



Integration of Lesotho Local Authorities in the European Cooperation Programming Process 2021-2027

COMPENDIUM Of Key Reference Documents



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United Cities and Local Governments of Africa
Cités et Gouvernements Locaux Unis d'Afrique
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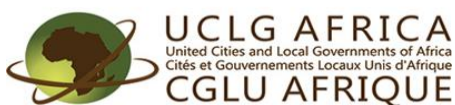
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Integration of Local Authorities of Lesotho In the European Cooperation Programming Process 2021 - 2027

Compendium of Key Reference Documents pertaining to the Lesotho Association of Local Authorities



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Introduction

Context of the mission

The European Commission (EC) has concluded a new financing instrument, the Neighbourhood Development and International Cooperation Instrument (NDICI) that will guide its next programming cycle (2021 to 2027). The pre-programming phase has started with internal European Union (EU) stakeholders between EU delegations and EU headquarters in Brussels. This is intended to define the key political objectives of EU cooperation in each partner country. Consequently, the in-country programming phase is expected to commence in August and must be completed by end November 2020. The EU programming exercise is meant to identify strategic and priority areas and sectors for interventions to be financed by the EU cooperation following a political dialogue to be launched with the central governments, the local authorities and other development actors of (civil society, private sector, etc.)

It is expected that the Local Authorities/Associations (LAs) are sufficiently mobilised and empowered to take a proactive role in preparation for meaningful and effective participation of the Local /Authorities in the dialogue with the national government and the EU delegation leading to the definition of priorities and programs to be included in the EU cooperation. Consequently, the LAs are expected to:

- a) take contact, as soon as possible, with the representatives of national governments in charge of the programming process at national level (the national authorization officer, NOA) the ministry of decentralization and the different ministries in charge of the programs and policies being implemented under the current cooperation agreement, as well as with the focal points or coordinating officers in charge of the implementation of climate action and/or the SDGs;
- b) have a clear understanding of the issue of localization of national policies and SDGs (according to the principle of subsidiarity). The participation of LAs in the implementation of EU policies supposes that whatever the sector or horizontal policies (such as climate change, gender, youth, migration, etc.) the value added of the participation of LAs is clearly identified; and
- c) highlight the additional contribution of the territorial approach to local development (TALD) for the implementation of the national development plan, and the enhancement of the potential of the different territories, so that LAs participate in increasing wealth and employment, and continuously improve the standards and quality of life of the people; and
- d) mobilize their members to define and promote strategic axes and priority actions to be implemented at local level, and facilitate their genuine ownership by all members of the national associations of LAs.

It is against this background that the United Cities and Local Governments of Africa (UCLG AFRICA), as an umbrella organisation and representative of African local authorities, sought and engaged the services of a National Consultant (Mr. Keketso Sefeane) to undertake on its behalf a mission of preparing the Lesotho Association of Local Authorities (LALA) and its

membership (LAs) to effectively partake in the programming process of the 2021-2027 EU Cooperation programming.

Scope of the Assignment

In preparation for the envisaged support to LALA, the National Consultant will carry out a study to collect and analyse basic information on the three following main issues and produce a background document that will serve for the preparation of a national seminar gathering all the members of the national association of local authorities.

- 1) the national development policy and priority sector strategies defined and/or being implemented by the national government and the level of participation of LAs in its implementation (including for the SDGs and the NDCs, Nationally Determined Contributions for the implementation of the Paris Agreement);
- 2) the implementation of the decentralization policy, and especially the extent to which national policies and strategies and their financial and other means of implementation are territorialized; and the extent to which the national government considers local authorities and subnational governments as developmental agents in their own capacity alongside the central government;
- 3) the implementation of the EU cooperation in the country, including the national indicative program (NIP) supported by the European Development Fund under the EUACP Cotonou Agreement and any information providing an evaluation of the involvement of the different stakeholders in the definition, implementation and monitoring of the interventions defined by the NIP; and the choice of flagship priority sectors considered by the European Union at the NDICI pre-programming phase.

The National Consultant is to deliver:

- a) a Compendium of key reference documents; and
- b) an Analytical Report.

The current document is the first deliverable. It covers available documentation pertaining to:

- i) National Development Policy and Strategies:*
 - official reference documents on the national development plan and the national sector policies;
 - key milestones and decisions on the implementation of the national development plan and sector strategies;
 - any other support documents informing on long term national development perspective, etc.
- ii) National Decentralization Policy:*
 - legislation and regulation on decentralization, with special attention on the institutional framework organizing the sharing of powers between the national and the subnational and local levels of governance;

- the identification of the general mandate and specific mandates underlying the space and autonomy of the LAS responsibilities;
- the functioning of the national association of local authorities,

iii) EU Cooperation

- Document on the current National Indicative Program (NIP) implemented in the country, and any document on the assessment of the implementation of the NIP;
- Results of the pre-programming exercise of the European Union and foreseen sectors of priority for the EU Cooperation (2021/2027). It is clear that the delegation is already fully involved in this exercise following their interaction with the EC Headquarters in the pre-programming exercise.

Methodology used for data collection of texts and documents

Relevant documentation pertaining to development policy and strategies, National Decentralisation Policy and EU Co-operation were searched from internal available documentation from previous related assignments. The relevant Ministry of Local Government and Chieftainship Affairs (MoLGCA), Ministry of Development Planning (MDP) and the EU Commission in Lesotho were contacted and requested to provide supplementary information. Internet search was also done for some of the documents.

List of Abbreviations and Acronyms

ACP	- African, Caribbean and Pacific group of States
ACP-EC	- African, Caribbean and Pacific- European Commission
DA	- District Administrator
DDP	- Deepening Decentralisation Programme
EC	- European Commission
EDF	- European Development Fund
EU	- European Union
EUACP	- European Union Africa, Caribbean and Pacific
ICT	- Information and Communication Technology
LA	- Local Authority
LALA	- Lesotho Association of Local Authorities
LED	- Local Economic Development
MDP	- Ministry of Development Planning
MoLGCA	- Ministry of Local Government and Chieftainship Affairs
MoLGCPA	- Ministry of Local Government Chieftainship and Parliamentary Affairs
MTR	- Mid-Term Review
NDC	- Nationally Determined Contribution
NDICI	- Neighbourhood Development and International Cooperation Instrument
NSDP I	- National Strategic Development Plan 2012/13 – 2016/17
NSDP II	- National Strategic Development Plan for 2018/19 -2022/23
NIP	- National Indicative Programme
NOA	- National Authorising Officer
SDGs	- Sustainable Development Goals
SSA	- Sub-Saharan Africa
TALD	- Territorial Approach to Local Development
UCLG AFRICA	- United Cities and Local Governments of Africa
UN	- United Nations
UNCDF	- United Nations Capital Development Fund
UNDP	- United Nations Development Programme

Compendium

I - The National Development Policies and Strategies:

A. Official reference documents on the National Development Plan (*normally Five- or Ten-Year Plan*).

A.1 Reference Document:

Government of Lesotho. *National Strategic Development Plan 2018/19-2022/23 (NSDP II)*. Maseru: Government of Lesotho, Ministry of Development Planning.

Document Type: National strategic plan.

Document summary: This 5 Year Development Plan is meant to represent the country's roadmap and "*commitment towards the creation of shared prosperity*" during the implementation period of 2018/19 – 2022/23. It was the first attempt to implement the Post 2015 UN Sustainable Development Goals (SDGs) and Agenda 2063.

It follows the previous National Strategic Development Plan - I of 2012/13 - 2016/17, which the Government admits not much was achieved of it. It is noted within the NSDP II that the overarching goal of NSDP I was to achieve a sustained employment, creating growth over the duration of the plan. The thrust of NSDP I was to transform Lesotho economy from the its then consumer-based status, where the economy is driven by Government spending to a producer-based economy driven by the private sector investment. NSDP II recognises that amongst the 6 Major Strategic Development Goals within NSDP I, there was a focus on the promotion of peace, democratic governance and building of effective institutions.

NSDP II is informed by the key challenges that have plagued Lesotho's development over the past decades. It is also informed by the Global Mega trends that will continue to affect the economy in number of years to come, and which should be recognized and responded to in a strategic manner using appropriate approaches. These include: (a) Geopolitics and the World Disorder; (b). Geo-economics shifts, trade protection and new trade order; (c). Trade in the Digital Era; (d). Climate Change; (e). Resurgence of populism; (f). Accelerating technological innovations including robotics.

The Plan proposes strategies under investment climate reforms and other reforms on how Government should create a conducive environment that is private-sector supportive and conducive for inclusive economic growth.

NDSP II has therefore been developed taking into consideration lessons learnt and the resultant performance (achievements realised as well as challenges encountered) against the implementation of the NDSP I. It is envisaged that the achievement of the macro targets contained in NSDP II will ultimately lead to poverty reduction and social inclusion in the country.

B. National Sectoral Plans, Policies or Strategies, Road Maps (Education, Health, Employment, Agriculture, Industry, Energy, Transport, Tourism, Family, Women, Children, Environment, Digital, Migration...).

B.1 Reference Document: Ministry of Local Government and Chieftainship Affairs (2009). Strategic Plan for the Ministry of Local Government and Chieftainship Affairs (2009 – 2013)

Document Type: Strategic Plan

Document Summary: This Strategic Plan for the period 2009 -13 was developed as a guiding document for the Ministry of Local Government and Chieftainship. The mission of the Ministry is set out as to promote, deepen and consolidate a sustainable and effective system of local governance for improved service delivery and enhanced quality of life.

Whilst the objectives flowing from this mission are all looking at how the local authorities are guided and empowered to fulfil their mandates, the key focus of the objectives can be summarised as supporting and strengthening Local Authorities in the provision of quality services to the nation through a well-defined policy framework and adherence to laws and regulations of the Country.

B.2 Reference Document: Ministry of Communications, Science and Technology, 2008. *Lesotho Communications Policy (2008)*

Document Type: Sectoral Policy Document

Document Summary: This policy establishes the framework for regulation of the telecommunications, broadcasting, and postal sectors. It was adopted to facilitate the process of liberalization of the telecommunications sector in Lesotho. With the intention to have Citizens accessing information and having a say about things that affect their lives (as captured within the Constitution), this sector's policy becomes very important looking into how this accessibility is established and governed going forward.

B.3 Reference Document: Ministry of Communications, Science and Technology, 2005. *ICT Policy for Lesotho (2005)*

Document Type: Sectoral Policy Document

Document Summary: This ICT Policy is formulated to provide the nation with a vision and strategy for becoming a fully integrated member of the Information Society. It is intended to unite Government, industry, civil society and the general public in the achievement of its national development goals. It identifies key areas of the economy that will serve as catalysts in driving the policy towards its fruition.

The policy recognises that all sectors of the society have a role in the developments within the Country, making access to information for all crucial. The Civil Society Organisations being where some of the Local Authorities would be operating from become relevant in how the ICT policy advances their engagements in identifying appropriate ICT products and services for the constituencies they serve, and providing greater access to those products and services.

B.4 Reference Document: Ministry of Energy and Meteorology, 2017. *The Lesotho's National Climate Change Policy (2017)*

Document Type: Sectoral Policy Document

Document Summary: The policy provides strategic directions and coordination on issues of climate change, being aware of its linkages with sustainable development. It is aimed at advancing the Country's climate change mandate by building a climate resilient society at national and local levels. Whilst all the policy statements contained in this document have a bearing on how the Local Authorities would be expected to engage, policy statement 14 directly talks to the Local Authorities regarding the handling of Climate Change.

C. Key milestones and decisions on the implementation (Progress report, Reports, Official documents, evaluation...).

C.1 Reference Document:

United Nations Development Programme and United Nations Capital Development Fund, 2014. *Deepening Decentralisation Programme (DDP). Progress Report (Jan – Dec 2014)*. UNDP and UNCDF

Document Type: Progress Report

Document Summary: As this is a progress report, the document has captured the status quo of how the DDP as an initiative within the Ministry of Local Government Chieftainship and Parliamentary Affairs (MoLGCPA) had progressed (*as at end of the year 2014*) – highlighting areas where progress / achievements were realised as well as where challenges were encountered.

The overall goal of this 4-year programme is to promote decentralized service delivery through the development and implementation of transparent funding mechanisms and improving accountability of Local Authorities. The programme aims to address limited decentralization among line ministries where few staff and functions have been devolved to the district level, limited budget discretion for district and community councils as well as limited central capacity but mostly local level capacity to deliver decentralized services.

C.2 Reference Document:

Mid-term Review of the National Strategic Development Plan for 2012-13 to 2016/17

NB: Awaiting copy from Ministry of Development Planning (MDP)

D. Support documents informing on the reality and long-term National Vision and Development perspective, etc.

D.1 Reference Document:

Government of Lesotho, 2004. *National Vision 2020*. Maseru: Government of Lesotho.

Document Type: Strategic

Document summary: The Vision 2020 document serves as a lighthouse towards which national energies and resources can be mobilised. It also encourages ownership of the development agenda on a sustained basis. Given that it serves as a lighthouse, strategic developmental frames, processes, and actions are to be informed by the spirit exuded by this vision.

Vision Statement: 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.

There are seven developmental pillars identified in this vision, meant to anchor the developmental initiatives and efforts in the country. The vision also takes cognisance of other 3 key factors crucial towards the reaching of the aspired destination. Informed by the identified pillars as well as the 3 key factors, four (4) scenarios (*best case – worst case*) are mapped-out.

The specific objectives of the Lesotho Vision 2020 are to establish a long-term vision for Lesotho by looking beyond the short-term plans and adjustments, exploring the options for economic, political and human development to the year 2020. The identification of alternative development strategies suitable for the Lesotho situation, and promoting a process of open dialogue and consultation with socio-economic groups countrywide fall within this frame. Also, the creation of an environment whereby Basotho will actively participate in achieving the Vision 2020, as well as developing a clearer focus regarding the direction in which development plans could be rolled out.

II - National Decentralization Policy:

- I.1. Document Reference:** Government of Lesotho, 2014. *National Decentralisation Policy*. Maseru: Ministry of Local Government, Chieftainship and Parliamentary Affairs, Government of Lesotho.

Document Type: Policy Document

A. Brief Historical Background

Decentralisation in Lesotho is to a large extent a corollary of the democratisation process which has to this point advanced very well. The urge for decentralisation has been motivated by the need to promote long-term political stability that is rooted in effective service delivery, equitable local development, and knowledgeable and skilled citizenry.

Initial efforts to implement decentralisation using the legal instruments (mainly the Local Government Act of 1997) resulted in limited success, hence the Government's decision to formulate a comprehensive national decentralisation policy. The mission of this policy is to promote political stability, encouraging faster and equitable development, enhancing citizens' participation in governance and service delivery in Lesotho. Its core purpose therefore is to promote equitable local development and enhance participatory governance, empowering citizens to actively participate in all service delivery processes.

There are 21 areas of policy priorities and strategic actions earmarked in the policy document. Amongst the main policy priorities and strategic actions, Section 3.5 on 'framework for exercising local autonomy and intergovernmental relations' stipulates that *"The Government shall support local authorities to establish an Association of Local Authorities as a formal legally recognised institutional mechanism to enhance collective voice in intergovernmental relations, intra-governmental cooperation, capacity building, as a platform for advocacy and leadership development at local and international levels.*"

B. Legal framework governing Decentralization (Constitution (Principles of Control, Subsidiarity, Local Autonomy), Laws, Regulations, Circulars, Speeches of the Head of State ...).

II.2 Reference Documents: National Constitution of Lesotho, 1993.

Document Type: Legal

Summary: This Constitution is the supreme law of Lesotho as a Country. Any other laws within the Country found to be inconsistent with this Constitution, shall to the extent of the inconsistency be null and void. It sets out how the Country shall be governed, as well as amplifying the freedoms and rights that the people and/or organised groups within the country should access and enjoy.

Section 106 (1) of this Constitution sets out 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.”*

II.3 Reference Document: Lesotho Government Gazette, Volume XLII. Extra Ordinary. 3rd July 1997. Local Government Act 1997 (as amended).

Document Type: Legal document

Summary/Relevance: This document has been amended several times. It provides the establishment and operationalisation of local authorities/councils (district, municipal, urban and community councils) and the supporting administrative structures.

II.4 Reference Document: Local Government Elections (Amendment) Act No.5 of 2004

Document Type: Legal

Summary/Relevance: It is an act to amend Local Government Act,1997. It provides amendment for inter alia: the composition of councils; functions of local authorities; electoral divisions; commencement of term of office and date of constitution of such councils.

II.5 Reference Document: Local Government Elections (Amendment) Act No.6 of 2004

Document Type: Legal

Summary: Provides for appointment of Director of Elections and Election Officers so as to regularise the elections for local authorities. These elections have been held since 2005 under the

II.6 Reference Document: Lesotho Government Gazette, Volume LVII. Extraordinary. 13th January 2011. Local Government (Declaration of Councils) Notice 2011.

Document Type: Legal

Summary: The Legal Notice provides for declaration of areas in the Schedule to Community, Urban, District and Municipal Councils and assign names to each council.

II.7 Reference Document: Local Government Bill (2017)

Document Type: Legal document

Document Summary: This Bill is meant to replace the Local Government Act of 1997, thereby amplifying the restructured councils, enhancements on local governance, as well

as providing for financial management. The guidance and facilitation of the progressive realisation of decentralisation in Lesotho and provision for other related matters are captured in this document. *[It should be noted that this Bill is still awaiting approval at Parliament level, for it to be considered Law]*

The local governments are to have autonomy in decision making to the extent determined by law and exercised in accordance with Article 106 of the Constitution. Though there are overlaps in jurisdictions, the local councils are considered independent as the law considers each council a body corporate.

C. Administrative delimitation (categories of Local Authorities: communes, regions, departments, districts, counties...).

For the purpose of local governance, Councils in Lesotho are categorised as follows – *aligned to the criteria prescribed in the regulations made by the Minister*

- i. Municipal Councils – There is 1 Municipal Council;
- ii. District Councils – There are 10 District Councils;
- iii. Urban Councils – There are 11 Urban Councils;
- iv. Community Councils – There are 64 Community Councils. At local level, only Councillors are elected.

D. Institutional framework organizing the sharing of powers between the national and local levels of governance (competences, shared competences, transferable competences).

The Ministry of Local Government, Chieftainship and Parliamentary Affairs (MoLGCPA) is the one playing the central role of coordinating the decentralisation process, even though there are other ministries and national institutions still expected to play significant roles in the devolution of services to the local authorities. MoLGCPA shall work with the Office of the Prime Minister to establish high level policy structures that must ensure that implementation process is integrated and properly coordinated.

E. Resources allocated to Local Authorities: Human Resources, Financial/Fiscal Resources, Patrimonial Resources.

Financial resources – Each council is to have a Council Fund into which all the monies to be raised and/or utilised for the Council's operations are to be collected and managed. Budget allocations from the central government coffers, gifts/donations, collected fines, revenue from properties/utilities, rates and taxes, etc. are to be managed through this fund.

Within each district a District Administrator (DA) representing the interests of the central government at District level and reporting directly to the Minister is appointed. All the public officers in the district function under the direct supervision of the DA.

A Planning Unit at District level manned by planning officers, is charged with considering / reviewing developmental proposals from the central government departments and councils, and prepares district development plans that would be presented to the District Development Coordinating Committee.

F. Do Local Authorities have a general mandate or specific mandates to carry out their roles, competences and responsibilities, focusing on their role in Local Economic Development (LED)

The mandate of local government structure is stipulated in the Local Government Act 1997 as amended. As per Section 5 of the Act, the Local Authority shall have the authority within its administrative limits for regulation, control and administration of all matters as set out in the First Schedule and Second Schedule for Community Council.

G. Existence of a National Association: date of creation, organization, leadership, modalities of functioning, resources, Action Plan, Strategy or Roadmap, its Relationship with the Central Government.

Reference Document: The Constitution of Lesotho Association of Local Authorities. 28th April, 2015. Reg. No. 2015/157.

Document Type: Organisational Constitution

Summary: Registration of the Lesotho Association of Local Authorities (LALA) was completed on the 28th April, 2015, under the Societies Act No. 20 of 1966. It is registered as a non-profit body recognized in the National Decentralisation Policy and the Local Government Act 1997 as amended.

Membership is open upon application to all categories of local authorities in Lesotho concerned with the management of local affairs. Members have a right to participate in the various activities and programmes of the Association and have access to such information, data and documentation about local government matters as the Association can provide.

LALA's Governance and Management Structures have the National Congress – *Apex structure of the Association*; The General Council – *second highest decision-making structure after the Congress*; The National Executive Committee – *exercises the ultimate authority of the Association in between the National Congress and General Council meetings*; The Working Committees; The District Governance and Management Structure; and the Secretariat

Reference Document: Sefeane K, 2015. *Strategic Plan for Lesotho Association of Local Authorities (LALA) for 2016 to 2020*. Ministry of Local Government and Chieftainship Affairs.

Document Type: Strategic document

Summary: LALA's Strategic Plan (2016 – 2020) is the first one it developed since its establishment. It covers the introduction, background to establishment of LALA, situational analysis, statement of purpose, strategic direction, implementation requirements as well as monitoring, evaluation and reporting arrangements. It also captures in annexes: LALA Strategic Action Plan for 2016-2020; The Action Plan flowing from the Strategic Plan basically talks to the strengthening of this new body in terms of its governance structures, as well as beginning to fulfil its mandate.

III - Cooperation with the European Union / EU Cooperation Documents

I.2. Document on the current National Indicative Programme (NIP) implemented in the country for the current Fiscal Year.

Reference Document: Kingdom of Lesotho and European Union. 11th National Indicative Programme (NIP 2014 - 2020) for Cooperation between the Kingdom of Lesotho and European Union

Document Type: Agreement

Document summary: The Agreement was signed by the Minister of Finance representing the Government of Lesotho and the Commissioner for Development representing the European Commission, sealing the determined general orientations of cooperation for the period 2014 – 2020.

An amount of EUR 142 million is foreseen for the allocation referred to in Article 3.2 (a) of Annex IV of the ACP-EC Partnership Agreement (A-allocation). There was no amount allocated for the B-allocation but would be considered when a need arises. In line with Article 5 of Annex IV to the ACP-EC Partnership Agreement, the National Indicative Programme as well as the A-and B-allocations can be revised following the Mid-term review and the end-of-term review or ad hoc reviews.

The Agreement recognises the NSDP 2012/13 – 2016/17, hence the support to its implementation. This EU-Lesotho cooperation promotes the EC's "Communication for Change Agenda (2011)". The 'Agenda' further emphasises concentrating EU resources in support of human rights, democracy and good governance, and inclusive and sustainable growth for human development.

The agreement further highlights that the reduction and eradication of poverty remains fundamental in the EU's priorities, and would therefore support initiatives that positively impact this priority.

I.2.1. Any document indicating the evaluation of the implementation of the National Indicative Programme (NIP).

Reference Document: Kingdom of Lesotho and European Union, February 2017. *Mid-Term Review of 11th EDF - National Indicative Programme (NIP 2014 - 2020)*

Document Type: Progress review/Monitoring and Evaluation

Document summary: The NIP Mid-Term Review (MTR) was conducted, and final report completed in February 2017. It sets out Objectives to be focussed on for the period 2018 – 2020. Recommendations that came out of the deliberations during the MTR highlighted the need for some adjustments on the resources allocated to the different sectors.

An additional Euro 10M was recommended for the Social Protection Sector, thereby increasing the sector allocation to MEuro32. Under the Energy Sector a reduction of Euro 11M is recommended leaving the allocation for this sector at Euro 11M. The new re-allocations still add up to MEuro 142 though [*Water – 78; Energy – 17; Good Governance – 32; Support to Civil Society – 6; and Support Measures – 9*]

I.2.2. Results of the pre-programming exercise of the European Union and foreseen sector of priority for the EU Cooperation (2021/2027) following interaction between the Delegation and the European Commission Headquarters (depending on the context of each country and the evolution of negotiations/dialogue with the EU).

NB: Documentation pertaining to the Pre-programming exercise for the 2021 - 2027 EU Cooperation is confidential since its work in progress.

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