Involving Local Authorities In the programming process of EU Cooperation in Lesotho

LOCAL AUTHORITIES
ROADMAP
FOR THE 2021-2027 CYCLE
OF EU COOPERATION

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

ROAD MAP

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Table of Contents

EXECUTIVE SUMMARY

This roadmap explores ways in which the Lesotho Association of Local Authorities (LALA) can be involved in the European Union (EU) programming process of the period of 2021 to 2027 with the best chances of success. In the upcoming programming process, Local Authorities will for the very first time be considered as public actors alongside central governments which have hitherto been the only public actors associated with the definition of priorities for EU cooperation. In order for the Local Authorities and their National Local Government Association to participate meaningfully in this process, the UCLG-AFRICA felt that these bodies need to be capacitated to interact with the national government and the country EU Delegation, with a better understanding of the national development dynamics and the EU Delegation in a given country.

This roadmap is preceded by two important documents which inform and shape its content. The first is the Compendium which among others provides documentary evidence on the state of decentralization in the country as well as to assess the country's readiness to participate in the upcoming EU programming process. The second is the analytical report which gives a detailed account of the legislative frameworks that are in place in the country with respect to the decentralization processes and functions by the various levels of government. The analytical report has also captured a rapid SWOT analysis of the Lesotho Association of Local Authorities (LALA).

The Rapid SWOT analysis identifies the strengths, weaknesses, opportunities and threats facing the National Association. This undertaking seeks to assess the readiness of the LALA to assume its oversight role in the planning and implementation of the EU cooperation.

This roadmap is divided into three main parts. Part 1 assesses the current levels of the Local Authorities involvement in the development and cooperation policy. In order to advocate for meaningful improvements of the aforesaid, it is essential to have a full appreciation of the current levels and nature of the involvement of Local Authorities in the country as it pertains on the ground. It is hoped that this will assist a great deal in identifying areas where improvement is needed. In this regard the part 1 of the roadmap will be prominently informed by the analysis report mentioned above.

Part 2 of the roadmap assesses the possibilities open to national governments and the country-based EU Delegations to create an enabling environment to enhance the participation of the Local Authorities in the definition and implementation of the national development and cooperation policy in the country. The central aim of this section is to explore the added advantages that the participation of Local Authorities can bring into the efficiency and impact of the upcoming cooperation in the country. This will be done on the part of Local Authorities at the same time being mindful of the EU priorities for the country, and with the view to identifying appropriate mechanisms to access funding to improve their service delivery.

Part 3 explores what Local Authorities on their part can do to enhance the participation of the National Association of Local Authorities in national development and cooperation policy. These will among others involve addressing structural issues as well as planning advocacy activities.

ABBREVIATIONS / ACRONYMS

CSO	-	Civil society organisation
DDCC	-	District Development Coordinating Committee
EC	-	European Commission
EU	-	European Union
GoL	-	Government of Lesotho
KPA	-	Key priority area
LA	-	Local Authority
LALA	-	Lesotho Association of Local Authorities
MoLGCA	-	Ministry of Local Government and Chieftainship Affairs
MTFF	-	Mid-Term Fiscal Framework
NDCs	-	Nationally Determined Contributions
NDP	-	National Decentralisation Policy
NEC	-	National Executive Committee
NGO	-	Non-Governmental Organisation
NIP	-	National Indicative Programme
NSA	-	Non-State Actor
NSDP	-	National Strategic Development Plan
RISDP	-	Regional Indicative Strategic Development Plan
SADC	-	Southern African Development Community
SDGs	-	Sustainable Development Goals
SWOT	-	Strengths, weaknesses, opportunities and threats
TALD	-	Territorial Approach to Local Development
UCLGA	-	United Cities and Local Governments of Africa

PART 1

1.1 Main Conclusions resulting from the Compendium

1.1.1. The compendium has identified core official reference documents on the National Development Processes and the roles played by Local Authorities and the National Association (LALA) as well as their mandates and status.

1.1.2. It also lists other essential reading materials of Lesotho's development trajectory since independence.

1.1.3. The compendium outlines both the constitutional and administrative provisions regulating the existence and functions of Local Authorities.

1.1.4. It notes that the "Decentralisation Bill" is still to be approved at parliamentary level.

1.1.5. It also identifies inherent gaps within governance and policy frameworks.

1.2 Main Findings from the Analytical Report:

1.2.1 According to the Analytical Report, Government of Lesotho (GoL) has developed a National Strategic Development Plan II for 2018/19 to 2022/23[1] which is aligned to the national Vision 2020, Sustainable Development Goals (SDG) Agenda, Africa Union Agenda goals as well as Southern African Development Community (SADC) Regional Indicative Strategic Development Plan (RISDP). The key priority areas (KPAs) aligned to SGDs are:

   i)   Promoting inclusive and sustainable growth (All 17 SDGs);
   ii) Strengthening human capital (SDG 3, 4,5 and 10);
   iii) Building enabling infrastructure (SDG 6, 7,9 and 11); and
   iv) Strengthening governance and accountability (SDG 5,16 and 17).

1.2.2 The corresponding NSDP II outcome 4.3 of the KPA (iv) is improved service delivery hence decentralisation of the public sector services was identified as the strategic objective. The The proposed interventions in the NSDP II include the following:

   ✓ Develop fiscal decentralization framework and service decentralization framework to provide vertical and horizontal allocation of resources for local governments.
   ✓ Ensure fiduciary responsibilities of councils match capacity
   ✓ Improve capacity for planning, procurement, budget management, project cycle management and results-based management for local authorities.
   ✓ Strengthen capacity of District Development Coordinating Committees (DDCCs) to enhance collaboration and coordinating implementation of programmes.
   ✓ Raise awareness of citizen and non-state actors on local governance and service delivery to stimulate demand for accountability.
   ✓ Harmonise central and local governments and facilitate integrated development planning, budgeting and performance monitoring and reporting.

1.2.3 The GoL adopted the National Decentralisation Policy of 2014[2] with the purpose of deepening and sustaining democratic governance at the grass-roots level as well as promoting equitable

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[1] Government of Lesotho, 2018. National Strategic Development Plan II 2018/19 -2022/23, Ministry of Development Planning, Government of Lesotho

[2] Government of Lesotho, 2014. National Decentralisation Policy. Ministry of Local Government, Chieftainship and Parliamentary Affairs, Government of Lesotho

local development by enhancing citizen participation and strengthening local government systems. It was also intended to maintain effective functional and mutually accountable linkages between the central and local government entities.

1.2.4 Although a Cabinet sub-committee and corresponding task teams have been established to fast-track implementation of the decentralisation, progress has been sluggish to date. However, despite commitment by some line ministries to start devolving activities to local government level, lack of guiding framework for fiscal decentralization retarded progress since local government structures remain depended on central government for funding. Consequently, Local Government (Transfer of Functions) Regulations, 2015 as per Legal Notice No. 138 of 2015 was issued as a guiding service framework intended to expedite the decentralization of key functions.

1.2.5 There were seven ministries identified for pilot, viz: local government, health, social development, energy, forestry, mining and water. However, the pilot process has had limited success due to various challenges. There is a practical problem of accounting, administration and honouring associated costs of deployed physical and human resources from the central to the local government levels. The relationship between the central government and local government in terms of funding, implementation and monitoring of development projects still remains a challenge. Local councils are not yet able to collect meaningful revenues at the territorial levels despite huge potential sources of revenues as this still remains a purview of the central government.

1.2.6 There is GoL commitment in principle to integrate spatial dimension in development management despite challenges. The Local Government Act of 1997[3] and subsequent amendments makes provision for support to local councils. Consequently, there is a Planning Unit at District level manned by planning officers, which 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. The Act therefore implies that rudimentary developmental plans usually prepared at the grassroot level from the various community councils (territories), can be motivated at the District Council level for rationalization and adoption. However, there are no clear supporting policies and processes to facilitate their implementation hence dependent on technical and financial resources from the central government through their parent MoLGCA. It should also be noted that the MOLGCA intends to develop a national spatial strategy, promote housing policies, and review lands, chieftainship and housing development acts and their subsidiary legislations.

1.2.7 The central government recognises the value-add of territorial approaches to local development spearheaded by the LAs on the basis of their general mandate hence accepts that local government structures are gateways to the district and community level developments. However, not much has been done to leverage this for the country's general growth and development.

1.2.8 The decentralisation process in Lesotho has also been affected by political instability since the introduction of coalition government resulting in three (3) parliamentary elections from 2012 to 2017. The frequent changes in political administration (average tenure of 2.5 years) has contributed to inconsistent commitment to the decentralisation process. The high

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[3] Local Government Act 1997 [including the amendments effected on it thereafter >> Amendment Act 2010; Amendment Act (No. 2) 2011; Local Government Elections Amendment Act 2011]

turnover of Ministers and Principal Secretaries over the past five years, coupled with varied political agendas and priorities, had clouded focus on decentralisation process. It has also affected recognition and or non-recognition of the Lesotho Association of Local Authorities (LALA) as an umbrella body to represent collective voices of Local Authorities. There is a renewed commitment from the current Minister of MOLGCA on fast-tracking the decentralization process. Consequently, the Minister has confirmed recognition and support to LALA and recently tabled a long-pending Decentralisation Bill before parliament on 21 October 2020 for consideration.

1.2.9   There are varied challenges/constraints which affect future partnership in development between the central government and local authorities. There is seemly unequal partnership between the central and the local government. The current local authorities lack the technical and managerial capacity as well as advocacy strategy to engage with the parent ministry about issues of concern regarding slow devolution process and recognition of LALA as a collective voice of local authorities. Capacity building of the local structures has been slow due a number of factors, among others the funding constraints from the central government.

1.2.10 The EU's current support to the Government of Lesotho is in the sectors of Energy, Water, Governance and other measures in support of non-state actors (NSAs). The 11th EDF programme focuses on strengthening the competency and capacity of civil society. Recommendations from the Mid-Term Review of the National Indicative Programme (NIP) highlighted the need for some adjustments on the resources allocated to the different sectors until 2020, where funds reduced from the Energy Sector were shifted to the Social Protection sector. This is the sector where the Local Authorities would be very helpful to have development programmes at the grass-root level properly coordinated and supported.

1.2.11 It has been noted that EU is desirous to have the Local Authorities participate in the forthcoming EC programming process for 2021-2027. Consequently, LALA is also keen to seize opportunity by identifying priorities that can be presented to the GoL for consideration and onward transmission to EU for inclusion into the next programme for support.

1.2.12 Both the Local Authorities and their national association (LALA) will require targeted capacitation in the areas of human capital, financial technical and operational spheres for effective participation and engagement.

1.2.13 The LALA was subjected to a rapid SWOT analysis. The current strengths can be leveraged to advocate for devolution of services and active participation in the planning and implementation of the SDGs within their mandates. The next EC programming phase also presents opportunity for LALA to strengthen its operational capacity for meaningful and effective participation in the development space.

1.3 LAs Value Addition in the EU 2021 to 2027 programming Cycle

1.3.1   The participation of the Local Authorities in this programming phase where stakeholders of the partner countries are to be consulted presents a good opportunity for the local authorities in Lesotho to realise the crucial areas that they can push for development purposes. Ownership of what has to be executed would be enhanced as they would have been part of the discussions and agreements.

1.3.2   A better understanding of the Sustainable Development Goals from a broader perspective and an appreciation of how pursuing these would improve the lives of the people on the

ground would enhance how the Local Authorities embrace and execute plans advancing the fulfilment of the SDGs;

1.3.3   The European Union would get/receive the most close-to-the-ground information of what areas would be most relevant and meaningful towards the development of the people on the ground through the support it provides to the country.

1.3.4   The added value LAs participation could be realised in the following focus priority areas:

    a)   the development and maintenance of water and sanitation infrastructure in areas where bulk water supply methods are not a practical or economically feasible option in their territories;

    b)   exploration of possible alternatives in the future, which would include environmentally sensitive and sustainable water harvesting technologies, small scale irrigation schemes, small scale gravity schemes and well/spring protection;

    c)   Promotion and participation in climate smart technologies and modes of productions to increase food security, improve community and households' incomes and livelihood as well as boost economic development in their respective areas;

    d)   Promotion and access to renewable energy technologies for economic development;

    e)   Advocate for TALD and partnership in development through necessary capacity development to LAs for meaningful participation in the development arena; and

    f)   Advocate acceleration in implementation of the National Decentralisation Policy especially devolution of functional services and powers to the local authorities

1.4 Empowerment of Local Government Association for the Implementation of this Roadmap

1.4.1   The SWOT Analysis has identified key weaknesses/challenges as lack of resources to fully establish LALA with secretariat and sustain operations; and lack of institutional capacity to mobilise resource for implementation of its Strategic Plan as well as developmental programmes

1.4.2   The MOLGCA should assist LALA and support presentation of LALAs aspirations and priorities for inclusion into the EC programming.

1.4.3   The EU support will assist in developing the capacity of both the LAs and LALA Secretariat to effectively discharge their mandates, review and implement a new Strategic Plan including sustainable development programmes designed and tailor-made to suit their territorial/areas of jurisdiction

1.4.4   The LALA will need capacity to develop and implement advocacy strategy to influence fast-tracking for the implementation of decentralisation process as well as in monitoring and evaluation

1.5 Main ideas derived from the consultations with the LA Interim National Executive Committee, as well as Government Officials from the Ministry of Local Government and Chieftainship Affairs

1.5.1   The intended devolution of governance and service delivery has been partially done.

1.5.2   The political systems of district, municipal, urban and community councils have been established but need to be capacitated to enable them to effectively discharge their mandates.

1.5.3   The corresponding administrative transfer functions, authority, financial resources and responsibilities to the local government has been partially done.

1.5.4   The current service decentralisation framework has been recently developed and piloted. It needs to be complemented and supported by the development of fiscal decentralisation framework, including the enabling legal framework.

1.5.5   There is inequal partnership between the central government and the local government hence need to bridge the gap.

1.5.6   The relationship between LAs and MOLGCA need to be strengthened in order to build the necessary capacity for effective implementation of the decentralisation policy.

1.5.7   Both the MOLGCA and LALA welcomes the opportunity to present priorities for inclusion in the next EC programming for 2021-2027. This support will complement current inadequate resources for achieving the decentralisation objectives including operational systems strengthening and capacity building for the local government structures. The empowerment of local authorities as development actors will enable them to pursue planning and coordination the local level implementation of sustainable development goals.

1.5.8   The other envisaged priority areas include capacity building for the central government to embrace and support the decentralisation process; support for development of implementation of the fiscal decentralisation framework; setting-up of local structures to support decentralisation policy implementation; capital projects support for local government infrastructure programmes

1.6 Conclusion

The GoL embraces international and regional frameworks which have been incorporated into the national policies and strategies. However, the missing link has been inadequate financial resources and capacities to enhance effective implementation of sustainable development goals as recognised in the national development strategy.

The delays and challenges in implementation of the Decentralisation Policy have been noted. These are not insurmountable but requires renewed commitment from the GoL, putting in place the necessary policies, legal and fiscal decentralisation frameworks to allow for smooth devolution of functions from the central to the local government. There is also need to improve on the relationship between the MOLGCA and LALA as well promote equal partnership and linkages in the development arena.

The MOLGCA in principle supports territorial approach to development. However, there are still capacity concerns about the ability of the LAs to take up full responsibility for the process.

The MOLGCA and the LAs welcomes the opportunity to present their priorities for inclusion in the next EC programming for 2021-2027. Consequently, they will be willing to engage the relevant Ministry of Development Planning as well as the EU on these priorities.

PART 2

2.0 Enhancing Local Authorities participation in Development and EC cooperation policy

It is expected that the national decision -makers at the national level through the engagement of the EU delegation will be facilitated by the Ministry of Development Planning (MDP).

2.1 Recognizing Local Authorities and LALA as public /state actors

2.1.1 It is necessary for the GoL to demonstrate political will for collaborative engagements between LAs and other key stakeholders through meaningful dialogue and partnerships.

2.1.2 The MOLGCA should engage the MDP about local government and LALA priorities to guide the dialogue, negotiations and implementation for the future EU programme support.

2.1.3 EU to consider LAs as an integral part of EU programming and collaboration hence should accommodate inclusive national and local government priorities for consideration.

2.2 Implementing LAs and LALA involvement

The meaningful involvement of the implementing LAs and LALA will be guided by the following pillars including mechanisms, information, consultations and dialogue.

2.2.1 Legislative, policy and administrative mechanisms;

2.2.2 Provision of information and key documents required for the various stages of collaboration;

2.2.3 Effective consultations done in good faith to reflect mutual trust between all parties;

2.2.4 Inclusive, open, honest and transparent dialogue within realistic and agreed timelines.

2.3 Funding

Funding will be required for implementation of:

2.3.1 Fiscal decentralisation framework to support current public services devolution as well as the territorialisation of national development policies, regional and global trends.

2.3.2 Capital budget support for required infrastructure development for the local government structures.

2.3.3 Budget support for set-up of LALA Secretariat, review and implementation of its strategic plan.

2.3.4 Projects based support to local development initiatives

2.4 Conclusion

It is imperative that the local government structures, LAs and LALA take advantage of the forthcoming EC programming support. This also creates opportunity for the GoL to mobilise resources for fast-tracking implementation of the Decentralisation Policy including fiscal and service decentralisation frameworks; territorial approach to development; and capacity building for both the MOLGCA and the local government structures.

PART 3

3.0 Enhancing LAs meaningful involvement in development and cooperation:

Actions expected to be executed by the Local Authorities (LAs) and the National Association of Local Authorities (LALA)

3.1 Re-organise towards having a meaningful and competent voice of all LAs:

3.1.1   Stimulate and conscientize the new Councillors about LALA.
3.1.2   Ensure the collection of inputs/insights from members on a consultative manner;
3.1.3   Develop LAs and LGA priorities for the cooperation programme, organise and plan advocacy and lobbying activities around those priorities.

3.2 Political and institutional role of the Lesotho Association of Local Authorities:

3.2.1   Engage and have candid discussions with the relevant Ministry of Local Government and Chieftainship Affairs officials about fast-tracking implementation of the 'decentralisation for development agenda'.
3.2.2   Provide oversight for the implementation of the cooperation
3.2.3   Provide linkages between the various stakeholders in the EU cooperation process
3.2.4   Drive a mind-set change agenda.

3.3 Capacity Building

Local Government Authorities require advocacy, negotiations, and organizational capacities as well as professional capacities and skills in the following fields:

3.3.1   Capacity building as per Decentralisation Policy from GoL subventions and the donor community
3.3.2   Establishment of the Local Authorities' Secretariat – for the proper coordination of the programmes of the Local Authorities
3.3.3   Governance and Leadership capacity
    3.3.3.1   Explore possibilities of engaging a governance and leadership development organisation/Institute for purposes of leadership development.
    3.3.3.2   Benchmark regionally and globally on local government leadership models and leadership capacity building strategies.
    3.3.3.3   Explore virtual/correspondence leadership training opportunities (online training).
    3.3.3.4   Initiate capacitation in the use of ICT systems.
    3.3.3.5   Develop relationship building skills among stakeholders.

3.3.4   Operational capacity
    3.3.4.1   Develop and implement appropriate operational policies, procedures and systems
    3.3.4.2   Develop and populate LALA Secretariat with appropriate staff
    3.3.4.3   Provide the LAs and LALA secretariat with necessary operational capacity and tools of the trade including:
        ✓ Human resources management processes,
        ✓ Administrative processes
        ✓ Financial management processes

✓ Resource mobilisation processes

3.3.5 Technical capacity

3.3.5.1 Train Local Government Authorities staff on policy and political frameworks.
3.3.5.2 Familiarise with national and local level policy cycles in order to position Local Government Authorities for effective and impactful lobby and advocacy activities.
3.3.5.3 Forge strategic partnerships for technical and financial support required for review and implementation of the Local Government Authorities strategic plans.
3.3.5.4 Conduct stakeholder mapping and analysis so as to know how to identify the most influential actors for purpose of engaging with them in an appropriate manner with necessary sensitivities

3.4 Setting Local Authorities and Local Government Authority objectives

It is necessary for the Local Authorities and/or Local Government Authorities to articulate the outcomes they desire. The objectives of LAs and their LGA shall be SMARTIC

S	Specific	They clearly spell out how much of what by when
M	Measurable	Information shall as much as possible be based on data that can be collated, detected or obtained from records.
A	Achievable	They are possible to achieve and it's feasible for Local Authorities and Local Government Authorities to reach them.
R	Realistic	There is a clear connection of how they fit with the overall vision and mission of Local Authorities and Local Government Authorities.
T	Time-Bound	Clear time by when the Objective of the Local Authority's and LALA will be achieved.
I	Inspirational	They should motivate the LAs to achieve and reach targets
C	Challenging	They should stretch/bring the best out of LGA in responding to set goals and objectives.

To properly set the objectives of LAs and LGA the following questions would have to be adequately answered
   a) What challenges should be addressed?
   b) What are the areas to target and what are the agents to mobilize for the desired change?
   c) What are the potential strategies that align with agreed vision, mission and goals?
   d) What resources and assets exist that can be used to achieve the vision and mission?
   e) What are the potential obstacles that could negatively affect delivery?

It will be necessary to engage the LAs leadership to building consensus about which strategy/ strategies to focus on for action planning.

3.5 Defining LGA Plan of Action

Content of the LGAs plan of action	LGA Plan of Action steps	Defining Risk Mitigation Mechanisms
• What actions need to be undertaken for change to occur? • Who will carry them out? • By when (for how long)? • What resources are needed? • How to communicate the Plan of Action (who should know what)?	• What specific activities and tasks need to be implemented to reach the defined objectives? • Who will carry out these activities and tasks? • When will these activities take place and for how long? • What human and financial resources are needed to carry out the proposed activities?	• What baseline information is needed to monitor progress? • What follow through mechanisms are put in place to ensure effective implementation (remember the 80-20 rule: successful efforts are 80 are 80% follow through on planned actions and 20% planning for success) • Which methods and tools will be required to keep track of the action? (Defer for discussion with LGAs leadership)

3.6 Conclusion

It is important to ensure meaningful involvement and participation of the LAs alongside the central government in the dialogue the EU delegation for the programming process of 2021-2027 EU cooperation. This will be in line with the EC 2013 Communication[4] on 'Empowering local authorities in partner countries for enhances governance and more effective development outcomes. Thus, the governance, leadership and technical capacity of the LAs has to be enhanced to enable them to identify priorities for local development in their own right. They should also be able to set clear objectives and articulate their plans for action for implementation of their priorities. They should further identify necessary resources required for implementation of their plans. It also important to ensure that monitoring, evaluation and reporting becomes an integral part of the planning process.

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[4] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: *Empowering Local Authorities in partner countries for enhanced governance and more effective development outcomes.* Brussels, 15.5.2013, COM (2013), 280 final.