



## The local government system in

# Lesotho



## Key facts

**POPULATION (Census 2006)<sup>1</sup>:** 1,880,661**AREA<sup>2</sup>:** 30,355 sq km**CAPITAL:** Maseru**LOCAL GOVERNMENT CONTRIBUTION TO GDP:** -**CURRENCY:** Lesotho loti (LSL)**HEAD OF STATE:** HM King Letsie III**HEAD OF GOVERNMENT:**

Prime Minister Pakalitha Mosisili

**FORM OF GOVERNMENT:** constitutional monarchy**PARLIAMENTARY SYSTEM:** bicameral**STATE STRUCTURE:** unitary**LANGUAGES:** Sesotho (official),  
English (recognised)**NATIONAL ELECTIONS:** last: 2007; turnout: -  
next: 2012**LOCAL ELECTIONS:** last: April 2005;  
turnout: 46.1%; next: April 2011

### SUMMARY

Lesotho is a constitutional monarchy with two spheres of government: central and local. The constitution of Lesotho mandates parliament to establish local government and the main governing legislation is the Local Government Act 1997 and Local Government Elections Act 1998. The Minister of Local Government and Chieftainship is tasked with providing policy direction and support for local authorities. Local government is predominantly two-tier, with district councils as the upper tier and community councils as the lower tier. The capital Maseru has its own unique single-tier authority, the city council. There are in total 128 community councils, ten district councils and one municipal (city) council. Although local authorities are

empowered to raise local revenue, the vast majority of their annual income continues to come through central government transfers. Amongst an extensive list of functions, local authorities are responsible for the control of natural resources and environmental protection, public health and water supply, education, agricultural services and the promotion of economic development.

### 1. CENTRAL GOVERNMENT

Lesotho is a constitutional monarchy with a bicameral parliament. The head of state is HM King Letsie III whose role is predominantly ceremonial. The two houses that make up the parliament are the elected National Assembly (lower house) and the hereditary and appointed

Senate (upper house). The National Assembly comprises 120 members elected through the mixed-member proportional (MMP) system; two-thirds are elected according to the first-past-the-post electoral system (one member per constituency) and one-third by proportional representation (the 'party list' form of the system). The term of office for members of parliament may not exceed five years. The prime minister is the leader of the majority party in the National Assembly and the King appoints ministers from either house to the cabinet, known as the Council of State, on the advice of the prime minister. The Senate comprises 33 members; 22 are principal chiefs while 11 are nominated by the King on the advice of the Council of State.



**Table 1.** Distribution of councils and population (Census 2006)

Region	Number of authorities			Population <sup>a</sup> -	% rural -
	Municipal	Districts	Councils		
Maseru	1	1	15	429,823	n/a
Butha-Buthe	-	1	10	109,529	n/a
Leribe	-	1	18	298,352	n/a
Berea	-	1	10	256,496	n/a
Mafeteng	-	1	12	193,682	n/a
Mohale's Hoek	-	1	14	174,924	n/a
Quthing	-	1	10	120,502	n/a
Qacha's Nek	-	1	11	71,876	n/a
Thaba-Tseka	-	1	13	129,137	n/a
Mokhotlong	-	1	15	96,340	n/a
<b>TOTAL</b>	<b>1</b>	<b>10</b>	<b>128</b>	<b>1,880,661</b>	<b>76.2</b>

a: Total de jure population (including institutional population) Source: Bureau of Statistics, Lesotho<sup>1</sup>

## 2. LEGAL BASIS FOR LOCAL GOVERNMENT

### 2.1 Constitutional provisions:

The constitution mandates parliament to establish local government. Section 106 (1) stipulates that: 'Parliament shall establish such local authorities as it deems necessary to enable urban and rural communities to determine their affairs and to develop themselves. Such authorities shall perform such functions as may be conferred by an Act of Parliament.'

### 2.2 Main legislative texts:

The principal legislation governing local government is as follows:

- Local Government Act 1997 (amended 2004)
- Local Government Elections Act 1998 (amended 2004).

## 3. STRUCTURE OF LOCAL GOVERNMENT

### 3.1 Local government within the state:

Lesotho has two spheres of government: central and local. The local government is predominantly two-tier with district councils as the upper tier and community councils as the lower tier. The capital Maseru has its own unique single-tier authority, the city council. There are in total 128 community councils, ten district councils and one municipal (city) council.

### 3.2 Ministerial oversight:

The Ministry of Local Government and Chieftainship (MLGC) is responsible for the administration of the Local Government Act 1997, while the Independent Electoral Commission (IEC) is responsible for the administration of the Local Government Elections Act 1998. The MLGC is made up of seven departments: administration; decentralisation; district administration; lands, survey and physical planning; chieftainship; engineering and infrastructure development; and housing.

The main priorities and responsibilities of the Ministry over the period 2009-2013 are:

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

### 3.3 Council types:

The main division in local government is between the single-tier urban city council and the two-tier district and community rural councils.

All councils are required to establish a standing committee on finance and planning. They have discretion to establish other committees including further standing committees, special committees and joint committees involving more than one council. Discretionary standing committees have been established by some councils for land administration and management, and for social services.

**3.3.1 Municipal councils:** There is one local authority of this type, the City of Maseru Council. All its councillors are elected to represent a single-member division for a term of up to five years and the non-executive mayor is indirectly elected by councillors from amongst themselves.

**3.3.2 District council** members are indirectly elected via attendance of the chairpersons and a further member of each community council. In addition there are two gazetted chiefs representing all community councils in the district. The non-executive chairperson is elected by councillors from amongst themselves.

**3.3.3 Community councils:** Similarly to the municipal council, all councillors at this level are elected to represent a single-member division for a term of up to five years. The non-executive mayor is indirectly elected by councillors from amongst themselves.

### 3.4 Traditional leadership:

Within chiefs' areas, pitsos (public gatherings) are held, in some cases periodically. These open meetings provide opportunities for participation. In terms of proposals made, elected councillors are expected to support such forms of participation.

## 4. ELECTIONS

### 4.1 Recent local elections:

Lesotho's first elections for local government were held on 30 April 2005.

### 4.2 Voting system:

Elections were conducted under the first-past-the-post model for universal adult (18 years or over) suffrage. Anybody who has reached the voting age may be elected as a councillor for a term of office not exceeding five years.

### 4.3 Elected representatives:

The total number of councillors in 2010 was 1,221 including one mayor for Maseru Municipal Council, ten district council chairpersons and 128 community council chairpersons.

### 4.4 Women's representation:

In 2009 women accounted for 58% of elected councillors. The 2004 amendment to the Local Government Act 1997 reserved one-third of seats in each council for women.

## 5. SYSTEMS FOR COMMUNITY INVOLVEMENT

### 5.1 Legal requirement and 5.2 Implementation:

Within each council, councillors have an obligation to consult with communities to produce development plans, and members of the public are also involved in prioritising the plans in preparation for implementation.

A district development coordinating committee (DDCC) is established in each district. The DDCC considers draft development plans for the district prepared by each council and coordinates such plans into a composite district development plan.

**Table 2.** Revenue and expenditure for Maseru Municipal Council 2003/2004

Revenue Maluti	m	Expenditure Maluti	m
Government transfers	30	Administrative and operational	-
Local taxes	-	Emoluments	17.6
Charges	2	Premises	7.9
Property rates	1	Service delivery	-
	-	Transport	5.3
	-	Roads	8.8
<b>TOTAL</b>	<b>33</b>	<b>TOTAL</b>	<b>44</b>

The membership of the DDCC includes:

- Councillors
- Non-governmental organisations
- A youth representative
- A representative of people with disabilities
- Selected public officers from central government as ex-officio members.

### 5.3 E-government:

There is no e-government strategy for local authorities in Lesotho.

## 6. ORGANISED LOCAL GOVERNMENT

There is no local government association in Lesotho.

## 7. INTERGOVERNMENTAL RELATIONS

The MLGC is the main link between local authorities and the central government. District administrators also play an important facilitating role as they have responsibility for the performance of not just local government but also other public-sector bodies in their areas of jurisdiction.

## 8. MONITORING SYSTEMS

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

## 9. FINANCE, STAFFING AND RESOURCES

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

### 9.1 Locally raised revenue:

The collection of charges and rates is the responsibility of local councils.

### 9.2 Transfers:

An aim of central government is for local authorities to become increasingly self-sustaining but at the moment most revenue is channelled through central government. The Ministry specifies how the funds are to be used as it approves the budget. Ministerial approval of the budget and its implementation means it has oversight in respect of local taxes, such as rates.

### 9.3 Local authority staff:

All councillors, including mayors and chairpersons, are remunerated at rates determined by central government. The Minister of Local Government established the Local Government Service Commission as provided by the Local Government Act 1997. The Commission has the power to declare and fill posts for local councils. Each council must have a council secretary (or town clerk in the case of Maseru Municipal Council) as the head of its paid service. The staffing structure comprises the council secretary or town clerk supported by sectional heads in areas such as health, works, finance, administration, human resources, legal affairs etc.

## 10. DISTRIBUTION OF SERVICE DELIVERY RESPONSIBILITY

The Local Government Act 1997 provides for a wide range of services to be delivered by local councils. Line ministries are charged with the responsibility of supervision, setting standards and guidelines, development of policies, etc. Local authority responsibilities include:

- Control of natural resources and environmental protection
- Public health and the care of mothers, young children and the aged, and integration of people with disabilities
- Villages water supply
- Education
- Physical planning, land/site allocation and minor roads
- Markets and the promotion of economic

development

- Streets and public places
- Burial grounds
- Parks, recreation and culture
- Fire prevention
- Roads and traffic
- Services for the improvement of agriculture
- Preservation, improvement and control of designated forests.

## References and useful websites

1. Bureau of Statistics, Lesotho [www.bos.gov.ls](http://www.bos.gov.ls)  
[www.finance.gov.ls/data/Census\\_Preliminary\\_Results.pdf](http://www.finance.gov.ls/data/Census_Preliminary_Results.pdf)
2. UN statistics  
<http://unstats.un.org/unsd/demographic/products/dyb/dyb2008/Table03.pdf>
3. IMF statistics [www.imf.org/external/data.htm](http://www.imf.org/external/data.htm)
4. Lesotho government portal [www.lesotho.gov.ls](http://www.lesotho.gov.ls)
5. Ministry of Local Government and Chieftainship [www.lesotho.gov.ls/local](http://www.lesotho.gov.ls/local)
6. UNDP Human Development Report 2010 [www.hdr.undp.org](http://www.hdr.undp.org)
7. Constitution of Lesotho [www.eisa.org.za/WEP/les5.htm](http://www.eisa.org.za/WEP/les5.htm)



## Annex A. Summary of service provision in different spheres of government

Service	Delivering authority		Remarks
	Central Government	Local Government	
<b>GENERAL ADMINISTRATION</b>			
Police	■		
Fire protection		■	
Civil protection	■		
Criminal justice	■		
Civil justice	■		
Civil status register	■		
Statistical office	■		
Electoral register	■		
<b>EDUCATION</b>			
Pre-school	■		
Primary		■	
Secondary	■		
Vocational and technical	■		
Higher education	■		
Adult education	■		
<b>SOCIAL WELFARE</b>			
Kindergarten and nursery	■		
Family welfare services		■	
Welfare homes	■		
Social security		■	
<b>PUBLIC HEALTH</b>			
Primary care	■		
Hospitals	■		
Health Protection		■	
<b>HOUSING AND TOWN PLANNING</b>			
Housing	■		
Town planning		■	
Regional planning	■		
<b>TRANSPORT</b>			
Roads		■	Minor roads only
Transport		■	Bus stations
Urban roads	■		
Urban Rail	■		
Ports	■		
Airports	■		
<b>ENVIRONMENT AND PUBLIC SANITATION</b>			
Water and sanitation	■		
Refuse collection and disposal	■		
Cemeteries and crematoria		■	
Slaughterhouses	■		
Environmental protection		■	
Consumer protection	■		
<b>CULTURE, LEISURE AND SPORTS</b>			
Theatre and concerts	■		
Museums and libraries	■		
Parks and open spaces		■	
Sports and leisure		■	
Religious facilities	■		
<b>UTILITIES</b>			
Gas services	■		
District heating	■		
Water supply		■	
Electricity			Agricultural improvement
<b>ECONOMIC</b>			
Agriculture, forests and fisheries		■	
Economic promotion		■	
Trade and industry	■		
Tourism			