture sector.
- ➔ Engagement with the Consultant for Food Security Study – Effectiveness of the Agricultural Input Subsidy
- ➔ Activities under Deepening Decentralization & Non State Actors Project: **Community Parliaments** – Siloe, Mashaleng, Thaba Mokhele community councils, **Rights Based Advocacy Training** - Siloe, Mashaleng, Thaba Mokhele community councils **Budget Tracking** - Siloe, Mashaleng, Thaba Mokhele community councils **Community Mobilization techniques**- Siloe, Mashaleng, Thaba Mokhele community councils



Ms. Tlaleng Kaaba
Women and Children Coordinator

Women and Children Commission

- ➔ Commission Meeting with members under the Women and Children Commission.
- ➔ Community Parliament for 20 community councils under the Deepening Decentralisation and Non-State Actors project.
- ➔ Rights Based Advocacy Training in Lilala and Makhoarane community councils