

KINGDOM OF LESOTHO

Public Administration Country Profile

Division for Public Administration and Development Management (DPADM)
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LESOTHO



Source: [The World Factbook - Lesotho](#)

In January 1970 the ruling Basotho National Party (BNP) looked set to lose the first post-independence general elections when Prime Minister Leabua Jonathan annulled the election. He refused to cede power to the Basotho Congress Party (BCP) and imprisoned its leadership. The BNP ruled by decree until January 1986 when a military coup forced them out of office. The Military Council that came into power granted executive powers to King Moshoeshoe II, which was until then a ceremonial monarch. In 1987, however, the King was forced into exile after a falling out with the army. His son was installed as King Letsie III.

Source: [U.S. Department of State - Background Notes](#)

Under military leadership from 1986 to 1993, the country restored democracy in 1993 with the election of a government led by the Basotho Congress Party (BCP). The BCP split in 1997 and the majority of MPs followed the prime minister into a new party, the Lesotho Congress for Democracy (LCD). The LCD, led by Pakalitha Mosisili, won all but one of the seats contested in the parliamentary election held in May 1998 which precipitated the subsequent civil unrest and the establishment of the Interim Political Authority. The LCD subsequently won the Parliamentary elections that took place May 25, 2002.

Source: [World Bank - Lesotho \(Politics\)](#)

Government type

Parliamentary constitutional monarchy

Independence

4 October 1966 (from UK)

Constitution:

02/04/1993 ([click here](#))

Legal system

Based on English common law and Roman-Dutch law; judicial review of legislative acts in High Court and Court of Appeal; has not accepted compulsory International Court of Justice jurisdiction

Administrative divisions

10 districts; Berea, Butha-Buthe, Leribe, Mafeteng, Maseru, Mochales Hoek, Mokhotlong, Qacha's Nek, Quthing, Thaba-Tseka

Source: [The World Factbook - Lesotho](#)

1. General Information

1.1 People	Lesotho	Botswana	Swaziland	1
Population				a
Total estimated population (,000), 2003	1,801	1,785	1,078	
Female estimated population (,000), 2003	965	909	563	
Male estimated population (,000), 2003	836	876	515	
Sex ratio (males per 100 females), 2003	87	96	91	
Average annual rate of change of pop. (%), 2000-2005	0.14	0.85	0.8	
Youth and Elderly Population				b
Total population under age 15 (%), 2003	40	40	43	
Female population aged 60+ (%), 2003	7	5	5	
Male population aged 60+ (%), 2003	7	4	5	
Human Settlements				c
Urban population (%), 2001	29	49	27	
Rural population (%), 2001	71	51	73	
Urban average annual rate of change in pop. (%), '00-'05	3.38	1.39	2.17	
Rural average annual rate of change in pop/ (%), '00-'05	-0.38	-0.31	0.44	
Education				d
Total school life expectancy, 2000/2001	10.2	12.4	12.1 ⁱ	1
Female school life expectancy, 2000/2001	10.5	12.4	11.8 ⁱ	1
Male school life expectancy, 2000/2001	9.8	12.3	12.5 ⁱ	1
Female estimated adult (15+) illiteracy rate (%), 2000	6.4	20.2 ⁱⁱ	21.4 ⁱⁱⁱ	2
Male estimated adult (15+) illiteracy rate (%), 2000	27.4	25.5 ⁱⁱ	19.2 ⁱⁱⁱ	2
Employment				e
Unemployment rate (15+) (%), 2000	..	15.8 ^{iv}	..	1
Female adult (+15) economic activity rate (%), 2000	..	48 ^v	28 ⁱⁱⁱ	2
Male adult (+15) economic activity rate (%), 2000	..	70 ^v	64 ⁱⁱⁱ	2

Notes: ⁱ 1999/2000; ⁱⁱ 1991; ⁱⁱⁱ 1986; ^{iv} Persons aged 12 years and over, Year beginning in August of year indicated; ^v 1998

1.2 Economy	Lesotho	Botswana	Swaziland	2
GDP				a
GDP total (millions US\$), 2002	730	5,188	1,177	
GDP per capita (US\$), 2002	350	3,030	1,082	
PPP GDP total (millions int. US\$), 2002	4,742 ⁱ	14,112	4,900	
PPP GDP per capita(int. US\$), 2002	2,272 ⁱ	8,243	4,504	
Sectors				b
Value added in agriculture (% of GDP), 2003	15.7	2.5	11.3	
Value added in industry (% of GDP), 2003	42.1	47.5	47.8	
Value added in services (% of GDP), 2003	42.1	50.0	40.8	
Miscellaneous				c
GDP implicit price deflator (annual % growth), 2003	9.8	4.4	9.0	
Private consumption (% of GDP), 2003	84.6	19.8	65.7	
Government consumption (% of GDP), 2003	33.4	36.1	25.1	

Notes: ⁱ Estimate is based on regression; other PPP figures are extrapolated from the latest International Comparison Programme benchmark estimates

¹ [United Nations Statistics Division](#):

^a [Statistics Division and Population Division of the UN Secretariat](#); ^b [Statistics Division and Population Division of the UN Secretariat](#); ^c [Population Division of the UN Secretariat](#); ^{d1} [UNESCO](#); ^{d2} [UNESCO](#); ^{e1} [ILO](#); ^{e2} [ILO/OECD](#)

² [World Bank - Data and Statistics](#):

^a [Quick Reference Tables](#); ^b [Data Profile Tables](#); ^c [Country at a Glance](#)

1.3 Public Spending	Lesotho	Botswana	Swaziland	
Public expenditures				c
Education (% of GNP), 1985-1987	4.1	7.3	5.6	a
Education (% of GNP), 1995-1997	8.4	8.6	5.7	a
Health (% of GDP), 1990	2.6	1.7	1.9	
Health (% of GDP), 1998	..	2.5	2.5	
Military (% of GDP), 1990	3.9	4.1	1.5	b
Military (% of GDP), 2000	3.1 ¹	3.7	1.6	b
Total debt service (% of GDP), 1990	3.8	2.8	5.6	
Total debt service (% of GDP), 2000	7.3	1.3	1.6	

Notes: ¹ 1999

1.4 Public Sector Employment and Wages						
<i>Data from the latest year available</i>						
		Lesotho 1991-1995	Lesotho 1996-2000	Sub-Saharan Africa average ^d 1996-2000	Non- Francophone Africa average ^d 1996-2000	Low income group average ^d 1996-2000
Employment						
Civilian Central Government ^e	(,000)	19.0	..			
	(% pop.)	0.99	..	0.30	0.38	0.46
Sub-national Government ⁵	(,000)	..	..	
	(% pop.)	..	..	0.30	0.38	0.46
Education employees	(,000)	9.0	..			
	(% pop.)	0.47	..	0.62	0.78	0.91
Health employees	(,000)	..	..	
	(% pop.)	..	..	0.29	0.20	0.62
Police	(,000)	..	2.9			
	(% pop.)	..	0.14	0.07	..	0.30
Armed forces	(,000)	2.0	2.0			
	(% pop.)	0.10	0.10	0.26	0.31	0.33
SOE Employees	(,000)	..	..	
	(% pop.)	..	..	..	..	13.10
Total Public Employment	(,000)	..	..	
	(% pop.)	..	..	..	..	..
Wages						
Total Central gov't wage bill	(% of GDP)	..	15.7	6.1	6.9	5.4
Total Central gov't wage bill	(% of exp)	31.0	34.6	28.9	26.4	24.7
Average gov't wage	(,000 LCU)	..	..	
Real ave. gov't wage ('97 price)	(,000 LCU)	..	..	
Average gov't wage to per capita GDP ratio		..	..	4.8	2.8	4.4

Source: World Bank - Public Sector Employment and Wages

^c UNDP - Human Development Report 2002

^a Data refer to total public expenditure on education, including current and capital expenditures.

^b As a result of a number of limitations in the data, comparisons of military expenditure data over time and across countries should be made with caution. For detailed notes on the data see SIPRI (2001).

^d Averages for regions and sub regions are only generated if data is available for at least 35% of the countries in that region or sub region.

^e Excluding education, health and police – if available (view [Country Sources](#) for further explanations).

2. Legal Structure

Lesotho is a constitutional monarchy, with the King as Head of State and with the executive power in the hands of the government led by the Prime Minister. There is a dual legal system with traditional Customary Law and General Law based on the Roman-Dutch system and a constitution that provides for a clear separation of powers among the executive, legislative and judiciary.

Source: [European Commission - Country Strategy Paper](#)

2.1 Legislative Branch

Bicameral Parliament consists of the Senate (33 members - 22 principal chiefs and 11 other members appointed by the ruling party) and the Assembly (120 seats, 80 by direct popular vote and 40 by proportional vote; members elected by popular vote for five-year terms^f)

Women in parliament: Senate - 12 out of 33 seats (36%). Assembly - 14 out of 120 seats: (12%).^g

The Senate consists of thirty-three members of which the twenty-two are Principal Chiefs. Eleven other Senators are nominated in that behalf by the King in accordance with the advice of the Council Of State.

The Senate is supposed to be a House of experienced members to effectively give a second thought to draft legislation and governance policies. In fact, the House renders a second chamber constitutional service for the enactment of legislation and formulation of policies. It provides unbiased and independent advice to the elected chamber.

However, the legislative role of the Senate depends entirely on the public bills that originate from the National Assembly. Thus business of the Senate (in terms of bills) is determined by the Lower House, hence its powers are limited. There is no provision for bills to originate from the Senate.

Source: [The Lesotho Government Online](#)

Fact box:

elections: Last held 25 May 2002 (next to be held May 2007)

election results:

Percent of vote by party - LCD 54%, BNP 21%, LPC 7%, other 18%; seats by party - LCD 76, BNP 21, LPC 5, other 18

2.2 Executive Branch

elections: None; according to the constitution, the leader of the majority party in the Assembly automatically becomes prime minister; the monarch is hereditary.

Under the terms of the constitution, which came into effect after the March 1993 election, the monarch is a "living symbol of national unity" with no executive or legislative powers; under traditional law the college of chiefs has the power to determine who is next in the line of succession, who shall serve as regent in the event that the successor is not of mature age, and may even depose the monarch.

Source: [The World Factbook - Lesotho](#)

Fact box:

chief of state: King LETSIE III (since 7 February 1996)

head of government: Prime Minister Pakalitha MOSISILI (since 23 May 1998)

^f Source of fact boxes if nothing else stated: [The World Factbook - Lesotho](#)

^g [Inter-Parliamentary Union - Women in National Parliaments](#)

The King appoints as Prime Minister the member of the National Assembly who appears to the Council of State to be the leader of the political party or coalition of political parties that will command the support of a majority of the members of the National Assembly. In addition to the office of Prime Minister, There shall be such other offices of Minister of the Government of Lesotho (not being less than seven in number and one of which shall be the office of Deputy Prime Minister) as may be established by Parliament or, subject to any provision made by Parliament, by the King, acting in accordance with the advice of the Prime Minister.

Source: [Constitution of Lesotho](#)

As mentioned, The King serves a largely ceremonial function; he no longer possesses any executive authority and is proscribed from actively participating in political initiatives.

Source: [U.S. Department of State](#)

2.3 Judiciary Branch

High Court (chief justice appointed by the monarch); Court of Appeal; Magistrate's Court; customary or traditional court

The legal system of Lesotho is dual, with customary law operating side by side with the general law although in practice common law prevails. The customary law is made up of different practices of the people, some of which have been interpreted and acted upon by the courts thus making them customary law. The general law on the other hand is made up of statutes and common law (the latter is a mixture of Roman, Dutch and some English law). Whether, in any one case, the customary or the general law will be applicable, is determined by the nature of the case - whether criminal or civil, the parties involved and other rules relating to choice of law in situation of conflict of laws. The dual legal system in the country has led to assumptions that people in the rural areas would know customary law, while those in the urban areas, would know and practice common law.

The structure of the courts reflects this duality of the legal system. Basotho or customary courts administer the customary law while the other courts administer the general law. The courts are structured in such a way that at the bottom of the hierarchy are the Local Courts, which are Courts of first instance for any matter involving customary law. Both the Local and Central Courts are sometimes referred to as customary or Basotho Courts. An appeal from the Local or Central Court goes to the magistrate courts. The magistrate courts have automatic review of proceedings of Local Courts. From the latter court, it goes to the High Court and finally to the Court of Appeal.

Source: [Office of the United Nations High Commissioner for Human Rights](#)

All but one of the Justices on the Court of Appeal are South African jurists. There is no trial by jury; rather, judges make rulings alone, or, in the case of criminal trials, with two other judges as observers.

The constitution provides for an independent judicial system. The constitution also protects basic civil liberties, including freedom of speech, association, and the press; freedom of peaceful assembly; and freedom of religion.

Source: [U.S. Department of State - Background notes](#)

Fundamental human rights are also guaranteed under the constitution, a guarantee that is reinforced through Lesotho being a signatory to most of the UN Human Rights Treaties. Although Lesotho is a signatory to the Convention on Elimination of all

Forms of Discrimination against Women, under Customary Law women are treated as minors and a number of gender-discriminatory laws remain.

Even though the Law Reform Commission (LRC) was established in 1997, to address, inter alia, the problem of gender discrimination, a pre-occupation with electoral reform meant earlier that the preparation of an inventory of gender discriminatory laws and their subsequent revision was delayed. Implementation of the necessary reform is further hampered by weaknesses in the administration of justice.

Source: [European Commission - Strategy Paper \(edited\)](#)

2.4 Local Government

For administrative purposes, Lesotho is divided into 10 districts, each headed by a district secretary.^h However, public administration is centralized in the capital, Maseru. There are no local governments, and the deconcentration of sectoral ministry functions is at a beginning. Nevertheless, as part of a public sector reform initiative the government has made a commitment to decentralize, establish elected local governments, and give communities a role in their own development.

Two levels of community institutions do exist. One consists of the traditional chiefs. They have no resources and few formal powers. But they act as power-brokers and in some instances reflect the needs of their "constituents". Second, there are village development councils (VDCs), but they have little or no capacity, and no power. Their proposals for development works are never acted upon by the local District Secretary, Ministry of Local Government, Ministry of Planning, or Ministry of Works.

The government is currently establishing urban councils in 12 towns, and will in coming years hold local elections to establish local governments. Under the public sector reform program, the role of each ministry will be assessed and relevant functions decentralized.

Source: [World Bank - Community Driven Development in Lesotho, May 2001 \(edited\)](#)

^h [U.S. Department of State - Background notes](#)

3. The State and Civil Society

3.1 Ombudsperson

The Office of the Ombudsman was established in terms of Sections 134 and 135 of the 1993 [Constitution of Lesotho](#).

The main function of the Ombudsman's office is to receive and investigate complaints from aggrieved persons against government agencies and statutory corporations and/or officials and employees of such organizations; and recommend remedial action where he finds a complaint justified. If the Ombudsman's recommendation is not implemented within a stipulated time, then the Ombudsman makes a Special Report to Parliament in accordance with Section 7(5) of the Ombudsman Act. Furthermore, the Ombudsman submits Annual Report to Parliament in accordance with Section 135(3) of the Constitution and Section 16 (1) of the Ombudsman Act.

Further duties and functions of the Ombudsman are described in detail in the Ombudsman Act of 1996.

Source: [The Lesotho Government Online](#)

3.2 NGOs

There are a significant number of NGOs within Lesotho and a nominal co-coordinating body, the Lesotho Council of NGOs ([LCN](#)). However, a number of NGO's do not recognize it. This situation is aggravated by the lack of a clear framework for cooperation and communication between the Government of Lesotho and NGOs. Further, despite the recent increase in the number of NGOs engaged in development activities and human rights advocacy, the involvement of non-state actors in the formulation and implementation of social and economic policies is still in its infancy

Source: [European Commission - Country Strategy Paper \(edited\)](#)

3.3 Civil Society

Amongst non-state actors, the trade union movement is weak and fragmented, the business community is divided upon different economic approaches and institutional linkages, with many businesses being foreign-owned and having no political affiliation. Although the churches still play an important role, their influence is diminishing.

Source: [European Commission - Country Strategy Paper](#)

There are several independent newspapers--including one controlled by the Roman Catholic Church, one controlled by the Lesotho Evangelical Church, and four English-language weeklies--that routinely criticized the Government. The official state-owned or state-controlled media consist of one radio station, an 11/2 hour daily newscast on a local television channel, and two weekly newspapers. All faithfully reflect official positions of the ruling party. There are four private radio stations, but no private local television station. South African and global satellite television and radio broadcasts are available widely.

Source: [U.S. Department of State - Human Rights](#)

4. Civil Service

4.1 Legal basis

Public Service Act 1995 (No. 13 of 1995).

Government Gazette, Extraordinary, 1996-03-12, Vol. XLI, No. 16, pp. 139-168

The Public Service Act of 1995, [No. 13 of 1995](#), governs the Lesotho civil service. Entry and advancement into the civil service shall be based on merit. Sets forth provisions concerning code of conduct, discipline procedures, and retirement of civil servants

Source: [International Labour Organization \(NATLEX\) - Lesotho: Public and civil servants](#)

Section 35 of the Public Service Act provides: "The Labour Code Order of 1992 shall not apply to public officers". This legal option applies a policy decision which has weighed up what the costs and benefits, impact and relevance of job security in today's public administration are. It embodies the public service employer's decision to adapt to the rapidly changing market for high-level skills in particular which, in turn, might be related to other factors like the level of civil service remuneration and obstacles to developing training that will safeguard merit, mobility and motivation in the civil service.

Source: [International Labour Organization - Comparative study of contents of civil service statutes \(2001\)](#)

Article 136 of the [Constitution](#) provides for a Public Service Commission which consists of a Chairman and not less than two nor more than four other members, who shall be appointed by the King, acting in accordance with the advice of the Judicial Service Commission.

Source: [Constitution of Lesotho](#)

The Minister responsible for Public Service may (subject to the prior concurrence of the Minister responsible for finance in respect of anything involving the expenditure of public funds) do anything that in his opinion is necessary or expedient for giving effect to the objects of this Act.

Source: [Public Service Act of 1995](#)

4.2 Appointment

According to Article 137 (Article 6 of the [Public Service Act](#)) of the [Constitution](#), the power to appoint persons to hold or act in offices in the public service (including the power to confirm appointments), the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office is vested in the Public Service Commission.

Source: [Constitution of Lesotho & Public Service Act of 1995](#)

Appointments to the public service are: (a) on permanent and pensionable terms; (b) on temporary terms; or (c) on contract terms.

Entry into and advancement within the public service shall be determined solely on the basis of merit, namely; ability, qualifications, knowledge, skill and aptitude after fair and open competition which assures that all citizens of Lesotho receive equal opportunity.

Source: [Public Service Act of 1995](#)

4.3 Remuneration

The Minister makes provision for the scales of salaries of all classes and grades of public officers.

Source: Public Service Act of 1995

4.4 Training

The Minister makes provision for the training of public officers.

Source: Public Service Act of 1995

4.5 Gender

Source: Institution - Title

5. Ethics and Civil Service

5.1 Corruption

2003 CPI Score relates to perceptions of the degree of corruption as seen by business people and country analysts and ranges between 10 (highly clean) and 0 (highly corrupt).

Corruption Perceptions Index							
		2003 CPI Score	Surveys Used	Standard Deviation	High-Low Range	Number Inst.	90 percent confidence range
Rank	Country						
1	Highly clean	9.7	8	0.3	9.2 - 10.0	4	9.5 - 9.9
#	Lesotho	..	..	..	..	..	..
133	Highly corrupt	1.3	8	0.7	0.3 - 2.2	6	0.9 - 1.7

Source: [Transparency International - Corruption Perceptions Index 2003](#)

Surveys Used: Refers to the number of surveys that were used to assess a country's performance. 17 surveys were used and at least 3 surveys were required for a country to be included in the CPI.

Standard Deviation: Indicates differences in the values of the sources. Values below 0.5 indicate agreement, values between 0.5 and c. 0.9 indicate some agreement, while values equal or larger than 1 indicate disagreement.

High-Low Range: Provides the highest and lowest values of the sources.

Number Institutions: Refers to the number of independent institutions that assessed a country's performance. Since some institutions provided more than one survey.

90 percent confidence range: Provides a range of possible values of the CPI score. With 5 percent probability the score is above this range and with another 5 percent it is below.

The Prevention of Corruption and Economic Crime Offences [Act No. 5 of 1999](#) provides for the establishment of a Directorate on Corruption and Economic Crime; makes provision for the prevention of corruption and confer power on the Directorate to investigate suspected cases of corruption and economic crime and matters connected or incidental thereto.

Source: [Prevention of Corruption and Economic Offences Act 1999](#)

5.2 Ethics

Article 14 of the [Public Service Act](#) of 1995 stipulates the General rules of conduct for public officers. Article 15 provides that the public officer be at the government's disposal the whole of his time and also that no public officer may claim as of right additional remuneration in respect of any official duty or work any proper authority may require him to do. Article 16 to Article 18 deals with Private employment and private interests, Fees for official services and Breach of discipline respectively.

Source: [Public Service Act of 1995](#)

6. e-Government

e-Government Readiness Index:

The index refers to the generic capacity or aptitude of the public sector to use ICT for encapsulating in public services and deploying to the public, high quality information (explicit knowledge) and effective communication tools that support human development.

The index is comprised of three sub-indices: Web Measure Index, Telecommunications Infrastructure Index and Human Capital Index.

Web Measure Index:

A scale based on progressively sophisticated web services present. Coverage and sophistication of state-provided e-service and e-product availability correspond to a numerical classification.

Telecommunications Infrastructure Index:

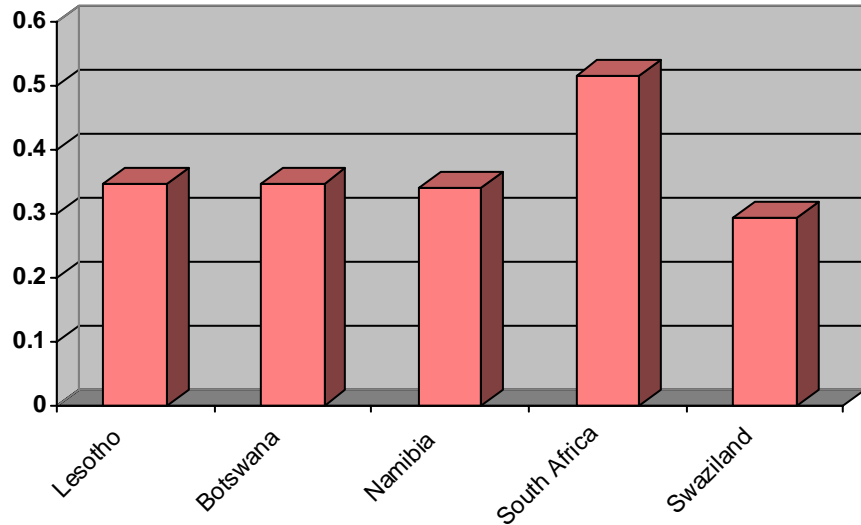
A composite, weighted average index of six primary indices, based on basic infrastructural indicators that define a country's ICT infrastructure capacity.

Primary indicators are: PC's, Internet users, online population and Mobile phones. Secondary indicators are TVs and telephone lines.

Human Capital Index:

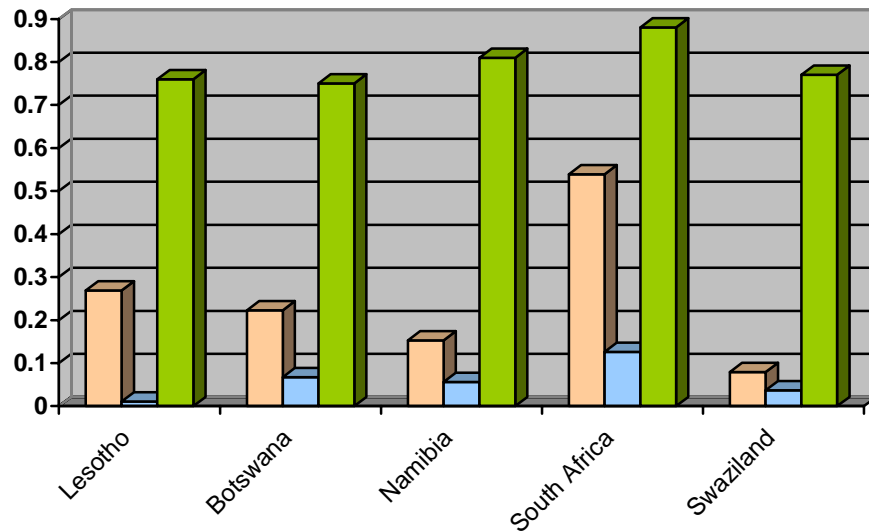
A composite of the adult literacy rate and the combined primary, secondary and tertiary gross enrolment ratio, with two thirds of the weight given to adult literacy and one third to the gross enrolment ratio.

e-Government Readiness Index



Source: United Nations – World Public Sector Report 2003

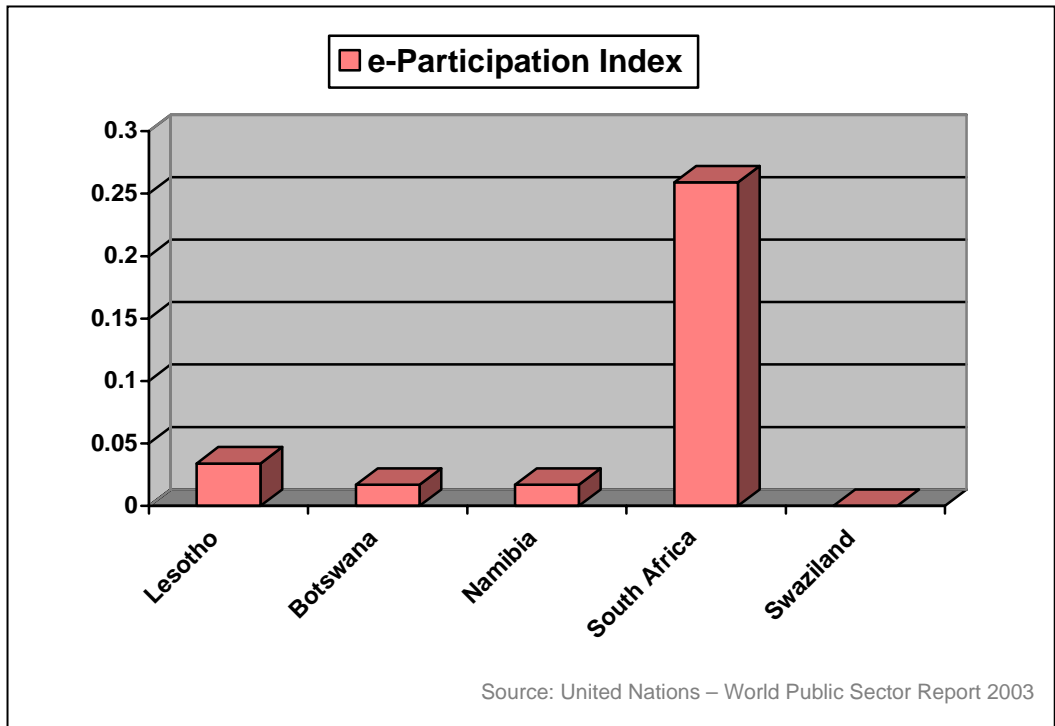
Web Measure Index | Telecom. Infrastructure Index | Human Capital Index



Source: United Nations – World Public Sector Report 2003

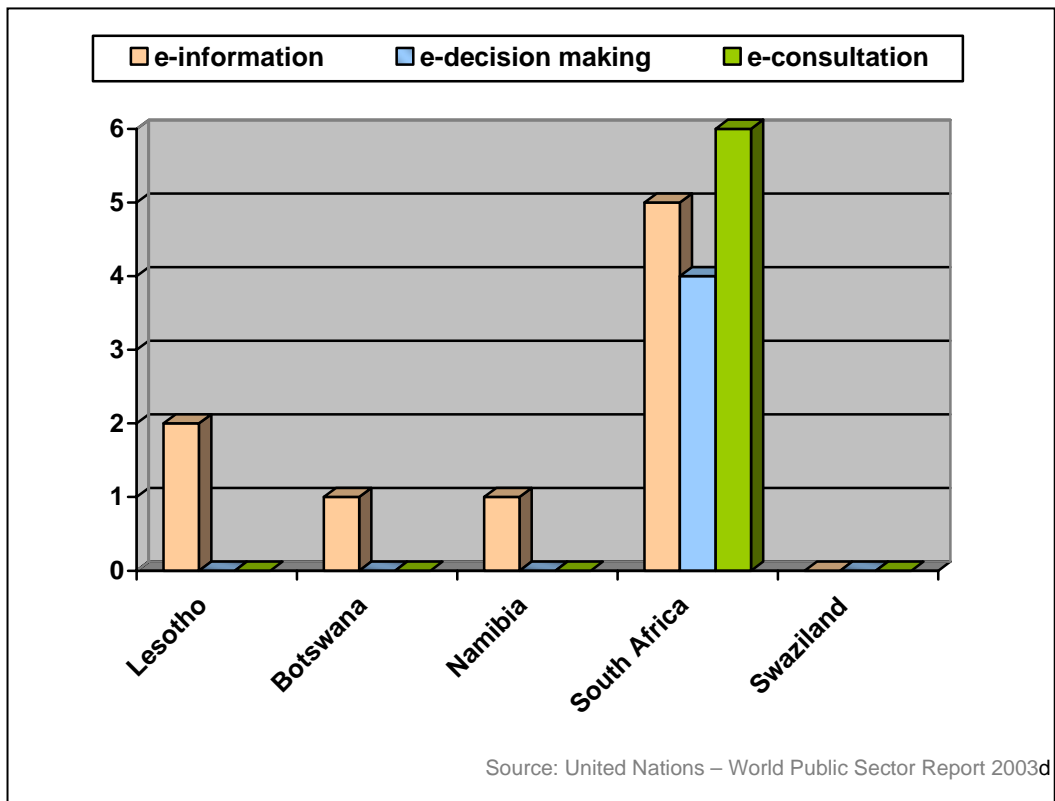
e-Participation Index:

Refers to the willingness, on the part of the government, to use ICT to provide high quality information (explicit knowledge) and effective communication tools for the specific purpose of empowering people for able participation in consultations and decision-making both in their capacity as consumers of public services and as citizens.



e-information:

The government websites offer information on policies and programs, budgets, laws and regulations, and other briefs of key public interest. Tools for disseminating of information exist for timely access and use of public information, including web forums, e-mail lists, newsgroups and chat rooms.



e-decision making:

The government indicates that it will take citizens input into account in decision making and provides actual feedback on the outcome of specific issues.

e-consultation:

The government website explains e-consultation mechanisms and tools. It offers a choice of public policy topics online for discussion with real time and archived access to audios and videos of public meetings. The government encourages citizens to participate in discussions.

7. Links

7.1 National sites	
Authority	Topic
Government Official Website	http://www.lesotho.gov.ls/default.asp
Government Online	http://www.lesotho.gov.ls/
Cabinet	http://www.lesotho.gov.ls/cabinet/default.htm
Cabinet	http://www.lesotho.gov.ls/cabinet/gcabinet.htm
Ministries	http://www.lesotho.gov.ls/ministers/gministries.htm
Bureau of Statistics	http://www.bos.gov.ls/
Directorate on Corruption and Economic Offences	http://www.justice.gov.ls/news/anti_corruption.html
Ombudsman	http://www.lesotho.gov.ls/ombudsman/gOmbudsman.htm

7.2 Institutional sites	
Institution	Topic
African Development Bank (ADB)	http://www.afdb.org/
African Training and Research Centre in Administration for Development (CAFRAD)	http://www.cafrad.org/
African Union (AU)	http://www.africa-union.org/
Centre for Public Service Innovation (CPSI)	http://www.cpsi.co.za/default.htm
European Union (EU)	http://europa.eu.int/comm/development/ACP_countries
International Labour Organization (ILO) - NATLEX	http://www.ilo.org/dyn/natlex/natlex_browse.home
New Partnership for Africa's Development (NEPAD)	http://www.nepad.org/
United Nations Development Programme (UNDP)	http://www.undp.org.ls/
United Nations Economic Commission for Africa (ECA)	http://www.uneca.org/
UNPAN	http://www.unpan.org/virtual_library-byregion.asp
World Bank (WB)	http://www.worldbank.org/ls