CHALLENGES AND PROSPECTS OF DECENTRALISATION IN LESOTHO

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ABSTRACT

Decentralisation facilitates participation and helps deepen democracy. Nevertheless, it has been confronted with diverse challenges in Lesotho. First, the process has not succeeded to improve participation relative to the traditional system that preceded it. Second, it pitted the chiefs against counsellors. Third, it is hampered by lack of financial resources, human resources and the central government's tendency to intrude in local government's affairs and dictate the course of action. However, the prospects demonstrate that there ispolitical will to decentralise although there is still need to addresssome challenges. Firstly, the central government has to devolve financial powers to the local units.Secondly, it has to ensure a smooth relationship between counsellors and chiefs and continue augmenting the budget allocated to the local government. Finally, it has to promote the use of internet technology and consider making chieftainship the last sub-unit of the local government.

KEYWORDS

Decentralisation, participation, democracy, local government, traditional leadership

1. INTRODUCTION

In the 1990s, developing countries adopted decentralisation reforms to promote good governance which is associated with popular participation and effective distribution of resources (Saito, 2008; World Bank, 2000a). Donors were of the opinion that African states were 'overdeveloped' (over-expanded) and this resulted in a waste of state resources and reversed the prospects of development (Sandbrook, 1985; Hyden 1980; Saito, 2008). Decentralisation, therefore, was perceived to be an indispensable mechanism of creating a democratic and developmental state. According to Saito (2008), centralised states were blamed for being too far from the people and the societal realities hence it needed to be brought closer to them.

Decentralisation was not new to Africa although it was reemphasized in the 1990s because of the failures of states after independence. Muhumuza (2008) observed that when African nationalistswere campaigning for independence they promised to build pluralist systems with the government close to the people. However, the euphoria of Africans subsided as economic woes bedevilled the continent (Olowu, 1989). At this juncture, international donors used projects like the Millennium Development Goals (MDGs) and the Structural Adjustments Programs (SAPs), inter alia, to encourage decentralisation (United Nations Millennium Project, 2005; Saito, 2008).

Experience shows that decentralisation that was spearheaded by donors failed to yield the expected outcomes in Africa. In Malawi, Cameroon, Zimbabwe, Burkina Faso, Niger and The Gambia, the process transferred decision-making powers to local units which were not accountable and thus threatened local equity and environment (Ribot, 1999; Schroeder, 1999; Oyono, 2002; Delnooz, 1999). Moreover, Ribot (2003) observed that Senegal, Mali and many other countries devolved insufficient powers and benefits in the name of decentralization or just to motivate local actors or probably the donors. In some cases, the sharing of powers and functions between the central and local government was poorly defined at best (Onyach-Olaa& Porter, 2000).

In spite of the challenges of decentralisation in Africa, the discourse on participatory democracy has grown exponentially in recent years (O'Donnell, 1993). There is an awareness that democratic consolidation and good governance require popular participation in policy and activities of the state by active citizens. Decentralisation is seen as a tool to achieve inclusiveness and participation in policymaking and a democratic process (Aoki, 2008).

2. METHODOLOGY

This article examines the process of decentralisation in Lesotho from. It employs content analysis to evaluate available literature in this regard. It endeavours to answer the following question: To what extent does decentralisation in Lesotho enhance participation? Guided by this question, this article outlines the ways in which decentralisation has unfolded in the country and the obstacles confronted. It put forward that an objective analysis has to take into consideration the historical evolution, challenges and prospects.

3. THE CONCEPT OF DECENTRALISATION

When power, authority and responsibility for public resources and functions are transferred from national or central level to sub-national units, the process is called decentralisation (Saito, 2008). It can take many forms which include devolution, de-concentration and delegation. The central government may transfer the powers concerning administrative functions, fiscal dimension or political responsibility (Jutting, 2004). When all these aforementioned dimensions are fulfilled the decentralisation takes the form of devolution and enhances participation and democracy.

In some cases, the central government may choose to reallocate state resources (fiscal or human) and functions downwards but within the state bureaucracy (Jutting, 2004). During deconcentration,the process preserves hierarchy for the local units to remain subordinate to the central government. This merely implies a shift of responsibilities from the top to the subordinate units. In contrast, when the government transfers decision-making powers to the local units or it remains in control over the key aspects of policy pertaining to the local government, the process is termed delegation (Ribot, 2012). This is a more extensive form of decentralisation compared to de-concentration which is the weakest form.

The essence of decentralisation in Lesotho is to promote community participation and democracy. The former connotes the involvement of the people or community, with similar needs and goals,

in the making of decisions affecting their lives (Oluwu, 1989; Kapa, 2009). The local government has elective positions for communities to choose their representatives. This is done so that the government becomes of the people who elected it and the people are involved in governing through their representatives who take decisions on their behalf. This then leads to democracy, which means a government of the people by the people and for the people (Lincoln, 1863).

The decentralisation project in Lesotho has been divided into four levels. Firstly, it has the district councils which comprise the counsellors who are indirectlyelected by the electoral colleges. Secondly, it has the municipal council which is based in Maseru and is constituted by counsellors who represent wards found within the urban area or municipalities. Thirdly, it has urban councils which are found in many districts that are regarded as seats of district headquarters. Lastly, the lowest level of decentralisation is the community councils that comprise the chiefs and the elected counsellors (GoL, 2014).

4. THE ROOTS OF DECENTRALISATION AND POPULAR PARTICIPATION IN LESOTHO

The government of Lesotho adopted the National Decentralisation Policy in 2014 in order to deepen democracy (GoL, 2014). It devolved the powers to the local government in a single-tierform, where the local units consist of all units that perform the services and functions devolved. Nevertheless, decentralisation in the country predates the National Decentralisation Policy. In 2005 for instance, the government had already begun transferring staff to the local government (Kabi, Kompi&Twala, 2014).

The local government is instituted through free and fair periodic elections, organized and managed by the Independent Electoral Commission (IEC). They are enshrined in the Local Government Elections Act of1998 which paved way for the election that was held in 2005 (Matlanyane, 2013). However, the local government existed even before this period. The local government Act of 1997 had already envisaged a decentralised system comprised of the district development coordinating committee, the community councils, the municipal council, the rural councils and the urban councils (GoL, 2014). Before the local government elections of 2005, the aforesaid structures were limited to the capital city- Maseru. The aforementioned Act acknowledged the traditional leaders and authorized them to regulate, control and administer issues such as natural resources, grazing control and forestry among others.

Over and above these, the policy of decentralisation in Lesotho is based on democratic aspirations which include participation, local autonomy, inclusiveness and principles of good governance such as accountability. All these are enshrined in the Vision 2020, the National Decentralisation Policy and the Constitution adopted in 1993 (GoL, 2014). The government regards decentralisation as the main mechanism of enhancing good governance and deepening democracy. It has also been promoting it through the National Strategic Development Plan (NSDP), The Chieftainship Act of 1968 and the Local Government Act of 1997, inter alia (GoL, 2014). This Act of chieftainship demonstrates that decentralisation started long ago.

Long before colonialism, participation in political affairs existed in the country. It took the form known among the Basotho as "*pitso*" or public gathering. All adults were convened, usually by the chief, to the palace (Mofuoa, 2005). Freedom of expression was permitted during the *pitso* hence the Sesotho adage that says "*Mooakhotla ha tsekisoe*" which means that one who holds divergent views during the assembly debate should not be blamed. The gathering also provided an opportunity for the participants to debate on wide-ranging political, social and administrative issues. Before the chief could make any final decision on a policy, the people were allowed to critique the policy, criticize the approach or rulers, ratify the policy or endorse it (Makoa, 1997).

Equally important, there was an avenue of participation known as the "*khotla"* which is virtually a reflection of the parliament. The *khotla* brought together males in the community and their chiefs to discuss political issues and share meals together. These political institutions inculcated values of leadership and manhood into young men who were frequent participants (Phohlo, 2011). The hallmark of these political institutions is that they both manifest that the traditional leadership system in Lesotho did not centralise powers. The will of the people prevailed. The rule was by the people and for the people contrary to the contemporary systems where the government is by the clique and for the clique (Bratton & van de Walle, 1994). According to Kali (2018), the past legal system excluded females from participation in the administration. Makoa (1997) argues thatitwas male-dominated. However, the system protected women under customary laws which were also adopted after independence and such laws prohibited rape against women, among other things.

After independence from Britain, in 1966, the government of Lesotho retained chieftainship. It enacted the Chieftainship Act of 1968 (particularly Act 22) which formalized the functions and duties of the traditional leaders (GoL, 2014). Notwithstanding, the chiefs remained accessible to the people contrary to the contemporary parliamentarians who govern- far from the people and without the people they claim to represent. As a result, the chiefs remained legitimate before the people, not because of periodic elections which Lipset (1959) claims that they lend legitimacy to the prime-ministers and presidents but due to their proximity to the people they rule (Reddy, 1999).

5. THE PARTICIPATORY NATURE OF DECENTRALISATION IN LESOTHO AND ITS CHALLENGES

Lesotho developed a participatory system of governance where district councils had some form of decentralisation in 1959 but this development was short-lived (GoL, 2014). It collapsed just when the country gained independence. Besides this development, another decentralized system of government that was inherently participatory was undermined by colonialism. Nonetheless, efforts were later made to re-devolve the powers. Despite these developments, Makoa (1997) purports that colonialism did not tamper with customary laws which enshrined the administrative powers of the chiefs. However, it disrupted democratic principles, especially traditional leadership which was inherently participatory (Mofuoa, 2005; Machobane, 1986). Traditionally, Lesotho adopted a decentralized system although local governance after independence oscillated between traditional leadership, elected representatives and appointed officials (Mofuoa, 2005).

According to GoL (2014), the contemporary system of local government consists of community councils. One electoral division is represented by the members of the community council. From every community council, there are members of the district councils who are elected indirectly. There are ten districts in the country and each has a district council. 'Nyane (2016) observed that there are eleven selected urban centres which are governed by urban councils. The author notes that the capital city has a municipality council which is not a common feature in other districts.

Decentralisation in the country is hampered by many challenges. Contrary to the participatory nature of the traditional system, the contemporary one is not local enough. Consequently,Kapa (2009) sustains that the community councils, which are regarded as the basic unit, serve too many villages. As a result, the relationship between some villages and the community council is very poor and inefficient. This could have been solved by having a local authority from the community council in all the villages.

According to Turner and Hulme (1997), the central government stops being effective when it is overburdened with responsibilities. The main impediment to effective decentralisation is to burden the government with decision-making powers. Some authoritative governments avoid devolving powers. Consequently, the policies they develop and implementing responsive are less responsive to locals needs (Saito, 2008). When people are involved during the formulation of policies, a sense of ownership is developed.

Furthermore, the local authorities can hardly impose local taxes as most of them are collected by Lesotho Revenue Authority. Hence, some councils are unable to raise enough money to pay one month salary of an employee within a year (GoL, 2014). The local government has neither the powers to develop an independent budget nor independently mobilize local resources ('Nyane, 2016). Thus, it is unable to purchase equipment which is necessary for facilitatingthe provision of services. The absence of sophisticated systems that could expedite service delivery continues to undermine decentralisation efforts.

Consequently, the local government continues to sufferdue toinsufficiency of resources (GoL, 2014). Financial resources, in particular, present a major obstacle to the success of this project. Since the local government does not have an independent bank account, it cannot easily control its flow of monetary transactions (Matlanyane, 2013). It was supposed to deposit the finances solicited in the form of donations or money collected from fines and penalties in its bank account.

In addition, sometimes the budget that is distributed to the local government is so modest that implementing most of its projects becomes cumbersome. For instance, from 2006-2013, the local councils were allocated a meagre budget that is less than three percent of the national budget (GoL, 2014). The central government doubted its ability to handle and manage the finances. Over and above this, the funds of the community councils are controlled by the district councils.

Other challenges undermining decentralisation have to with facilities and absence of autonomy. Local government often lacks internet technology (IT) skills and equipment (GoL, 2014). This makes it difficult to handle files and finances electronically. Besides, the very relative autonomy it has is challenged by the central authority which usually dictates what the local councils should do when implementing some policies. On top of that, the central government tends to dictate to

the local government the solutions it must adopt in solving its challenges despite the availability of a locally pertinent and proposed solution (Kabi, Kompi&Twala, 2014).

Furthermore, Sets'abi (2010) contends that the decentralisation project has put the counsellors and chiefs at loggerheads. The central government had envisaged that the functions and duties of the local counsellors and those of the chiefs would be complementary (as reflected by the combination of the councils and chieftainship under one ministry, that is the Ministry of Local Governance and Chieftainship) but the reality has manifested the inverse. This paradox is probably results from the ambiguous functions which are allocated to the chiefs and elected representatives or counsellors. Hence, Sets'abi (2010) argues that the way the government has implemented the decentralisation has pitted the counsellors against the chiefs.

6. ACCOMPLISHMENTS AND PROSPECTS OF THE GOVERNMENT'S DECENTRALISATION POLICY

Contrary to the above challenges, the progress of decentralisation in the country and its prospects are promising. Evidence demonstrates that Lesotho manifests the political will to decentralize. This is illustrated by the adoption of the Local Government Act of 1997. The act provides for the political structures of the local councils to be elected directly by the citizens. Furthermore, the government has been trying hard to demonstrate its commitment to the decentralisation project. It worked in collaboration with the United Nations Development Programme, European Union, inter alia, to develop local government (Kabi, Kompi&Twala, 2014).

In addition to these, since 1997, the local government has seen more powers delegated to it. It has been authorized to perform, at least, twenty-seven functions. The functions include supervision over the following spheres and issues: control of local natural resources (stones and sand), public health, land allocation, environmental protection, grazing control, physical planning, water supply and maintenance in villages, provision and regulation of markets, burial grounds, parks, public places, and gardens, preservation of forests, control of building permits, recreation and culture, services for agriculture improvement, control of fire and education and construction of minor roads (Kabi, Kompi&Twala, 2014).

Whereas the budget of the local government used to be less than three percent in 2006-2013, the government has augmented it recently (GoL, 2014). The funds allocated to the Ministry of Local Government and Chieftainship have been increased to ten percent of the national budget for the 2019/20 fiscal year (Nico&Nico, 2020). This amount is lower than the actual expenditure of the local government by at least ten percent (Nico&Nico, 2020).

Apart from that, the government has made significant accomplishment by realizing the need to integrate decentralisation into the traditional systems. It is with this motive that it has integrated the local government with the chieftainship so that it becomes the Ministry of Local Government and Chieftainship (Nico&Nico, 2020). This acknowledgement of the importance of traditional leadership in the decentralisationmanifests that the government has the political will to make it successful (GoL, 2014).

7. CONCLUSION

Decentralisation has been used as a mechanism to promote democracy and effective governance. In Africa, it was sponsored and spearheaded by international donors. However, its outcomes were far from the expectations. Many African countries implemented it poorly and haphazardly (World Bank, 2000b). Nevertheless, these failures did not discourage governments from continuing with the implementation of the project that brings the government closer to its people. The prospects reveal that it is committed to promoting popular participation. It has gradually increased the budget allocated to the Ministry of Local Governance and Chieftainship. It combined the chieftainship and the local government into one ministry dedicated to the two branches.

However, in some cases, the decentralisation project is unable to promote citizen participation since the local councils are not closer to the people. Compared to the traditional leadership Basotho had, this new project is not the best mechanism to enhance democracy. Nevertheless, compared to the central government, it allows a modicum of participation and is nearer. The government has to reconsider former practices and adapt them to the decentralisation policy by adding chieftainship as the last unit. It is important that the chieftainship has been preserved but there is still need to reconcile its relations with the elected counsellors.

Besides, many challenges serve as obstacles to the successful implementation of decentralisation policy. Some of the challenges include the colonial legacy, lack of funding, insufficient human resource, poor implementation of policies, the conflict between chiefs and counsellors, inter alia. Nonetheless, the government has shown the political will to strengthen citizen participation in democratic processes. It has improved the decentralisation by introducing elections to the local government. Some autonomy and powers have been delegated to the local government in certain areas. The government has taken one step in the right direction though it has to work on rectifying some shortcomings.

8. RECOMMENDATIONS

The aforementioned deficits of decentralisation can be rectified successfully by implementing a few strategies oriented at promoting participation and deepening democracy in Lesotho. First, the power to collect and impose taxes or at least to generate income through various projects such as donations have to be enhanced or delegated to the local government. Second, the central bank has to capacitate the local government both financially and human resource-wise in order to have faith in its ability to manage finances and implement important projects.

Third, the funds of the local government have to be controlled by the local councils instead of the district councils. This way it will be effective and responsive to their own needs. Fourth, the central government has to improve its infrastructure and supply local government with IT equipment to enhance operations. Finally, whereas the community councils constitute the smallest units closer to the locals, the government has to consider making chieftainship the last unit of local government to enhance participation and put the government closest to the people.

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9.1 Author's Contribution

This article was written by Moeketsi Kali

9.2 Ethics

Ethics were observed by acknowledging all the sources used in the article. And all the references were put in the reference page.

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