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AN ASSESSMENT OF THE CHALLENGES AND IMPLICATIONS OF COMMUNITY PARTICIPATION IN THE FORMULATION OF LESOTHO LAND BILL 2009.

by

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Declaration

I, the undersigned **Teboho Edward Modia,** student number **200602904** do hereby declare that this dissertation for Master of Social Science in Development Studies in the Department of Development Studies under the Faculty of Management and Commerce at the University of Fort Hare is my own original and independent work. It has not been previously submitted to any institution of higher learning and will not be submitted to any other university for any Degree award. With all due respect, I therefore cede copyrights of this dissertation in favour of the University of Fort Hare, Alice.

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Abstract

This study focused on community participation in relation to policy formulation in Lesotho. It paid particular attention to whether the Lesotho community participated in the formulation of the Lesotho Land Bill 2009. Literature related to the concept of participatory development, community participation and policy formulation was reviewed. From the literature, it was clear that the attainment of effective community participation in policy formulation is not something that can take place overnight and this makes community participation a crucial aspect of any development project.

The study used the qualitative approach to provide more information and detailed examination of community participation in the formulation of the Lesotho Land Bill 2009. This approach adopted the case study design. The data was collected using focus groups, interview schedule and document analysis. The study found that the government did not consult widely on the Bill before it was enacted into an Act of parliament. Therefore, it recommends that the government of Lesotho should involve all relevant stakeholders to participate in policy formulation. This will help to establish a link between the government and civil society stakeholders at local levels, for participatory policy-making to be effective.

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Dedication

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Acronyms

ABC	All Basotho Convention
AU	African Union
BCP	Basutoland Congress Party
CP	Community Participation
CC	Community Councils
CSOs	Civil Society Organizations
DDCC	District Development Coordinating Committee
FAO	Food Agricultural Organization
GCPPA	Graduate Centre for Public Policy and Administration
GoL	Government of Lesotho
LCD	Lesotho Congress for Democracy
LGA	Local Government Act
MC	Municipal Councils
MCC	Millennium Challenge Corporation
MDGs	Millennium Development Goals
MLC	Ministry of Local Government
NGO	Non Governmental Organization
NIP	National Independent Party
RC	Rural Council
SADC	Southern African Development Countries
SHD	Sustainable Human Development

UC	Urban Councils
UN	United Nations
UNDP	United Nations Development Programme

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Background of the study

1.1 Introduction

The people of Lesotho value land and view it as their source of wealth. It is because of this belief that they feel that whatever decisions are passed by the legislation concerning land, the masses should be consulted. This study will draw attention to the Land Act of 1979 which the government of Lesotho has repealed on the basis of its weaknesses by engaging the Land Bill of 2009.The reason behind the government's move to replace the previous Land Act is that the land administration and tenure was hampering the country's economic development, because it was not considering the utilization of land as an economic asset. The Land Act of 1979 allowed foreign companies to hold title to land for business purposes and at least to be in partnership with a Lesotho citizen. According to this Land Act, land in Lesotho was vested absolutely and irrevocably in the Basotho nation and was held by the state as representative of the nation. As collorary to the principle stated above, no person other than the state was to hold any title to land except as provided for under customary law or under this Act.

One feature of the Land Act 1979 was the dual system. Under this system the land tenure and its administration rested upon the customary and statutory systems. Within

the customary type of tenure, the land was allocated and acquired within the powers of the chief, whereas in the statutory system the land was allocated by the elected body. The second feature was that foreigners were not allowed to hold or own land in Lesotho. The land belonged to Basotho as they were given 51% ownership while the other percentage was given to investors who were in partnership with a Lesotho citizen for business purposes.

Thirdly, there was inefficient control of urban and peri-urban areas resulting from poor planning and creating problems for infrastructure development. There were no areas reserved for development. Just about anyone was allowed to build wherever he or she wanted without a plan of the area. This caused inconveniences when developments such as electrification and water pipes were brought to the area.

Fourthly, cumbersome procedures in terms of acquisition of land even to the citizens were a big problem. There were no clear procedures as to how land should be allocated to citizens. Some people were given huge acres of land without using it, while others were small portions of land.

The last feature was the lack of land tenure security. The allocation of land was not clear and secured. Some people would acquire land for business purposes, only to find out that the land was no longer used as a business site but had been diverted into residential usage or rented to foreigners for residential or business. These features of the Land Act of 1979 were found not to be responsive to the economic needs of the

country. Hence, the government decided to repeal this Land Act by bringing in the Land Bill 2009.

Some people in Lesotho, including the opposition parties did not welcome the repeal of the Land Act 1979 (Tlali, 2010). They accused Prime Minister Pakalitha Mosisili's ruling party of railroading the Land Bill through parliament at the behest of Millennium Challenge Corporation (MCC), a United States aid agency. They argued that the MCC had set the enactment of the Land Bill as a prerequisite for a US$362.6 million grant to fund water, health and land reform projects.

In contrast, the Lesotho Land Bill of 2009 allows foreign companies and non- citizens to hold title to land, something which the Lesotho Land Act of 1979 was prohibiting. The Land Act only allowed foreign companies to hold title to land for business purposes and at least to be in partnership with a Lesotho citizen. The citizens of the country, according to the previous Act, were expected to own 51% of the land. With the new Land Bill 2009, it is different because it allows foreign companies to hold title to land with only 20% partnership with a Lesotho citizen. This new Bill opens up legibility to hold title to land in Lesotho even to non-citizens for purposes of investment, subject to conditions as set out in the regulations. In addition, the Lesotho policy-makers think that the coming into full effect and implementation of the Land Bill 2009 will act as conduit through which the poor will access funds from the banks.

Under the old system of tenure, lack of rights for holding land hampered economic development since citizens were not in a position to use land as collateral for accessing credit. According to the Land Bill 2009, grant of land titles to the foreigners is a positive step towards increased physical as well as financial investment. Under the new Bill, foreigners are allowed to hold title to land in Lesotho for purposes of industrial and commercial activities. Spillover effects of foreigners coming into the country are recognised in terms of new methods of agricultural production and industrial development. Improved methods of technology and their utilization will also follow up, should foreigners hold title to the land in Lesotho.

1.1.1 The provisions of the new Land Bill

The proposed new Land Bill is intended among other things to reverse the ills that were created by its predecessor. In order to achieve the desired goal, the Bill's main objectives include, abolishing the allocation system under the customary law in Lesotho. The customary law was allowing the allocation of land to be done by the chief of the area. This was unfair because those who were close to the chief would get more land than the others. Under the new law, the allocation of land is done by the local government. This service has been decentralized to meet the needs of the local communities equally.

The Bill is meant to provide people with certificates upon allocation of land as a form of land tenure security. Previously, allocation was done by the chief or chieftains without the provision of certificates or leases to recipients. Some people who were allocated

land never put it into good use to make it productive. The Bill enforces the provision of land certificates by the local government land committee as lawful ownership of land. Another provision of the Bill is to improve efficiency in the transaction of land thus speeding up the utilization of land for productive purposes. As stated from the above provision, some people were allocated land without using it or without having interest on such land. With this Bill, it is guaranteed that the land is given to people who utilize it for productive purposes.

The third provision of the Bill is to ease the provision of access to roads and utility services through regularization and adjudication. The creation of accessibility to roads is also meant to improve other necessary human services such as access to clean water and use of electricity.

Fourthly, the Bill provides for the speeding up of land disputes through the establishment of land courts. This is a necessary vehicle for economic activities on land. In the previous Act, the determination on land disputes almost always went on for lengthy periods such that some people died without the dispute reaching a settlement. The new Bill is expected to create a specific court that will deal with land matters for speedy resolutions.

The other major factor that the Bill encourages is property development which is targeting infrastructural development such as building bridges to ease the movement

of people for various reasons. This is meant to boost the economy by transporting wool and mohair, among other things, from Lesotho to traders from other countries.

Improving land markets for more players to make use of land for food production and other land use is the other provision for this Bill. This creates room for easy trading among the people. Lastly, the Bill allows foreigners to have land rights, which is different from the Act of 1979 where foreigners did not have the right to own land, but were forced to be in partnership with a Lesotho citizen. With this Bill, they are allowed to apply for land for business purposes and be in partnership with a Lesotho citizen who would own 20% shareholding (Land Bill, 2009).

Notably, the Bill retains the fundamental principle that the land is vested in the nation of Basotho and that rights to land are still granted by the King. This means, the land in Lesotho is prioritized to Lesotho citizens and only the King who has the power to assent Land Bills. The Bill further abolishes gender discrimination in land tenure because the land Act of 1979 was only allowing men as heads of families to be entitled to land while women were not even allowed to apply for land. The new Bill has implications for economic development and eradication of poverty and inequality as it allows all parties to have access to land. There are women who need land for business purposes for economic building of the country. The Bill also does not favour a certain class but anyone who needs land is entitled to it.

However, the fundamental flaw is that the Land Bill has not follow proper procedure, particularly steps (xi) and (xiv) of the legislation handbook which specifically invite community participation. Step (xi) states that the cabinet has to consider the submission of the drafted Bill and if it approves it, it determines a suitable date for introduction of the Bill into the National Assembly. The Government Secretary's office will notify the ministry concerned of this date. Cabinet may, however, consider it desirable to obtain public comments on a Bill, in which case it may decide to publish the Bill before introducing it into the National Assembly while step (xiv) states that after introduction of the Bill, it may be necessary to amend the Bill either to add new provisions, correct defects not identified before introduction or make changes consequent upon public reaction to the Bill after its introduction. Where significant Government amendments are made to the Bill, the ministry concerned should prepare a supplementary explanatory memorandum. The amendments to the Bill should be prepared by the Drafting Section and should be circulated with copies of the supplementary explanatory memorandum.

As a result, it has caused a furore in the Lesotho policy making circles. It has led to squabbles in parliament where opposition members were protesting against the tabling of the Bill. They were strongly arguing that the government did not follow proper consultation with stakeholders, particularly the citizens who were affected by the Bill. According to Tlali (2010), the walk-out of opposition members from the parliament triggered a fierce response from MPs from the ruling Lesotho Congress for Democracy (LCD) party and its political ally the National Independent Party (NIP). The opposition

law makers were arguing that it was still premature to discuss the Bill as it was still fraught with errors and needed more public consultations before it could be tabled in parliament. Since 1993 when Lesotho was first ruled democratically, it was the first time that the opposition members moved out of parliament on a point of disagreement.

While the controversy was continuing, the land Bill 2009 became law after parliament passed it with an overwhelming 'yes vote', (Zihlangu, 2010). It was also passed to the Senate. This was despite the fact that the Bill was passed in the absence of most opposition MPs who had walked out of parliament protesting that there had not been sufficient consultation on the proposed law, also that the Bill was an attempt to sell land (Lesotho) to foreigners. The opposition continued to accuse the Lesotho Congress for Democracy (LCD) government of trying to railroad the Bill without subjecting it to enough public scrutiny.

1.2   Statement of the problem

This study is investigating the lack of participation by the community in policy formulation and its implications on the Land Bill.   The Bill was passed through parliament by the ruling party in the midst of opposition and general discontentment that the due processes of taking the Bill to the community and other stakeholders had not been followed. This impetuous act was a total disregard of the importance of participatory development and it undermined the input of the people in the policy process.

There is no doubt that land in Africa is a fundamental social and cultural asset as well as a critically important development resource, particularly for poor people from both rural and urban backgrounds (African Union 2009, Draft 5: 42). When taking into consideration the values embedded in this view by the African Union (AU), the policy making process calls for effective communication on land policy development which incorporates the rights and interests of all users from society, such as women, people with disabilities and other landless poor. The values also call for a participatory ethos that will enable all stakeholders to realise full social, environmental and economic benefits from decisions made on land. Their involvement will also secure political stability and democratic institution building, so as to avoid what is taking place in Sudan, the Democratic Republic of Congo and Zimbabwe to mention a few.

A number of people in Lesotho are of the view that the new Bill is a way to privatise their country to foreign countries and thus they have become distraught by this Bill (Zihlangu, 2010). This outcry should have motivated the parliament to have serious introspections on the implications of the proposed Bill. This is because many people feel that the Bill has more questions than answers.

The Bill is viewed by many as a repeat of history of the 1840s where the Basotho lost huge acres of land to the Boers in South Africa through land encroachment (Zihlangu, 2010). This land is currently designated as part of Free State province in South Africa. As a result of those colonial manoeuvres, Basotho were driven and forced to live in less fertile regions of very little arable land which is now called Lesotho, after King

Moshoeshoe the first lost it to the colonialists. It is therefore important for every reader to understand this history so as to see the implications of the Land Bill. Land is a valuable asset that gives an important identity of any nation.

The Bill, in its present form, is thought to have a serious negative impact on the lives of Basotho farmers who were conveniently sidelined during the drafting. However, on a positive note, Lesotho has a history of proudly accommodating foreign investors long before its independence. An example is that of the Frasers family who came into the country in the 1800s and operated freely around the country helping most Basotho, if not all, by creating vast opportunities such as providing work opportunities and sponsoring a number of Basotho students at primary, secondary, high schools, tertiary institutions and universities within and outside Lesotho. They did not need a Bill to empower them to carry out their business without hindrance. This means that they were not restricted by the Land Act of 1979 to create opportunities for Lesotho citizens, but they were doing that out of their own will. They were not imposing questions such as "what does the law say"? In the same vein, the Zakhura Brothers who are found at Mafeteng, Maseru, Maputsoe and Butha Buthe also managed to operate in Lesotho for decades without a need for a specific law to give them an opportunity to have a number of businesses in the country. They are now lawful citizens of Lesotho as they invested a lot in the country and created vast opportunities for the Basotho (Zihlangu, 2010).

1.3   Research objective

The main objective of this study is to explore the implications of lack of participation by the community in the Lesotho Land Bill. The study also highlights possible ways of

influencing the Lesotho government to involve its citizens in decision-making and to educate them on the importance of community participation in policy formulation.

1.4 Significance of the study

This study will make a contribution to scholarly literature on the subject matter of participatory development in policy formulation. It will also help to enhance understanding on community participation in policy formulation in Lesotho, in particular the implications of participation by the community in the Lesotho Land Bill 2009. This will help to establish a link between the government and civil society stakeholders at local levels, for participatory policy-making to be effective. The citizens of Lesotho are the major beneficiaries of this study because they will be enlightened on how important their views and opinions are in decision-making of policy formulation. The study also has a potential in assisting Lesotho legislature to re-orient their approaches in communicating the formulation of the Land Bill to the community.

1.5 Delimitation of the study

The areas of research for this study were Maseru, Mohales'hoek and Leribe districts. Some of the areas in Lesotho were not selected because of lack of road infrastructure and transportation which made them inaccessible. Another factor is, Lesotho is a country that is prone to heavy snow-fall and the highlands districts such as Qacha's nek, Mokhotlong and Thaba-Tseka become hard to be reached, and the same is true of most rural areas in low-land in Lesotho. In order to overcome these limitations, the researcher identified Maseru, Leribe and Mohales'hoek as the areas of research. These towns are located in urban areas which make them easily accessible. In addition, this is

where the majority of citizens from all parts of Lesotho are found, as they are central regions of the country. The study focused only on people from the category of middle ages and adults who understand the Land Bill and their right of participation regardless of their occupation.

1.6 Ethical Consideration

In carrying out this study, the ethical considerations such as the right to privacy, confidentiality, anonymity, protection from harm, and the right to withdraw from participation at any given time were observed. These are included in the principles of academic research provided by the university of Fort Hare. Hepper et al. (1992:93), postulate that harm can be, "embarrassment, anger, irritation, physical and emotional stress, loss of self-esteem, exacerbation of stress, loss of respect from others, negative labeling, invasion of privacy and damage from personal dignity…" In this study, the respondents were assured that data collected will be used for academic purposes only and their right of consent was observed. They were also informed about the objective of this study.

Some respondents were afraid to provide information as they were asking whether this would not put their lives in danger since the study had a political focus. The researcher assured them that the study was for academic purposes and nothing to do with politics in the country. However, the study would not prohibit the politicians' interests to use it for the good of the country.

Some respondents from Leribe asked whether they would be given some incentives for filling the questionnaire as they understood that the study was for the benefit of the researcher. The researcher made them aware that although the study was part of the requirements to obtain a degree, it would be beneficial to those who will use it as part of literature in the field of development studies (community participation and policy formulation) and to those who will need to understand community participation and policy formulation. Participants were however offered some refreshments.

There were times when some of the legislators in parliament asked the researcher about his political affiliation before they could provide the required information. The researcher humbly asked them to be aware that the study was for academic purposes and the request for conducting the study was supported by letters from the researcher's supervisor at the university of Fort Hare. The researcher also made them aware that he was a permanent and pensionable member of the Police force and that it is his part to serve every Mosotho equally without any discrimination and regardless of their political affiliations. He indicated to them that his department does not allow him to be involved in politics for as long as he is still a serving member of police force.

1.7   Conclusion

This chapter discussed the Lesotho Land Act of 1979 and Land Bill of 2009 as background to this study looking at the differences between the two. It outlined the discussion on how the Land Bill caused a furore in the Lesotho policy-making circles where the rightful procedure of policy-making was not followed. The policy making systems and legal systems in Lesotho were also discussed.

The rest of the dissertation consists of five chapters. Chapter two consists of a literature review which brings a wide viewership on related studies from scholars who have extensive writings on this subject. Theoretical frameworks that guide this study are also discussed. Chapter three gives the background of the study areas where the research was conducted. Chapter four is comprised of research methods and methodology which were adopted in this study. Chapter five embraces data presentation and analysis while chapter six looks at the research conclusions and recommendations.

2   Chapter 2

Perspectives on Community Participation and Policy Formulation

2.1   Introduction

This chapter is a review of relevant literature on community participation in policy formulation. The first part of the chapter focuses on aspects of perspectives on community participation and policy formulation. The second part is an outline of the conceptual framework which underpins this study. Models of policy formulation, specifically the elite mass model and group model are looked at together with their advantages and disadvantages. To strengthen this research, the participatory development theory which informs this study is discussed since it advocates for the involvement of the community in decision-making. The discussion includes the use of related case studies in order to support the argument of community participation in relation to policy formulation.

2.2 The Land Policy at the Heart of Development

Land lies at the heart of the social, political and economic life of most of Africa. Indigenous people in most African countries view land and natural resources as key assets for economic growth and development. Land policy formulation, according to AU (2009) should recognize and adequately provide for a deep engagement with Civil

Society Organizations (CSOs) because these organisations can provide necessary checks and balances on government decision-making during the formulation and implementation of policy. Another reason is that deeper engagement with such groups, may lead to a more enriched process with higher prospects that the public will accept the policy.

One can argue that land-based activities are essential to livelihoods, income and employment of the majority of Africans (Quan, 2006). However, although the general thought is that land is central to sustainable livelihoods in Africa, development initiatives in many African countries do not take into account this reality as there is still a problem of equity in the redistribution of the land. It seems that former colonialists still own more land than the indigenous people, particularly in rural Africa. This is undemocratic and a constraint on economic development. Moyo (2002) postulates that African governments need to take appropriate measures in ensuring that land plays a pivotal role in the development process. Particular emphasis should be in social construction relating to poverty reduction, enhancing economic opportunities for women, managing the environment and driving agricultural modernization.

The African Union (2009) draft acknowledges that many African governments have begun to make changes in policy-making structures that enable more systematic consideration of land issues and the environment in general by including civil society in the discussion process of policies. Ghana which is purported as the African model for structural adjustment (Kasanga, 2002), South Africa which has represented the triumph

of democratisation (Mbaya, 2000) and Uganda which is currently seen as a leading beacon for poverty alleviation are examples of African countries where civil societies are considered in decision-making of public policies. The African Union draft further concedes that, new forums of dialogue are also developing across the continent in support of better synergies among stakeholders. The inclusion of national and local governments, industry, science, civil society organizations and the public in the discourse of developing effective approaches to land is viewed as sustainable development. It can be argued that these organizations can provide necessary checks and balances on government decision-making during the formulation and implementation of land policies.

Effective opportunities for feedback and repeated processes of policy formulation with CSOs and other special interest groups should therefore be built into the consultative process. In this manner, the deeper the engagement with such groups the more enriched the consultation and the higher the degree of public acceptance and ownership of the policy. Where parliamentary review and approval is required to validate or legitimize the outcomes of the policy formulation process, civil society and other interest groups should be given the opportunity to offer additional input in the formulation process.

While it is often a noble idea to involve the rural people in land issues, Wakeford (2001) observes that they are usually sidelined. He asserts that rural populations are generally disadvantaged in terms of their involvement in national level policy making due to their

remote location, lack of communications infrastructure and the tendency of the government of focusing more on the interests and concerns of their urban areas or constituencies. Wakeford further concedes that the rural folk are not always able to access information through print, audio and visual media. They are also not afforded other forms of information dissemination services such as posters, flyers and magazines. Consultative meetings in the communities are rarely held except for electioneering.

Magaramombe (2001) elaborates on this issue that since independence the government of Zimbabwe has instituted several initiatives to resolve the inequality distribution of land ownership in the country. However, the process has been characterized by lack of consultations with stakeholders in the process of land policy and very little information was made available to the public. It can therefore be argued that the land policy in Zimbabwe did not have room for civil society participation in its formulation.

Literature proposes several different theoretical frameworks to describe the policy process. Although no single framework claims to be complete in describing the process completely in all cases, most frameworks try to provide useful descriptions of certain aspects of the process. Lasswell (1951) pioneered work on the stages of the policy process. For him, the policy scientist must identify different policy stages such as intelligence about the problem, promotion of the issue, prescription of what should be done, invocation of a policy, application of the policy practice, appraisal of the impact

and termination when the problem has been solved. According to Lasswell (1951:3), intelligence refers to obtaining, processing and dissemination of factual information of projections of future developments, costs, gains and risks of alternative goals and strategies. Lasswell claims that promotion of the issues reflects how the policy promotes and lobbies for its causes and interests. Prescription of what should be done refers to the stage where a solution is arrived at through consultation with authorities which leads to the invocation of prescribed solutions and application of the solution. Lasswell (1951:4) further concludes by defining appraisal as an assessment of the effectiveness of the policy. If the policy exhibits problems or does not function as per its design, then the policy is terminated.

On the other hand, Meier (1991) described the major steps in the policy development process, starting with prediction and prescription of the identified problem. The second step is when the policy-maker formulates policies in response to potential problems. The interest groups within and outside the government often influence the policy-maker. The policy-maker then decides on the appropriate policy after considering the alternatives. Once the choice is made, the policy is implemented. The last step is when policy desired outcome is achieved.

What the above processes are pointing to is that there should be emerging consensus among stakeholders on a number of considerations that should inform comprehensive policy development. This study therefore sees the Lesotho Land Bill as a lost opportunity for policy consensus which should have influenced everyone in the country

to engage in the discourse on the Bill. Since the concepts that form the basis of this study are participatory development and policy formulation, the next section of this chapter looks at the concept of community participation.

2.2   Community Participation (Cp)

Community participation is one of the key ingredients for empowering a community. It can be seen as a process whereby the residents of a community are given a voice and a choice to participate in issues affecting their lives. According to Brown (2000:173) community participation is the active process by which beneficiary groups influence the direction and the execution of a project rather than merely being consulted or receiving a share of the project benefits. The beneficiary groups do this with a view of enhancing their well-being in terms of income, personal growth, self-reliance or other values they cherish (UNDP, 2000; Theron, 2005b:115-116).   Nghikembua (1996:2) enriches this view by stating that community participation is about "… empowering people to mobilize their own capacities, be social actors …, manage the resources, make decisions and control activities that affect their lives." Theron (2005b:117) also agrees that community participation "… implies decentralization of decision making" and "… entails self-mobilization and public control of the development process."

When everyone in a community participates in the decision-making process, communication is more effective, each team member has an opportunity to share their perspectives, voice their ideas (Carmelli, Sheaffer & Halevi, 2009) and everyone aspires that there be efficient results (Brenda, 2001; Walker, 2007). Weiss (1992:13) states that government policy-making is better informed by allowing negotiations between policy-

makers and the community. This further creates a positive relationship between decision effectiveness and policy performance.

The purposes of community participation have been defined to include information exchange, conflict resolution and supplementation of planning and design (Sanoff, 2000). Furthermore, Sanoff (2000:9) spells out the main purposes of community participation as;

- involving people in decision-making process and, as a result increase their trust and confidence in organisations; making it more likely that the decisions and plans established within the system will be accepted;

- providing people with a voice in the design and decision making in order to improve plans, decisions and service delivery; and

- Promoting a sense of community by bringing people together who share a common goal.

It is a way in which the members of the community might, if the process is managed well, take ownership of the projects that are implemented (Theron, 2005a:104-105).

There are many factors that determine whether a community participates such as reluctance to participate because the community members do not trust each other. Community participation is crucial for any project to be sustainable. In order to sustain a project, people need to participate in it and be committed to it. This cannot be done if they are not empowered or self-reliant where empowerment according to Kok and Gelderbloem (1994:58) means seeking to increase the control of the underprivileged sectors of society over the resources and decisions affecting their lives and their

participation in the benefits produced by the society in which they live. On the other hand, self-reliance according to Burkey (1993: 50) means doing things for one's own self, whilst maintaining confidence in making independent decision. When people are self-reliant, their ability to devise solutions themselves to any problem they are encountering improves (Babbie & Mouton, 2001: 318). This kind of communication about the purpose of the project, its benefits and how it would affect the lives of people becomes of paramount importance. This kind of communication can also strengthen public trust in government, improve government transparency, enhance civic capacity and create more sustainable policies.

In the case of Mozambique, wide consultations on the development of a new land policy paid dividends since the process resulted in a new policy that was formulated in 1995, followed by a new land law that went into effect in 1997. In a three year participatory process, the government of Mozambique with the help of technical assistance from the Food Agricultural Organisation (FAO) developed a new land policy in 1994. The process involved the participation of the government, academia, civil society organisations and representatives of farmers' cooperatives (Tanner, 2002). It must be noted that there were multi-stakeholders in this conference that was formulating the Land Bill for the benefit of Mozambique people.

A strong hold organisation, the Campanha Terra (Land Campaigns) including a strong coalition of 150 civil rights organisations was part of the active stakeholders group that took part in the land discourse. The debate was widely publicised through all active

media in Mozambique so that none could claim to have been left out in the discussion. NGO led community participation debates were held in rural communities and feedback was channeled to the Inter-Ministerial Land Commission (Tanner, 2002).

Tanner (2002) notes that, the impetus for developing the new Mozambique land policy was the transition of the country to a market-oriented economy. According to him, unlike other countries in Southern Africa, when Mozambique gained its political independence, Portugal relinquished the whole country intact to the Mozambique people. This meant that land was not contested between the colonisers and the colonised. The bone of contention in Mozambique was to formalise the traditional land rights of farmers hence, the new land policy and law were enacted. Without such a policy, there was a risk of privatisation of land in the hands of a few and the loss of access to land by the local farmers (Tanner, 2002).

As can be seen from the above case study, the participatory development approach to land policy in Mozambique followed all stages that are essential in a participatory policy formulation. All pertinent stakeholders participated in decision-making; hence the policy was successfully implemented in that country.

Nonetheless, it is also important to note that community participation is not always as smooth sailing as expected as there are barriers that are likely to be encountered. One of the challenges that stand in the way of attaining effective community participation is the fact that local elite groups in many developing countries tend to dominate those less

fortunate than them (Taylor, 1994:138). This alienates some people; especially the poor and they become accustomed to leaving decisions and initiatives to their "leaders" who are the elite (Oakley *et al.,* 1991:13). In light of the above challenges, it becomes imperative to address barriers to community participation while at the same time taking the necessary steps to promote the principles of sustainable participation. Despite these obstacles, there is a need for community participation to be an ongoing commitment (Wild & Marshall, 1999:151) and for this commitment to be implemented in practice (Theron, 2005b:111-132).

In as much as community participation is a democratic right (Baum, 1999:187), Theron (2003) argues that there is no best strategy to engage in community participation. Hence, mobilizing people to participate can be a challenge because there is no guarantee that all the individuals within a community will voluntarily be interested in influencing and executing the direction of a policy. A major obstacle to ensuring effective community participation is that there is often division within communities that undermines participation (Swilling, 2004:7). The most challenging factor according to Friedmann (1992:160) is that, it is difficult to implement and maintain projects successfully without the participation of the community.

2.3   The concept of Participatory Development (PD)

Participatory development is one of the terms that are used in the formulation of policies. It can be viewed as undisputedly good for public deliberation and participation as well as a keystone in a democratic culture. Participation by the public is one of the foundations of liberal democracy (Benn & Gaus, 1983). Jennings (2000: 2) defines

participation as involvement by a local population and at times, additional stakeholders in the creation of the content and conduct of a programme or policy designed to change their lives. Jennings (2000: 2) further states that participation in development is broadly understood as active involvement of people in making decisions about the implementation of processes, programmes and projects.

Participatory development can contribute to the creation of a more informed policy, provide a normative justification for governance, and foster social, psychological, and political empowerment (Toddli, Steelman & Ascher, 1997). Mohan (2001) states that the general aim of participation approaches to development are a shift towards the empowerment of the less powerful and gaining power to influence decisions that improve people's livelihood. Participatory development is aimed at incorporating previously ignored voices and ideas fully into decision-making to improve their lives. An increased participation by stakeholders and citizens into the policy formulation discourse is believed to increase the level of democracy in decision-making and thereby enhancing accountability and legitimacy of the established decisions. It also claims to enhance the quality of decisions, because new knowledge is brought into the decision-making process, especially forms of knowledge that are not provided by regular parliamentarians and local experience (Van de Kerkhof, 2004:4). In support, is Desai (2002) who states that it is important to analyse the nature of the role of participants in a participation process at the community level. This is leveled down into three key concepts; 'taking part', where the participants must be involved in decision-making of the policy, 'influence', where participants must persuade the decision-making of the

policy and 'power', where their input should be considered crucial. Desai further explains that there are two components in any participation process; a decision-making process, which involves debate before the best alternative is adopted and an action process, where there is actual implementation in order to realize the objective decided upon.

The world conference that was held in Rome on Agrarian Reform and Rural Development in 1981 asserted that participation by the people in the institutions and systems which govern their lives should be viewed as a basic human right. Further that, it is also essential for the realignment of political power in favour of disadvantaged groups and for social and economic development (FAO, 1981). This conference further suggested that active involvement of rural people at grassroots level assists them in realizing their full potential in the land issues. Therefore, it can be argued that active involvement empowers the rural people in the designing of policies and programmes thereby increasing the chances of the acceptance of the policies.

In contrast, Burkey (1993) conceptualises participation as an essential part of human growth, that is, the development of self-confidence, pride, initiative, creativity, responsibility and cooperation. Burkey states that without such development within the people themselves, all efforts to alleviate their poverty become immensely difficult, if not impossible. Burkey brings in the understanding that participation is something that should be in human growth, where self-confidence, pride, initiative, creativity, responsibility and cooperation of citizens can be seen (Burkey 1993:54).

It is the view of this study that citizens can be trusted to shape their own future where participatory development is mandated to local decision-making and capacities to steer and define the nature of an intervention. As Jennings (2000) points out, the Lesotho community should have been at the centre of their own development by being given priority in decision making of the Land Bill 2009 as they are the citizens of Lesotho who would be affected by the implementation of this Bill. In recent years, a participatory approach has been widely adopted in development in an attempt to enable those previously excluded by the top-down planning process to be included in decisions that affect their lives (Jennings, 2000). Lesotho therefore should not be an exception to this. The ideas shared on the Agrarian Reform in Rome in 1981 about the participation of people on things that govern them, are the cornerstone of this study on how the Lesotho community should understand the issue of participation and its importance.

The ideas of Burkey (1993) that participation is something that should be in human growth where self-confidence, pride, initiative, creativity, responsibility and cooperation of citizens can be seen are endorsed by this study. If the community of Lesotho is excluded in decision making, then they cannot have self-confidence and pride of being part of the Bill. The process whereby people learn to take charge of their own lives and solve their own problems is the essence of development.

Udoakah (1998) in Soola (2003:83) concur with the views of the FAO (1981) report that "to get citizens to participate in development, those to benefit should be given the

opportunity to contribute to the decisions on the project" (Soola, 2003:83). He also emphasizes the importance of participants in development programmes which is to establish the needs and be involved in the decision-making stage. On a similar note, Steinheider, Bayerl, and Wuestewald, (2006) concur with the above scholars that in formulating policies, participatory decision-making may positively generate positive citizenship behaviour. Participation strengthens a commitment to, and an understanding of human rights and democracy.

While the above views on participatory development may be correct, the poor tradition of community participation and empowerment in Lesotho can be understood from the country's colonial background. According to Thomi, (2002) after 1868 the British rule tried to undermine the authority of the chiefs and established a National Council that was supposed to replace the national *pitso* (gathering of the chiefs). However, the chieftaincy system continued to exist parallel to the new system. Thomi (2002) further states that in 1945 the British formed elected district councils but local chiefs were included as ex-officio members. Until 1960 these councils were merely consultative and had little influence over land issues. When Lesotho attained its independence in 1966 these councils were suspended due to political reasons by the government of Lesotho.

Following the suspension of district councils, the Basotho National Party (BNP) in 1968 abolished them through the Local Government Appeal Act. It was alleged that districts councils were complicating lines of communication between the central government and the districts (Mofuoa, 2005:4). According to Kotze (1972:57), the councils were seen to

be disrupting a well established de-concentration system of administration to which most people were comfortably accustomed and the strong district councils had become centres for political dissention and oppositions. The important reason for their abolition was that the opposition (Basutoland Congress Party) largely dominated the councils and they were seen as an alternative source of political loyalty and a threat to the government of BNP (Mofuoa, 2005). Additionally, the existence of these councils was perceived to be depriving the central government of local sources revenue, besides the fact that they lacked sufficient competence (Mofuoa, 2005). However, in the 1970s they were re-established at village level as advisory bodies to the chiefs. It was only in 1983 that the Urban Government Act was passed and subsequently urban authorities were formed.

In 1993, the new Lesotho constitution anchored the principle of local self administration and provided for the formation of local government structures. Chapter viii, section 106, sub-section (1) of the constitution of Lesotho reads, "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." It was under this section that the Ministry of Local Government was established in 1994 (Lesotho constitution, 1993).

The Ministry of Local Government (MLG) was established in 1994 and the legislation preparing the ground for the introduction of local government became effective in 1997. The 1997 Local Government Act (LGA) still remains with its more recent amendments;

but still the legislative basis for the newly created local authorities. Those were the directly elected Municipal Councils (MC), Urban Councils (UC), Community Councils (CC), Rural Council (RC) and a District Development Coordinating Committee (DDCC) composed of representatives from each local council, i.e. MC, UC and CC (Government of Lesotho 1997: I). Community members were not part of the decision-making process that is why chiefs and councillors were making decisions for them (Thomi, 2002).

The implementation of the Local government programme was delayed until the Cabinet approved it in 2004. The objectives of local government in Lesotho were meant to deepen and widen public access to the structures of the government, to bring services closer to the people thereby improving service delivery, and to promote people's participation in decision-making, planning and implementation of development programmes (GoL, 2004: 2). This gave the electorate greater control over the development process. The last objective was to promote equitable development in all parts of the country through the distribution of human, institutional and infrastructural resources (GoL, 2004: 2). Furthermore, GoL (2004) states that with local government structures in place, Lesotho would realise her vision as these structures would provide for good governance, ownership and accountability in matters of public policy. It would also facilitate democratic control over the development planning process into the hands of the people, and improve resource allocation. There would be improvement in the provision for equitable distribution of human, institution, infrastructural and financial resources across the country so as to enhance the effectiveness of developmental activities. These were also facilitating sustainability through matching development

decisions within the local conditions (GoL, 2004: 23). It was in 2005 that for the first time in history Lesotho implemented local elections and established local and regional councils as fundamental for broader democratic participation. Many districts now have the structures of local government in place and are functional, but are struggling to come to terms with their new mandates and staff still operates under their parent ministries with little or no reference to the new authorities (Patterson, 2008).

2.4 The relationship between community participation and development

Community participation and participatory development may look and mean the same thing, but they have a thin line that separates them. In community participation, the emphasis on participation has links with the interest in democracy in community organisations, self-help and political incorporation in the community development tradition. Community participation originates from the political debate of the late 1960s when more radical approaches to community work became more influential. Deprived communities were urged to take direct political action to demand change and improvements (Midgley et al, 1986: 20). Recently the notion of community participation involves a critique of participatory techniques when used in the service of unjust and often illegitimate interest (Cook & Kothari, 2001). Furthermore, Cook and Kothari (2001) argue that claims to participation can often be little more than the wish to consult within a narrow policy framework. While community participation may be a democratic right to people (Baum, 1999:187), it remains an elusive concept (De Beer & Swanepoel, 1998:20) of which no one claims to have found a best strategy to engage in (Theron, 2003).

The term "participation" is the joining factor in community participation and participatory development. Participation can mean so many different things and because multiple understandings easily co-exist, it is difficult to pinpoint exactly where to draw definition lines in practice. While Skeffington (1969:1) defines public participation as 'a sharing action to formulate policies and proposal', a complete participation only happens when the public is allowed to participate actively in the planning process. Participation is the means by which people that are not elected or appointed officials of agencies and of government, influence decisions about programs and policies which affect their lives (Brager & Specht, 1973:1).

Public participation also is about human rights as concluded in the World Conference of Agrarian Reform and Rural Development (1997) (Misra, Sundaram & UNCRD, 1983). However, the definitions of participation in development remain blurred. Participatory development takes shape through the actions of particular agents, who bring to the process their own agendas, preconceptions and modes of interaction (Arce et al, 1994; Jackson, 1997; Harrison, 1997a; 1997b). According to Chinemana (1992:4), development entails seeing progress in the lifestyle of people. It is the upward movement of an entire social system, which includes both economic and non-economic elements. Development can therefore be interpreted as a long-run, sustained process, involving improvement or progress (Muller, 2004:7).

The development process may include a variety of internal and external stakeholders (Franklin 2001a). Internal stakeholders may consist of program managers, staff

members, and agency employees while external stakeholders may encompass community representatives, other agencies, industry and the private sector, and customers or consumers. These stakeholders should be in a position to understand the issues and carry out the debate without extreme emotions.

It has been observed that after gaining political independence many countries enlist the expertise and assistance of donor organizations and rich countries in developing various programmes. A common trend has been that these external organisations have often set the pace and direction of development policies, adding an international dimension to national policy-making processes (Mutahaba, Baguma, & Halfani, 1993). This was also observed by Roux, (2002) who commented that these international organisations and agencies, in various ways, set the standards against which national policy formulation can be 'benchmarked', although they cannot formulate national policy as such. Governments however tend to drag their feet in the issues of land, a situation that calls for their fast tracked action when put to task.

With regards to development, Arnstein (1969: 1) explains development as a multifaceted reality which is viewed from different angles (social, political and economic). According to Arnstein, development means one thing to all people and is a change for the betterment of the quality of life. The first president of Tanzania, Julius Nyerere, also brought an understanding of human development which was a new phenomenon, as the sole aim of development. In one of his publications, *Development for the man* (1978:1), he sees development as being summed up in the human's

capacity to expand in his own consciousness and therefore his power over the self, the environment and the society. Nyerere was of the opinion that development cannot be taken to man when the discourse on development is done by other people, but that man can liberate or develop himself. Although Nyerere laid a good foundation on development, the concept of focusing on individuals has been refined to focusing on people and communities. In the UNDP report (1990) the idea of human development is not seen as being merely an expansion of income and wealth but a process of enlarging people's capabilities. Therefore, a confluence of development and democratisation agendas has brought citizen engagement in governance to centre stage. Decentralisation policies promoted in the 1990s claimed to bring government closer to "the people" (Blair, 2000:1; UNDP, 2003: 2).

Moreover, Nwosu (1993) comes up with an important issue about development to people. He argues that development is a process associated with a continuous improvement in the capacity of the people and their society to control and manipulate their physical environment as well as themselves for their own benefit and those of other humans (Nwosu, 1993: 3). Soola (2003) adds to the debate that development is not importation of massive manufactured products and services but rather a process executed by people mainly for their own good and the good of humanity. In the same vein, this study therefore, does not reject the birth of the Land Bill because it has potential for development such as commercial farming in the rural or peri-urban areas and utility services through regularization and adjudication for the Lesotho community, but the idea is that the community should have been involved in the design of the Bill.

Arnstein (1969) concedes that participatory development in the long run brings partnerships between the governed and governors. Veit and Wolfire (1998) postulates that policies designed with the local peoples' needs in mind are more likely to be equitable and fair for all stakeholders. Furthermore this is particularly important where badly designed policies would have a negative impact on the poor or on other disadvantaged groups. Accordingly, power is in fact redistributed through negotiations between citizens and power holders where they agree to share planning and decision-making responsibilities through such structures as joint policy boards, planning committees and mechanisms for resolving impasses.

Arnstein (1969) also brings the understanding that "the idea of citizen participation is like eating spinach, as there would be no one against it in principle, because it is good for everyone" (Arnstein, 1969: 1). This ideological perspective sums-up decision-making in participatory development as a good process for people who participate because decisions made would be good for them because of their contribution. Participation and stakeholders' involvement can increase development relevance and improve outcomes, contribute to the sustainability of development activities and encourage transparency which reduces leakage of project benefits through corruption or mismanagement (World Bank, 2001: Somik et al 2004).

Additionally, Arnstein (1969), World Bank, (2001) and Somik et al (2004) are of the view that participation of the governed in their government is the cornerstone of democracy

which is a revered idea that is vigorously applauded by virtually everyone. While the views by these scholars may be correct, sometimes it depends on the political environment. Cleaver (1999) argues that efforts at mainstreaming participation tend to concentrate on technical details which attempt to create a generic toolbox for involving stakeholders at the expense of local adapted initiatives. Accordingly, there is need for a better understanding of what enables people to participate, in particular to identify what community characteristics promote inclusion or cause exclusion.

While policy making is considered to be crucial in governance, there are considerable challenges in making these policies. As Toddi, Steelman and Ascher, (1997) observe, the process can be inefficient, since it is a labour and time intensive exercise with no guarantee of successful outcomes. Veit and Wolfire (1998) assert that conflict within civil society and other stakeholders is possible. They elaborate further that the participatory process of policy making can trigger conflicts among members' groups by bringing opposing views out into the open for debate and exposing underlying tensions within the discussion.

Another dimension of conflict that Veit and Wolfire, (1998) bring out is that if participation excludes members who feel they should have been part of the discussion, it can create conflict and opposition to the process of policy making. The process of going around asking people's contribution during the policy making process is likely to raise their expectations of having their views and opinions into consideration. When

their views are not included, they may feel cheated and cause chaos in the policy implementation (Veit & Wolfire, 1998).

Participatory policy making is always time consuming and costly particularly when large numbers of stakeholders are participating. The process cannot be done in a period of a day, a week or a month and the longer it takes, transport and subsistence costs are incurred and documentation may be compromised during the process. Lastly, Veit and Wolfire (1998) are of the opinion that by getting involved in policy advocacy, civil society organisations can be seen by the government to be interfering with political matters and this can somehow be a threat to the smooth running of government matters.

This study aligns with the thoughts of Soola (2003) on the basis that he covered the general understanding of development where he shows that development is an ever changing process; therefore development programmes can never be static and will continuously involve a process of planning, evaluation and alignment. The "how" and "what" parts will always have to be spelled out in a decentralized way. In this regard, the understanding on the designing of the Land Bill is that the policy-makers in Lesotho should have looked at all levels of community in Lesotho and accommodated everyone in its designing because it is a public policy. It is common knowledge that not all the citizens will accept the Bill. Kuhn (1996: 158-159) believes that although a new paradigm-candidate, which is a scientific revolution may at the beginning only have few supporters, they will however improve and explore it. In relation to the formulation of the Land Bill 2009, Kuhn's ideas are understood as not all the citizens will accept the Bill

but the parallel discussion that involves the citizens can make them accept the Bill. If the paradigm is destined to win its fight, the number and persuasive arguments in its favour will increase and the exploration of the new paradigm will go on. The Land Bill has to look for the improvement of the community it operates within, by looking at their values, beliefs and personal traits. It can only accommodate their values, beliefs and traits by making them to participate.

2.5 Participatory Development Theory and Practice

The theory that informs this study is participatory development. The participatory development theory seeks to understand the participation of the local community whereby stakeholders influence and share control over development issues and decisions that affect them (Chambers, 1995). It can be observed that the process gives a voice to poor and disadvantaged minorities.

The theory was put on the development agenda in the early 1970s by grassroots social movements who were opposing what they perceived as colonial and imperialist manners of western researchers and development workers (Chambers, 1995). During the 1980s and 1990s, participation became evident on more levels in the development arena. It was part of a focus on democracy of an increased involvement of local NGOs and of a new interest in poor people's development (Nelson & Wright, 1997: 3-7). Participation started out with the intention of empowering marginalised people by letting poor people take part in decisions affecting them. It had the intention of giving priority to local knowledge, local personal experience and to put local people first hence the title of

the famous book by Robert Chambers *"Whose Reality counts? Putting the last first"* (1997).

Since economic growth through industrialization had been faulted as the legitimate development goal, the birth of participatory development theory shifted emphasis of development goals towards equity of distribution of socio-economic benefits, information, resources wealth and policy-making. The theory espouses that popular participation in self-development planning and execution should be accompanied by the decentralization of socio-economic benefits, information, resources wealth and policy-making to village level. Furthermore, the independence in development with an emphasis upon the potential of local resources and integration of traditional and modern systems should be encouraged, that is where there is a synchronisation of old and new ideas (Rogers, 1976: 3).

Participatory development, particularly where local people are fully engaged in some active way in development planning and implementation, has a long history and a respected place among development intellectuals, policymakers, and practitioners throughout the developed and developing worlds. Kumar (2006) is of the opinion that community participation, if it is done properly, almost always brings advantages for the said community. Accordingly, participation can ensure effective utilisation of available recourses where people and other agents work in tandem towards achieving their objective, and local people become responsible for various activities.

According to Kumar (2006), the utilisation of available resources and the responsibility for various activities by the stakeholders improve efficiency and make the project more cost-effective. The case of Brazil reveals that there was wide stakeholder participation which resulted in two programmes, from which pilot testing was done and stood a better chance of acceptance and sustainability (Cotula, Toulmin & Quan, 2006). The stance adopted by Brazil confirms the observations made by Swanson et al (2005) that given the complexity of most policy settings, implementing a variety of policies to address the same issue increases the likelihood of achieving desired outcomes. Also as loopholes are identified on time, a chance of their ratification is probable.

To Guijt (1991), participatory development means different things to different people: from "local people doing what planners wanted" to the "education for participation" approach of Paulo Freire where "men and women will analyze and critically interpret their world and their problems, and will be able to acquire the skills necessary to respond to them in a cooperative and democratic way" (OEF 1986 in McDonald 1995: 7). In this way, it can involve notions of individual empowerment as well as influencing processes of political change, and even redefining the term "development" itself. Support for participation has instrumentalist, philosophical, and political underpinnings.

The participatory process can have wider ramifications for the 'policy-owning' body as it helps create an institutional culture of openness and service. The process also encourages greater public attention to the way in which the policy is implemented, thus promoting accountability (Veit & Wolfire, 1998). They further concede that participation

in most cases brings a wider range of information, ideas, perspectives, and experiences to the process of policy formulation.

On the other side of the coin, lack of community participation and participatory development can prove disastrous to a country. Unlike in the case of Mozambique and Brazil where community participation paid dividends to the land policy formulation, there is no evidence indicating that the government of Zimbabwe involved the stakeholders of civil society in a formal dialogue on the land policy formulation. The Zimbabwean experience may be considered a counter-example of "best practice" in land reform (Pons-Vignon & Lecomte, 2004). The "Fast-track resettlement" process that started in 1997 has been the near destruction of the Zimbabwean agriculture, and economy. This "Fast-track resettlement" is also famously known as 'land-grabbing" and the term 'grabbing or invasion' have been used to draw attention to impact on local communities and the potential for dispossession (Hall, 2010; Cotula, et al., 2009). Out of the large and very productive farms which were seized, the government neither managed to create dynamic small farm agriculture, nor appease the grievances of urban and "communal area" dwellers. On the contrary, commercial-farm workers and their families, a total of about two million, i.e. one fifth of the population, have been altogether excluded from land redistribution programmes, and many simply lost their jobs (Pons-Vignon, 2001).

2.6   The Concept of Policy Formulation

When a government takes a decision or chooses a course of action in order to solve a social problem and adopts a specific strategy for its planning and implementation, it is

known as public policy (Anderson, 1975: 3). Policy formulation is said to be a complex political and administrative process that often crosses organisational and sectorial boundaries (Bossuyt, Corkery & Land, 1995: 2). It is often seen as a process that is not static but changes according to the views of the actors. For one to understand policy formulation they have to know the meaning of policy. Hogwood and Gunn (1984:23) defined policy as "a series of patterns of related decisions to which many circumstances and personal, group and organisational influences have contributed.

Policies are written statements or sets of statements that describe principles, requirements, and limitations that are characterised by indicating "what" needs to be done rather than how to do it. Such statements have the force of establishing rights, requirements and responsibilities (Bossuyt, Corkery & Land, 1995: 2). In concurring with this notion, Anderson (2006: 6) defines policy as "a relatively stable, purposive course of action or inaction followed by an actor or set of actors in dealing with a problem or matter of concern". In simpler terms Hill (1993: 47) and John (2006: 2) assert that a policy is a process of decision-making leading to (or appearing to lead to) actions outside the political system. Hanekom (1987) believes that policy-making plays a pivotal role in establishing clear objectives as prioritised by the government; establishing the programmes that will contribute towards development and the co-ordination between government institutions on various levels of government and the activities to be executed by these institutions. From the above definitions one can deduce that policy indicates the desires of those whose actions will be guided by the decisions taken.

A policy framework demonstrates that any policy process starts with the recognition of a problem that needs to be resolved. It also indicates that various people have vested interest in influencing policy decisions. Policy formulation can be explained to be the setting of objectives and the means to achieve them (John, 2006: 2). Policy formulation is considered to be a central function of government and the quality of the policies therefore depend on the capacity of government to manage the policy-formulation processes. Hogwood & Gunn (1984) put forward that policy formulation is a process that involves many sub-processes and may extend over a considerable period of time. Hence, it can be argued that there is no clear understanding of what constitutes policy formulation capacity, or of what the policy formulation process really looks like.

Swanson et al (2005) emphasise the need to enable self-organization and social networking in policy formulation. Accordingly, it is essential that policies do not undermine existing social capital; that they create forums to enable social networking; facilitating the sharing of good practices and removing barriers to self-organization. All these can strengthen the ability of stakeholders to respond to unanticipated events in a variety of innovative ways. The subsequent discussion will be on the principles that need to be followed when designing a public policy.

2.6.1 Principles of policy formulation

When formulating a policy it becomes imperative that the process follows phases for it to take a desirable shape. Lo Bianco (2004) states that decision-making or ruling depends on the marshalling of knowledge and this involves the collection of information.

Lo Bianco (2004) further argues that policy making should commence prior to the application of the formal policy making itself. He states that it is at this stage where agendas are established to address problems and become a field of endeavour that is sometimes called problem definition. He is of the view that problems which communities become aware of precede policy and policy arises as a problem solution.

In this study, three main components of policy formulation identified are the institutional environment, the core policy formulation process within government, and the involvement of civil society (Mutahaba, Baguma, & Halfani, 1993).The need to consider policy formulation processes within the context of the national institutional environment which are the political, economic, cultural and social issues is considered as the first step of the process. Others assert that the first step in policy formulation is to recognize or identify an emerging issue, problem or concern (Putt & Springer, 1982; Swanson et al., 2005). They further posit that the emerging issues and concerns are not always self-evident, but they often become apparent through focusing events, public feedback or changing trends in ecological and social indicators. However, the above scholars lament that this is a step that is frequently overlooked in sub-Saharan Africa as a whole.

According to Manzer (1984), the second phase in policy formulation includes the recognition of public problems, processing these issues, determining priorities for collective action and developing optional courses of action in order to resolve a problem (Mutahaba, Baguma & Halfani, 1993; Swanson et al., 2005). Accordingly, as soon as an issue or problem has been acknowledged, there is careful planning and involvement of

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all stakeholders which becomes crucial so that the finer details of the policy are made known to all participants.

In the principle of policy formulation, recognizing the roles and involvement of non-governmental actors and stakeholders is important. Public policy studies (McKean, 1965: 496-505; Haveman, 1976: 235-250; Veit & Wolfire, 1998) suggest that in such a process optimal outcome in policy formation is achievable when all actors involved are fully equipped with relevant knowledge; are willing to negotiate and build consensus on policy choices that offer the ultimate means of maximizing individual and societal welfare.

While it is crucial for the government to involve the key players in the districts and civil society, there is need to consider the background of participants. The types of stakeholders who are included in policy formulation are crucial to determining the outcome success. Haveman, (1976:239) postulates that "a political process in which the full set of impacts of a decision on all citizens, the poor and minority groups as well as those with power, be somehow registered with decision makers". It is in this kind of collaboration that the decisions made are acceptable to the majority, giving the policy wider chances of sustainability. In the case of policies with environmental concerns such as Lesotho Land Bill 2009, local people as principal resource users and managers often possess important practical knowledge that helps them to ensure the long-term productivity of the natural resource base. Similarly, civil society organizations may have a wealth of information about local needs and potential. At the same time, local

researchers and other professionals can contribute valuable research results and scientific information to better understand the complexities of the issues at hand. In view of the above discussions, one can ascertain that involving a broader set of stakeholder groups in the design or reform of policy, will help strengthen their ownership and support for the policy and this in turn will promote more effective implementation. Hence there is a need for these stakeholders to be consulted in terms of the policy making process. More benefits of policy formulation are discussed below.

2.6.2 Benefits of policy formulation

The policy process approach centres attention on the officials and institutions that make policy decisions and the factors that influence and condition their actions (Anderson, 2006). Policy-makers usually incorporate the stages or categories of policy-making. Its sequential nature thus helps one to capture and comprehend the flow of action in the actual policy process. The policy process approach is flexible and open to change and refinement (Anderson, 2006). The policy process approach helps present a dynamic and developmental rather than static and cross-sectional, view of the policy process. It is in concern with the evolution of policy and requires one to think about what moves action on policy from one stage of the process to another (Anderson, 2006).

The policy-process is not culture bound. It can readily be used to examine policy making in foreign political systems. It also lends itself to manageable comparisons such as how problems reach governmental agendas, how policies are legitimated and how they are implemented in various countries (Lindblom & Woodhouse, 1993). Finally, policy

making can help promote a common understanding around complex, misunderstood or even contentious issues (Veit & Wolfire, 1998). It can therefore be observed that although policy making or policy reform requires diverse, complex information and expertise, it is a crucial exercise that creates transparency in the governance of a country. Through policy making people are made aware of government's intentions while in turn people can voice their concerns.

The benefits of discussing policy are multiplied when policy information is available to all those it will affect or stand to benefit from it. Policy understanding and reflection can be stronger when it reaches everyone and not just part of the population. Discussing policy at all levels, if information and knowledge about policy is accessible, creates opportunities for participation thereby expanding its acceptability. Despite the fact that there are many benefits in policy formulation, some scholars have lamented the challenges encountered, (Veit & Wolfire, 1998) whose discussion follows.

While policy making is considered to be crucial in governance, there are considerable challenges in making these policies. As Toddi, Steelman and Ascher (1997) observe, the process can be inefficient, since it is a labour and time intensive exercise with no guarantee of successful outcomes. Veit and Wolfire (1998) assert that conflict within civil society and other stakeholder is possible. They elaborate further that the participatory process of policy making can trigger conflicts among members' groups by bringing opposing views out into the open for debate and exposing underlying tensions within the discussion.

The other dimension of conflict that Veit and Wolfire (1998) bring out is that if participation excludes members who feel they should have been part of the discussion, it can create conflict and opposition to the process of policy making. The process of going around asking people's contribution during the policy making process is likely to raise their expectations of having their views and opinions into consideration. When their views have not been included they may feel cheated and cause chaos in the policy implementation (Veit & Wolfire, 1998).

Participatory policy making is always time consuming and costly particularly when large numbers of stakeholders are participating. The process cannot be done in a period of a day, a week or a month and the longer it takes, transport and subsistence costs are incurred and documentation may be compromised during the process. Lastly, Veit and Wolfire (1998) are of the opinion that by getting involved in policy advocacy, civil society organisations can be seen by the government to be interfering with political matters and this can somehow be a threat to the smooth running of government matters.

The following discussion will be on the models of policy formulation. Although there are many models of policy-making such as institutional model, elite mass model, group model, systems model, this study will only discuss the elite mass and group models. The reasons for discussing elite mass model in this study is that the formulation of the Land Bill was linked to this kind of model, while the discussion of group model was based on how the Land Bill should have been formulated.

2.7 Elite mass model

The elite mass model is a well known model in the policy analysis arena (Anderson, 1979; Dye, 1978; Henry, 1975), and it is based on the assumption that a small, elite group (usually government) is responsible for policy decisions and that this group governs an ill-informed public (the masses) (Dubnick & Bardes, 1983). Policy decisions made by the elite flow downward to the population at large and are executed by the bureaucracy (Anderson, 1994; Graduate Centre for Public Policy and Administration, 2002). Decisions are taken at the top and there is no popular participation which, at best, is merely the expression of values and choices of the elite who dictate their views to the masses (Hammoud, 2007).This is an approach where a policy-making elite acts in an environment which is characterised by apathy and information distortion and governs a large passive mass (Graduate Centre for Public Policy Administration, 2002).

In this kind of model, GCPP (2002) explains that policy flows from the elite to the people at the bottom or mass. It is where the society is divided into those who have powers and those who do not have powers. Those who have powers or the elites usually take the centre stage in leading the decisions that directly affect the masses or the society at large. This indicates that the majority of prevailing policies designed reflect the elite values which generally preserve the status quo (Henry, 1992).

 In this environment, the elites have higher incomes, are more educated and have higher statuses than the poor masses. Public policies are therefore viewed as the

values and preferences to the governing elite. The elites control and shape the mass opinions more than the masses. In the government of this type, public officials and administrators carry out policies decided on by the elites and flow them down to the masses without considering their participation or listening to their views (Henry, 1992).

The implication of this kind of approach according to GCPPA (2002) is that the responsibility of the state of things rests upon the elites even the welfare of the entire community. Another implication is that the community becomes apathetic and ill-informed, mass sentiments are manipulated by the elites and the masses only have an indirect influence on decision-making of policies in the country. In this type of approach, policies may change incrementally but the elites remain conservative and do not change the basic system of approach to the formulation.

This model has some short comings such as where the society is divided into the powerful few and the powerless many. Only the few who are in favour of the elites to allocate values on decision-making and the masses cannot decide on policy making, the few are not typical of the masses but elites are drawn disproportionately from the upper strata (GCPPA, 2002). This means that the masses are not represented in decision making and the majority in the formulation is representing the elites. Hammoud (2007) laments that the limitation of this model is that the interests of politically and economically influential people may coincide with the decisions taken, thereby enhancing the power of the ruling class and decreasing the focus on social policies

targeting poverty, inequality, illiteracy and marginalization and making them less responsive to issues of common public concern.

On the same note, Parsons (1995) concedes that all elites agree on basic social structures and preservation of values such as private property, limited government and individual liberty in order to give them more power in decision-making. According to him, changes in public policy serve the interests of the elites rather than serving the demands of the masses. The masses do not have a voice for change and the room for change is given to the elites. Active elites are subject to little influence from apathetic masses (Parsons, 1995).

The discussion of the elite mass model in this study was brought to light because of the supposition that the elite usually dominate discussions on the formulation of policies. Usually the decisions tend to favour the elite whose voice is heard more than the poor who are almost always marginalised in decision making. The decisions pertaining to the formulation of the Land Bill were handed down to the community by the government of Lesotho which is regarded as an impetuous act that is refuted by what policy formulation is all about. On the other hand, the theory espouses the participation of the local community whereby stakeholders influence decisions for their own development. This is hand and glove with the philosophy of community participation whereby the residents of a community are given a voice and a choice to participate in issues affecting their lives. With the elite model, it is different because decisions are from elite people. Therefore, this model was not adopted in this study.

2.8 Group model

Anderson (2006) starts by explaining the term "group" as a collection of individuals that may, on the basis of shared attitudes or interests, make claims upon other groups in society (Anderson, 2006: 3). He further contends that it becomes a political interest when the group makes a claim through any of the institutions of the government. According to David Truman (1956:239), an interested group is "a shared-attitude group that makes certain claims upon other groups in the society"; such a group becomes political "if and when it makes a claim through or upon any of the institutions of government." Interest groups include individuals and a number of state bureaucratic administrations, political parties, and trade unions of employers in the productive sectors, persons working in the mass media and journalists, who usually defend the public interests and issues, and seek to influence decisions of concern to the public.

It appears that the model depends on well-organized interest groups that influence government decisions by seeking to afford its members access in the decision-making process and presenting a set of demands agreed upon by their members. Lindblom (1993:21) described public policy from the group theory viewpoint as follows:

> What may be called public policy is actually the equilibrium reached in the group struggle at any given moment, and it represents a balance which the contending factions or groups constantly strive to tip in their favor. . . . The legislature referees the group struggle, ratifies the victories of the successful coalition, and records the terms of the surrenders, compromises, and conquests in the form of statutes.

This model allows the platform of interactions among groups as the central fact of politics. In this model, individuals with a common understanding usually come together to forward their demands and grievances on the government either on a formal or informal way (GCPPA, 2002). Therefore, individuals are important in politics when they act as part of or on behalf of an interested group. The influence of decision-making in this approach is determined by numbers of participants, organisational strength, leadership, access to decision-makers and internal cohesion. In this regard, policy-makers respond to group pressures by negotiating, bargaining and compromising among competing demands (GCPPA, 2002). In this approach, there is a latent group which supports the rules of the game. There is also an overlapping group membership which keeps groups from moving too far from the political mainstream.

The group model then allows for checks and balances on groups to monitor or create healthy competition. In this regard, to influence and develop governmental decision-making, a group must have access and the opportunity to contact and express their views without fear to decision-makers. If the group is sidelined and becomes unable to communicate with decision-makers, its chances of influence in affecting decision-making become very slim. In other words, this theory applies the bottom-up approach of doing things. All decisions should be created from the people at the grassroots level and agreed upon to the top of the hierarchy of decision-making (GCPPA, 2002).

Group representation provides the opportunity for those who are likely not to be heard without that representation to express their views and opinions and highlight their needs

or interests. Anderson (2006) sees the importance of the group model as being that groups bring more diverse information and knowledge to bear on the question under consideration. He further argues that varied cultures, age groups and gender all add to the diversity of a group which gives varied perspectives and enhances the kind of ideas the group can come up with. Most of the group members have differences in fields of experience and the amount of experience each member has. This pool of experience becomes an advantage in decision-making. Group differences do not only involve different needs, interests, and goals, but probably more important different social locations and experiences from which social facts and policies are understood. The group becomes the essential bridge between the individual and the government (Anderson, 2006).

According to Anderson (2006), an individual may forget a particular piece of information, but since a group has a number of people involved, there is always a combined memory of thoughts of all members to collect data. Since every member contributes in decision-making, members tend to be more accepting of decisions. All those who may have not participated in decision-making still support the decision hence group cohesion dominates the decision-making.

In as much as the group theory expresses the importance of views and opinions of the people, it has limitations as well. Anderson (2006) highlights the limitations by stating that if the group is disorganised and has poor leadership, most of the time the group does not function well and is often destroyed by those in power. Therefore, unity is

highly encouraged in this theory so that their voices become heard by decision-makers. Matthew Cahn (1995) talks about the tendency of groups in a democracy to factionalize in order to maximize their influence as they exercise their right to press their interests (Cahn, 1995).

Anderson (2006) opines that too much diversity can somehow reduce the cohesiveness and affect the decision-making process. He further comprehends that if members strive for agreement at the cost of accurate assessment of required information, the group decision-making falls prey to the problems. Many of the institutional players in policy making are not democratically elected, and the more specialized their knowledge, the more likely it is that their decisions reflect smaller interest subsets of the public and "distort our purpose because national interest is not always the sum of all our single or special interests", (Berry, 1989: 7). The other limitation is that the process is time-consuming because when too many people are involved, more time is required to reach a decision which mostly reduces efficiency (Anderson 2006). No one seems to take a responsibility where things went wrong because no one wants to be blamed.

The two models have been discussed, highlighting their advantages and disadvantages. This study utilized the participatory development theory and the group model since both models are people centred and allow the community the right to be heard. These models were considered appropriate for this study as they promote community participation in decision-making processes. They emphasize that listening and learning from people about the way they see their community, its shape, boundaries, members

and capacities is often the most vital activity for a community development practitioner (Hoen 1990). Although the elite model was not adopted, its discussion in this study was brought to light because it resembles what actually took place in the formulation of the Land Bill 2009 in Lesotho.

2.9   Conclusion

This chapter reviewed the literature on the concept of policy formulation as viewed by other scholars. Literature revealed that although policy formulation is a complex political and administrative process, it is pivotal in establishing clear goals as established by the government. In the process, the concepts of community participation and participatory development were defined. Community participation includes information exchange, conflict resolution, supplementation of planning and design while participatory development actively involved people in making decisions about the implementation of processes, programmes and projects. The mass model, the group theory and the participatory development theories were explored highlighting their advantages and limitations. The chapter also addressed the importance of community involvement in the land policy formulation. Firstly, if the local community is involved in decision-making on policies that affect their well-being, development is always assured and citizens are likely to support the said policies. Secondly, local citizens can better define aspirations and problems that affect them than anybody else from outside. Community involvement assists in identifying problematic areas in the formulation of the policy. In this manner, the participatory approach represents a momentous type of vision that believes that local community aims are easily achieved through local citizens. This is what should

have been practised in the formulation of Lesotho Land Bill 2009. The following chapter

gives a background of the areas of research for this study.

3   Chapter 3

The areas of research

3.1   Introduction

This chapter looks at the geographical and historical background of the areas where this study was conducted and how the areas are related to community participation and policy making, particularly the Lesotho Land Bill 2009 which is the concern of this study. This study was conducted in Lesotho. Three districts which are Maseru, Mohale's hoek and Leribe were used as research locations. Lesotho is divided into three regions and these districts are the headquarters of the regions. These districts were chosen because they cover the majority of the population of each region. The literacy of Basotho in relation to understanding the Land Bill 2009 will also be highlighted.

3.2   Lesotho

Lesotho is found in the southern part of Africa and is a tiny country that is entirely surrounded by South Africa with a geographical area of 30, 000km^2 with 75% of total area being rough mountain ranges that reach up to 3400m and gorges. It is a kingdom state that got its independence from Britain on October 4, 1966 with a population of 1, 876, 633 where male estimates are 912, 798 which is 48.6 % while female estimates are 963, 835 which is 51.4% according to statistical estimates from Lesotho Bureau of

Statistics (2006). Youth between the ages of 15-19 form a large part of the population in the country which is 232, 646.

Lesotho has urban and rural areas which have ecological zones and these are lowlands, foothills, mountains and *Senqu* River Valley. The urban population according to statistical estimates from Lesotho Bureau of Statistics (2006) is 427, 917 which is 22.8% while the rural estimates are 1, 448, 716, which is 77.2%. From these readings, the people who are living in the rural areas of Lesotho are more than those who are living in the urban areas by 54.4% while the urban citizens only have 45.6%. The lowlands population is 256, 620, the foothills population is 50, 670, the mountains population is 77, 492 while the *Senqu* River Valley is 37, 589. About 25 % of the population lives in the lowlands and foothills whereas the mountains, the largest of the zones in area are relatively sparsely populated (Murray, 1981). Most of the rural areas in Lesotho can be reached by the use of light aircraft, on horseback and 4 wheeled-drive vehicles.

While the land is the basic and predominant factor in agriculture, it is characterised by high altitude and susceptible to persistence drought. The country has limited availability of arable land in addition to the degradation of the soil, soil erosion and the variability of the climate. It has limited natural endowments and these are mainly water and diamonds. The industrial sector is dominated by textile manufacturing which produces goods for export mainly to the United States of America under the African Growth and Opportunity Act (AGOA). The presence of these industries in the country played a

pivotal role in the employment of Basotho from the late 1990s up to the current time when the global economy recession hit the world. While there is adequate telephone service in and around Maseru, many remote areas still await electrification. Lesotho enjoys generous support from the government and the people of the United States of America through the Millennium Challenge Corporation (MCC).

The country has ten administrative districts which are under the supervision of Districts Administrators after the birth of local government in 2005. Before then, the districts were under the supervision of districts secretaries. The birth of local government was to decentralise services to local people. Six of these districts are known as the urban districts of Lesotho. These are Botha Bothe, Leribe, Teyateyaneng, Maseru which is a capital city of Lesotho, Mafeteng and Mohale's hoek. The seventh district, Quthing, lies in the Orange River Valley based in the south. The remaining three districts are in the rural parts of Lesotho and these are Mokhotlong, Qacha's nek and Thaba-Tseka. Having looked at the history of Lesotho as a country, the following part will concentrate on the districts of which this research was conducted.

3.3 Maseru

Maseru is the capital city of Lesotho. It has a geographical area of 4, 279km^2 (Murray, 1981). It is situated at the western border of Lesotho and shares a border with the Free State Province of South Africa, where the frontier being Caledon River which is *Mohakare* in Sesotho. The nearest South African town to Maseru is Lady Brand. It also shares borders with Berea; Thaba-Tseka and Mafeteng districts. It has a population estimate of 431, 998 where the male population is 205, 702 and female population is

226, 296 according to 2006 census statistics (Lesotho Bureau of Statistics, 2006). This district is divided into 17 constituencies. During the past 2007 general elections, the ABC, which is the opposition party in Lesotho won 9 urban constituencies while the remaining 8 which are found in the rural areas of Maseru were won by the ruling LCD. The opposition members of parliament as indicated in chapter one refuted the Land Bill 2009, saying that it was too early for the parliament to table the Bill for discussion as there was no proper consultation with the community. This was one of the reasons that motivated this research. The house of parliament and Senators are found in this district and this is where the interviews were conducted with honourable members of Parliament and Senators. Through the use of focus groups, 20 respondents who were a composition of females and males were selected as the sampling size of the study in this district.

Of importance is the fact that government complexes are situated in this district and the administration of the government of Lesotho is done there. The Prime minister, cabinet ministers, heads of Diplomatic Mission and international organisations are all based at Maseru, including the royal family. This has turned the district to be the heart of Lesotho.

Maseru as well as Leribe is an industrial area for producing clothes and other things at *Ha-Thetsane, Tsolo* and Park Station, where thousands of Basotho are employed and making a living. The national University of Lesotho is found in this district.

3.4 Mohale's hoek

Mohale's hoek is found in the southern part of Lesotho. It has a geographical area of 3, 530km^2 with a population of 176, 928 where the male population is 86, 638 while the female population is 90, 290 according to 2006 census statistics (Lesotho Bureau of Statistics, 2006). It is the central district in the southern districts and most of the citizens from the districts of Qacha's nek; Quthing and Mafeteng are found here. The south western part of this district shares the border with Free State while the south eastern part shares the border with the Eastern Cape Province of South Africa. The nearest South African town to Mohale's hoek is Zastron. It also shares borders with all the southern districts of the country. This shows that Mohale's hoek is one of the biggest districts in Lesotho. It is about 123 km from Maseru on main South 1 route.

Mohale's hoek has nothing much that it can be known for unlike Maseru and Leribe. According to history, it was first inhabited by the San who were later joined by *Baphuth*i in 1795 (www.seelesotho.com/mohales'hoek. Accessed 14/07/2011 at 1351hrs). Visitors can explore some of the beautiful cannibal caves which are also found throughout Lesotho to bear a witness of the crucial times of *Lifaqane* which existed in the 1820s. On expansion of Moshoeshoe's kingdom into the Southern part of Lesotho, King Moshoeshoe sent his younger brother Mohale to have control of the place. It was during this era that the place was named after chief Mohale who took control of *Baphuthi* and Basotho, who previously had good relations.

Under the national settlement plan, Mohale's hoek is regarded as the centre for the southern region comprising of the districts of Mafeteng, Quthing, Qacha's nek and Mohale's hoek itself. Through the use of focus groups, 20 respondents were selected as the sampling size of the study from Mohale's hoek town that was a selection of women and men.

3.5 Leribe

Leribe is found in the northern part of Lesotho. It has a geographical area of 2, 828km^2. This is the second biggest district in Lesotho after Maseru. It has two big towns which are; Hlotse and Maputsoe. It shares borders with all northern districts; Mokhotlong, Botha-Bothe, Thaba-Tseka and Berea. It also shares the border with the Free State Province of South Africa where the nearest town is Ficksburg. It has a population estimate of 293, 369 where males are 142, 932 and females are 150, 437 according to the Lesotho Bureau of Statistics (2006). The research was conducted at Hlotse where 20 respondents were men and women who were selected as the sample of the study through the use of focus groups.

Economically, the district has attracted foreign investors who own cloth industries, foot wear and umbrellas which are produced at *Maputsoe* and these have created jobs for thousands of Basotho. Agriculturally, the district is also known for its best production of maize, wheat and beans. Citizens living in the rural part of the district still have flocks of sheep and goats which produce good quality of mohair and wool, that have put Lesotho on a good trade mark. For tourism interest, the *Bokong* nature reserve, which lies at the pick *of Mafika-lisiu* pass with an altitude of 3090m above sea level on the way to *katse*

dam, is found in this district. There are examples of afro-alpine wetland sponges that are found at the sources of *Bokong* River and *Lepaqoa* stream. The rare and endangered bearded vultures and a number of other bird species that are endemic in the afro-alpine zone are found here.

Tsehlanyane national park, which is only one of the two national parks found in Lesotho and makes up the integral part of the greater Maloti/ Drakensburg Transfrontier Park, is also found in this district. The park is found at the foot of the Maloti Mountains at *Holomo* pass and is just 45 minutes drive from the South African border post of Caledonspoort. There are 24 mammal species found in this park which include the African wild cat, black-backed jackal, porcupine, caracal, grey rhebuck, baboon, striped pole cat, rock hyrax, ice rat, the clawless otter and leopard (www.lhwp.org.ls/environment/tsehlanyane accessed 13/07/2011 at 1416hrs).

The principal chief of this district, and one of the active chiefs in the house of senators in Lesotho, was enthusiastic to provide information about community participation in relation to the Land Bill of 2009. The following section puts to light the birth of the constitution of Lesotho and all the constitutional systems in Lesotho in relation to community participation and the formulation of the Land Bill 2009.

3.6   Lesotho and its Constitutional Systems

The Constitution of Lesotho came into being immediately after the publication of the Commencement Order (1993), after Lesotho held the first free and fair democratic elections which were won by Basutholand Congress Party (BCP) under the leadership

of the late Dr. Ntsu Mokhehle (Mofuoa, 2005). Constitutionally, legislation means laws that have been passed by both the house of parliament and the house of senate and have been assented to by the King (section 78 (1)). Subordinate legislation means laws passed by other bodies to which parliament has, by virtue of section 70 (2) of the Constitution, validly delegated such legislative powers (Constitution of Lesotho, 1993). These include government gazettes, ministerial orders, ministerial regulations and municipal by-laws. All these law systems should eventually consult the citizens for public concern when they are drafted. The legislature of Lesotho is a bicameral parliament which consists of the elected Assembly and non-elected senate members. The judiciary of Lesotho consists of the high court, court of appeals, magistrate's court, traditional and customary courts.

Lesotho therefore has a dual legal system which consists of customary law and other general laws that are working side by side. Customary law is an umbrella of all Basotho customs that are written and codified in the laws of paramount chief Lerotholi, the only chief in Lesotho who made the customary laws to be written in the 1920s (Mofuoa, 2005). General Law consists of Roman Dutch Law retrieved from the Cape and Lesotho statutes. The codification of customary law came after the appointment of a council in 1903 that was meant to advice the British Resident Commissioner on what was best for the Basotho in terms of laws that would govern them. Until that time, the Basotho customs and laws were passed from generation to generation by oral tradition. The council was therefore given the task of codifying and coming up with Lerotholi laws that

are applied in customary courts known as local courts (http//www.wikipedia.org/constitution of Lesotho accessed 03/11/ 2010 at 1154hrs).

The constitution of Lesotho protects the rights of the citizens where among others; the citizens' rights for participation, freedom of speech and freedom of expression. Considering these rights, the study sought to know whether the community of Lesotho participated in the formulation of the Lesotho Land Bill 2009 or were they denied the right of participation as well as the freedom of speech and freedom of expression.

3.7 The Land Bill 2009

The Land Bill allows foreign companies to have 51% title to land and this raised concern and questions among some members of the community. As opined by Thabane (2009), the Land Bill aims to alienate Basotho's land by creating room for foreign occupation through economic coercion. He further argues that the Bill was elitist and for that reason, the current land tenure provided no security of land to Basotho. In light of the above comments, it was necessary for the researcher to get public views about this Bill and how it was communicated to them.

3.8 Education and literacy in Lesotho in relation to understanding the Land Bill

The current estimates according to a study conducted by the Southern and Eastern African Consortium for Monitoring Educational Quality in 2000, 85% of the population from the ages of 15 and above was at that time literate. The study further states that pupils from the ages of 15 are able to read ahead and backwards through various parts of the text in order to link and interpret information. In pursuit of the sustainable human

development agenda, in 2000, the United Nations General Assembly adopted the Millennium Declaration which committed the member states to have achieved the 8 goals in 2015. These goals among others are; eradicating extreme hunger and poverty by halving the proportion of people living on less than $1 a day and halving malnutrition, achieving universal primary education by ensuring that all children are able to complete primary education, promote gender equality and empowering women by eliminating gender disparity in primary and secondary schools preferably by 2005 and not later than 2015 (UNDP, 2005:15). Essentially, the government of Lesotho as a member state was to abide with this declaration and it had to implement a free primary education (from standard 1-7) which still exists today. In this sense, Lesotho boasts one of the highest literacy rates in Africa.

The 2006 census estimates show that the country has 87% of people who can read and write both English and Sesotho. It becomes clear that citizens between the age of 15 and above can read, understand and interpret the Bill. The communication of the Bill should have been done at national level to reach everyone as the majority of the community can read, understand and interpret the Bill.

3.9 Conclusion

Chapter three first shed light on Lesotho's geographical, historical and economical background. It detailed aspects that make the research sites context valuable to the nation as strategic resource bases. It also made clear the sense of attachment that arises out of the birthrights of the country due to long and first settlements the people of

Lesotho had before modern governance began. Lastly it creates a clear picture of factors that incubate the land issue finally resulting in the contested Land Bill.

The research sites are Maseru, a capital of Lesotho and strong political, economical and administrative centre with 17 constituencies; Mohales'hoek, a southern region town and district which is a tourist and political centre with 8 constituencies; and Leribe, a northern town which is the second biggest to Maseru. It features an industrial hub which employs thousands of citizens and is politically strong with 13 constituencies.

Lesotho is a constitutional monarchy and the constitution of Lesotho is the mother body of all policies and laws. The justice sector is comprised of the court of appeal, the high court, magistrate's court, traditional and customary courts. The discussion also touched on the Land Bill which motivated this study.

Lesotho boasts one of the highest literacy rates in Africa, hence a discussion of education was necessary in order to see how much of the population in Lesotho can be able to understand discussions on the Land Bill 2009. The following chapter will discuss the research methodology used to gather data needed for this study.

4　　　　　　　　　Chapter 4

Methodological reflection

4.1　Introduction

This chapter presents the research methodology used in the study. Methodology specifies how the researcher can go about studying practically what he believes can be known (Terre Blanche & Durrheim, 1999). It begins with giving the basic information on the participants' profile and a discussion of the underlying philosophical assumptions. It also discusses the research designs, population and sampling procedures, research instruments used to collect data as well as data analysis. The Qualitative research method was adopted in this study to gather and analyse data. This chapter ends by providing a description of the ways in which the analysis process was undertaken.

4.2　Participants' Profile

The participants for this study were a composition of women, men and youth who had knowledge about the Land Bill. Participants were from the districts of Maseru, Leribe and Mohale's hoek. Each district was represented by 20 participants. In addition, the study included six parliamentarians and senators selected on the basis of their experience and by virtue of them being representatives of the districts in parliament. In choosing the focus group participants, the researcher was gender sensitive so that there was good representation from both sexes.

4.3   Research methods

This study examines the values, needs and characteristics that distinguish individuals, groups, communities and messages in relation to community participation and policy formulation of Lesotho Land Bill 2009. The qualitative method will be used to collect data. However, both the qualitative and quantitative methods will be discussed in the following section.

4.3.1   Quantitative research

According to Bless and Higson (2002:37), the quantitative research method measures, compares and analyses different variables, either by identifying the characteristics of an observed phenomena or by exploring possible correlations between two or more phenomena. It is a method that is grounded in the positivist research paradigm. Denscombe (2002) views the quantitative as an approach to social research that seeks to apply the natural science model of research to investigations of social phenomena and explanation of the social world. In quantitative research, an investigator relies on numerical data to test the relationships between variables (Charles & Merler, 2002 cited in Ivankova, Creswell & Clark, 2007). It is a typical type of research study that employs quantitative research which would be an experiment or a survey (Ivankova, Creswell & Clark, 2007).

The data collected through this type of research can reveal generalizable information for a large group of people. However, quantitative research is criticized for its inability to look at individual cases in detail and also due to its highly structured nature, it prevents

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the researcher from following up on unexpected outcomes or information (Ryan, 2006). In addition, quantitative data often fails to provide specific answers, reasons, explanations or examples. Although the results can be generalizable, this approach was not adopted in this study as it does not engage in-depth inquiry that exposes people's experiences with the phenomenon under study.

4.3.2 Qualitative research

In contrast to the quantitative approach, qualitative research is an enquiry process of understanding where a researcher develops a complex and holistic picture, analyses words, reports detailed views of informants and conducts the study in a natural setting (Creswell, 2007; Denzin & Lincoln, 1994). The qualitative approach was chosen to guide this study. It is interested in gaining insight into understanding of a phenomenon. One of the assumptions of qualitative research is that multiple realities are socially constructed through individual and collective definitions of a situation (McMillan & Schumacher, 1993).

Ryan (2006:21) gives the following characteristics of qualitative research: It seeks to provide an in-depth picture; it generally deals with smaller numbers than quantitative research; it tries to interpret historically or culturally significant phenomena; it can be used to flesh out quantitative data; it tries to isolate and define categories during the process of research; it is appropriate when the questions posed by the researcher are difficult for a respondent to answer precisely; it tries to illuminate aspects of people's

everyday lives; it values participant's perspectives on their worlds; and it often relies on people's words as its primary data.

The qualitative research could be described as an interpretive and naturalistic approach to the world (Denzin & Lincoln, 2000: 4). Qualitative research is thus often used for the study of social processes, or for a study of the reasons behind human behaviour, the why and how of social matters, more than the what, where, and when that are often central to quantitative research (Sulkunen, 1987). The information gathered in this method is not given in numerical value (Leedy & Ormrod, 2001:147).

According to Creswell (2005), the goal of qualitative research is to explore and understand a central phenomenon, which is the concept or process explored in a qualitative research study. He also states that, qualitative research uses strategies of inquiry such as narratives, phenomenologies, ethnographies, grounded theory studies or case studies. In this type of research, the researcher collects open-ended emerging data with the primary intent of developing themes from the data.

Studies in qualitative research require methods that "probe deeply and analyse intensively" (Cohen & Manion, 1994:106). The qualitative approach was adopted in this study because it provides more information and a more intensive detailed examination of community participation in the formulation of the Lesotho Land Bill 2009. The aim was to understand the nature of that setting, what people's lives were like, what was going on in their daily lives, what their meanings were and what the world looked like in

that particular setting. Ravele (1997) affirms that, data is usually collected through sustained contact with people in the settings where they normally spend time. This allows the researcher to enter the world of the people s/he is studying and to listen, hear and observe the participants.

Qualitative studies share the common goal of presenting findings in the form of written, verbal descriptions rather than in terms of statistical analysis which is the characteristic of quantitative studies (Crowl, 1993). Qualitative data for this study includes the results from materials and perspectives culled from interviews and focus groups conducted with civil society and members of the legislature. Another reason for selecting the qualitative method was that the topic needed to be explored flexibly with the main aim of accessing specific information rather than mere generalization of the findings. Usually, findings from a qualitative research are often not generalizable because of the small number and narrow range of participants used in the data collection process.

According to McMillan and Schumacher (1993), qualitative methods do not follow strict rules. Qualitative research should be done artfully, but it also demands a great amount of methodological knowledge and intellectual competence. Maja as cited in Ravele (1997:63) suggests that researchers who use qualitative approaches are "interested in the quality of a particular activity, situation and relationship. Emphasis is on a rich and holistic descriptions rather than numbers". The main purpose of undertaking the qualitative research in this study was to describe and understand rather than the explanation and prediction of human behaviour. The use of qualitative research helped

in understanding the experiences of the people of Lesotho, their perceptions, fears and anxieties in relation to the formulation of the current Land Bill.

4.4   Research design

The research design for this study is a case study. According to Coolican, (2004) the design is the overall structure and strategy of the research study. Trochim (2006:9) defines a research design as the structure of research and the "glue" that holds all of the elements in a research project together. A research design can be qualitative or quantitative depending on research questions the researcher wishes to explore.

The purpose of the research determines the methodology and design of the research (Cohen, Manion & Manion, 2000). It can therefore be accepted that the research design is the blue print for conducting the study (Denzin & Lincoln 2000). This study aspired to establish the role played by the Lesotho communities in policy formulation regarding the Land Bill 2009 through an in-depth examination. The study therefore adopted the case study research design as it was best suited for assessing how the communities in Lesotho participated in the formulation of the Land Bill 2009.

4.4.1 The Case Study design

This study adopted the case study design. In order to understand case studies, the two words are examined. A 'case' is a particular instance that refers to the circumstance or situation which might be a person, a programme, a process or a series of development (Webster's Unabridged Dictionary cited in Rule & John, 2011: 3). Furthermore, a 'study'

is an investigation into, or of something. A case study therefore is a systematic and in-depth investigation of a particular instance in its context in order to generate knowledge (Rule & John, 2011: 3).

Gorman, Hammersley and Foster (2000:3) define the case study as referring to research that investigates a few cases, often just one, in considerable depth. A case study is an intensive description and analysis of a phenomenon or social unit such as an individual group, institution or community. It tends to be concerned with investigating many, if not all variables in a single unit and seeks to understand individuals' perceptions of events (Cohen et al., 2000; Merriam, 1988; Yin, 2009).

A case study provides a unique example of real people in real situations, enabling readers to understand how ideas and abstract principles can fit together (Nisbert & Watt cited in Cohen et al, 2000: 187). In this study, the case study design enabled the researcher to get immersed with the participants and get a detailed understanding of patterns and trends that enable an appropriate opportunity to better understand how the Land Bill 2009 was communicated to the citizens of Lesotho.

Yin (2003) distinguishes between three forms of case study, namely exploratory, explanatory and descriptive. "A *descriptive case study* presents a complete description of a phenomenon within its context." (Yin, 2003:5). An exploratory case study often examines a phenomenon that has not been investigated before and can be a foundation of other studies. An explanatory case study attempt to explain what happened in a

particular case or why it happed (Rule & John, 2011). The explanatory form of case study was more relevant to this study as it endeavoured to find out the extent of community participation in the policy formulation of the Land Bill 2009. Thus, the explanatory case study was adopted.

4.5 Population

The population is the entire group in which we are interested and which we wish to describe or draw conclusions about (Briggs & Coleman, 2007: 89). The population in a research context is any target group of individuals that has one or more characteristics in common that is of interest to the researcher for the purpose of gaining information and drawing conclusions (Best & Khan, 2003: 71; Tuckman, 1999: 54). Babbie and Mouton, (2005: 112) postulate that population is the theoretically specified aggregation of study elements and it is from this which the sample is actually selected. The target population for this study comprised all the voters, parliamentarians and senate members from the three districts namely, Leribe, Maseru and Mohale's hoek. It was from this population that the sample was drawn.

4.5.1 Sampling procedures

The sample size is small and is purposively selected from those individuals who have the most experience with the studied phenomenon (Patton, 2002 cited in Ivankova, et al., 2007). Bernard and Ryan, (2010:365) assert that "purposive sampling is quota sampling without a grid" where one simply decides on the purpose the informants will serve. In this study, six parliamentarians and six senators were selected on the basis of

their experience in discussing Bills and by virtue of being decision-makers in the legislature. They were considered rich in information on how policies are formulated in Lesotho.

In focus groups interview, purposive sampling allows for data to be interrogated purposefully, in order to carry out systematic comparison (Barbour, 2001). However, Krueger and Casey, (2009) feel that researchers intending to use focus group interviews should not carry with them the traditions and procedures that were intended for qualitative studies. They argue that focus groups can be randomly selected to provide insights about how people in the groups perceive the situation (Krueger & Casey, 2009). For this study, the researcher purposively sampled the focus groups respondents from the three districts comprising of twenty adult respondents from each of the three districts who were presumed to have more understanding on the land Bill.

4.6   The negotiation of entry

With an introductory letter from the University of Fort Hare, permission was obtained from the House of Parliament and Senate to carry out the study. A similar copy was also produced to all sampled sites and to every respondent sampled. The purpose of the research was explained verbally to people on the ground and all respondents were requested to be as sincere in their responses as possible. The respondents were assured that the research was purely for academic purposes and that there would be no repercussions after the study. All the respondents who agreed to take part in the research signed consent forms.

4.7   Data collection Instruments

Data was solicited through the use of research questionnaires, an interview schedule and the analysis of documents. Questionnaires were administered to 20 individuals per district. Semi-structured interviews were utilised to six parliamentarians, six senators and two focus groups per district. The adoption of the qualitative method of research entailed selecting data collection techniques that were germane to the philosophy of both the research methods and the design. Also taken into consideration was the nature of the research problem under investigation, the research objective, the size and geographical location of the study elements, and the availability of finances, human resources and time. The instruments are described in full in the subsequent section.

4.7.1   Focus groups

The focus group method is one of several data collection techniques that qualitative researchers can use to generate valid information important to the advancement of programs, communities, and organizations. Focus group discussions were used as essential data gathering methods from 60 ordinary citizens whose responses provided an in-depth view about community participation in policy making. Since the study was conducted in three districts, twenty respondents in each district formed two focus groups making a total of six focus groups.

Morgan, (2002) in Briggs and Coleman, (2007: 134) define focus groups as a research technique that collects data through group interaction on a topic determined by the researcher. It is a carefully focused discussion designed to obtain perceptions in a

defined area of interest, in a permissive, non threatening environment, from a predetermined and limited number of people (Krueger, 1988).

Focus groups arguably provide researchers with more surprises than other types of research. Individuals who participate in focus group sessions are not restricted by the "A, B, C" choices provided by the typical survey researcher. Participants generally are allowed to say anything they would like in focus groups sessions. Focus groups therefore are considered to be naturalistic (Krueger & Casey, 2009). They can be viewed as group interviews, but the difference is that focus groups do not rely on question and answer format as is the case with group interviews, rather they rely on the interaction within the group.

4.7.2 Interviews

An interview is a face to face interaction between the interviewer and the participant or a group of respondents (Leedy, 1980; Wiersma, 2000). The researcher used interviews on parliamentarians and senators because they afforded him a chance to pursue the responses from respondents to clarify some obscure points on how the Land Bill 2009 was formulated in Lesotho. A semi-structured interview format was used to solicit data from the respondents as it allowed them to express themselves at length, but offered enough structure to prevent aimless movement. Cohen et al., (2006: 268) concede that semi-structured interviews provide access to what is "inside a person's head",… makes it possible to measure what a person knows (knowledge or information), what a person

likes or dislikes (values and, perceptions), and what a person thinks (attitudes and beliefs).

Face to face interviews were ideal for this study as they provided an in-depth understanding of how the Land Bill 2009 was communicated to the citizens of Lesotho. The researcher had face-to-face interviews with six senators and six parliamentarians on attitudes, experiences, views and perceptions on community participation in the formulation of the Land Bill 2009. The interviews were used because they afforded a chance to pursue the responses of respondents to clarify some points. More information was solicited through personal contact between the researcher and the respondents as that minimized the vulnerability of a questionnaire that arises from its impersonal nature. Face to face interaction helped to explain what was needed so that the respondents answered relevant questions, unlike in a questionnaire where the respondents might misinterpret what is needed.

In this study, the views, perceptions and attitudes of respondents were important such that they helped with insight on issues that were probed relating to the participation of community in formulating the Land Bill 2009. However, although the interview afforded personal contact, the technique had small coverage because of financial and time limitations. Travelling between the district of Leribe and Maseru where the parliamentarians and senators are found was a challenge. However, this challenge was overcome by using public transport. Appointments with Parliamentarians and Senators were observed and the interviews were held within the allocated time.

4.7.3 Documents analysis

According to Maree (2007), document analysis means focusing on all types of written material that could shed light on the studied phenomenon. Borg, Gall and Gall (2003) posit that qualitative researchers often study written communication found in places of occurrences as data sources. Document analysis is unobtrusive and non-reactive and can yield a lot of data about the values and beliefs of participants in their natural surrounding (Maree, 2007: 1). Maykut and Morehouse (1994), postulate that documents for analysis are those documents that most likely yield an understanding of the phenomenon of the study. Examples of these documents as provided by Yin (2003) are letters, memorandums, Hansards, agendas, announcements, proposals, progress reports, minutes of meetings and other written reports to mention a few.

The analysis of documents helped to address questions which interviews and focus groups could not answer and enlighten some areas which needed clarification, such as the objectives of the Lesotho Land Bill 2009. Documents such as the Lesotho Land Bill 2009, Hansards from the Parliament of Lesotho and the House of Senators were utilized to provide valuable information on what had transpired in parliamentary debates regarding the formulation of the Lesotho Land Bill 2009. Reports from the National University of Lesotho Roma Campus stakeholders' dialogue and official speeches on the Land Bill 2009 were reviewed. These documents gave light on the extent of community participation in formulating policies.

4.8 Data analysis procedures

Analysis involves organizing raw data into a system that reveals the basic results from the research. Data needs to be arranged, ordered, and presented in some reasonable format that permits decision makers to quickly detect patterns in the data (Patton, 1990: 64). Data analysis can take qualitative or quantitative forms where the balance of concerns may differ between approaches, but the essential components remain the text, the audience and the diarist (Patton, 1990). Data analysis is a way of presenting facts that explain the phenomena under study. In the current study, data collected through focus groups, interviews and specific document occurrences was analyzed in relation to community participation in policy formulation.

Biographical data of respondents, parliamentarians and senators was presented in a table while the qualitative data was presented in clusters to form themes that were used to buttress the information. Document analysis also gave insights into the debate on community participation in policy formulation.

4.9 Conclusion

This chapter discussed the methodology used in the study in depth. It outlined the qualitative approach and a case study design that were selected for the study. The qualitative approach was chosen because it was necessary to obtain participants' reactions and views on the Lesotho Land Bill. Opinions were easily obtained through face to face and focus group interviews as well as document analysis.

The population frame was made of 20 people from each district totaling 60 respondents. The study used purposive sampling which took into account respondents whose information was rich. Permission to carry out research was obtained from the parliament and House of Senators. The researcher observed the rights of the participants and ensured no harm could befall them. To do this, the names of respondents were kept confidential. Issues of trustworthiness which ensure validity of the study were considered. To ensure accuracy and dependability of the research, verbatim statements were used. The focal points of the next chapter will be the actual presentation of data, analysis and discussion.

5   Chapter 5

Research results and discussion

5.1   Introduction

This chapter presents the data on the findings of the research relating to the biographical characteristics of the respondents, the challenges and implications of community participation and policy formulation in relation to Lesotho Land Bill 2009. The research objective which was to explore the implications of lack of participation by the community in the Lesotho Land Bill was addressed as well as possible ways of influencing the Lesotho government into involving its citizens in decision-making and to educate civil society on the importance of community participation in policy formulation were addressed.

5.2   Biographic data

The researcher was interested in the respondents' characteristics such as gender, age, academic qualifications, and professional qualifications, their knowledge, experience and involvement in the policy formulation. The data is presented in a table which shows the biographical data of general respondents interviewed in this study.

Table 5.1: Biographical data of respondents

Variables	Description of variables	Civic society n=60	Member of Parliament n=6	Senators n=6
		%	%	%
Gender	Male	43	83.4	100
	Female	57	16.6	0
Age	40 - 49 yrs	9	20	10
	50 – 59 yrs	27	60	50
	60 - 69 yrs	33	20	40
	70 + yrs	31	-	-
Academic qualifications	Below Matric	40	60	50
	Matric	22	40	50
	Tertiary qualification	38	-	-
Employment	House wife	15	Full time members of Parliament and Senate House	
	Communal Farmer	20		
	Professional	20		
	General worker	30		
	White collar job	15		
Coding of interviewees	Focus groups	A to F	P1 to P6	S1 to S6

Table 5.1 indicates that there were 57% female respondents and 43% male respondents. Having more female respondents than males was not by design but just those who were willing to participate in this research. More so, the statistical readings provided by the Lesotho Bureau of Statistics (2006) indicated that there are more females than males in Lesotho population, hence the gender imbalance in the sample.

The table shows that 9% respondents were in the age range of 40-49 while 27% were in the age range of 50-59. It emerged that the majority 33% were in the age range of 60-69 while 31% respondents were age 70 years or above. The study was interested in the

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maturity of respondents and targeted those who were well informed or had a better understanding of community participation in relation to the formulation of Lesotho Land Bill 2009. In addition, respondents aged 70 and above are regarded as having a better understanding of how Bills should be drafted.

The study was interested in the educational level of the respondents as the assumption was that the more educated the people are, the more they understand the policies and could analyse the way they benefit them. The majority of respondents 40%, were below the matriculation qualification while 22% were matriculants. It also emerged that 38% were holding tertiary qualifications. The indication here is that respondents interviewed are able to read well and communicate fluently in both English and the local Sesotho language.

The employment status was also of interest in this study as it determined the level of participation in policy formulation. The relationship between employment and policy formulation in this study was brought by the understanding that employment is treated as a sphere of life in which people attain certain understandings and practices of the world in which they live through socialisation processes and this helps them to form political opinions and influences their behaviour.

Furthermore, 15% respondents were house wives who are not gainfully employed and 20% respondents were communal farmers. While these may not be gainfully employed in the industries, they earn a living through farming. 20% respondents were professional

workers such as teachers, nurses and agricultural officers. It surfaced that 30% respondents were general workers without qualifications or formal training in their jobs while 15% respondents were the workers with white collar jobs such as receptionist, stenographers and shop floor stewards. The importance of the employment status of respondents is also noted by Corkey, Land and Bossuyt (1995). They assert that when community participation in policy formulation involves people from different backgrounds, with varying amounts of time to devote to the employment, it is even more complex.

Table 5.1 also indicates that 83.4% parliamentarian respondents were male while 16.6% were female. On the senators' category, 100% respondents were male and there were no female respondents. Gender imbalance is still a challenge in most sectors in Lesotho due to the traditional stereotypes that the woman's place is in the kitchen. The other reason is that politics has been a male dominated field in the history of Lesotho. Senators are the chiefs and rarely a woman is made chief unless the husband dies without a male heir. Of the 33 senators in Lesotho, 22 are principal chiefs by birth in the royal families while 11 are nominated by His majesty the King in accordance with the advice of the State Council (the constitution of Lesotho, 1993: section 54).

The maturity level of members of the legislature was of importance to the study as members were considered to understand how policies are formulated. Data indicates that 20% parliamentarian respondents were in the ages of 40-49. The majority 60% were in the age range between 50 and 59 while 20% were in the age of 60-69. No

parliamentarian respondents were above 70 years. It emerged that 10% of senators were in the age range of 40-49. It also surfaced that the majority 50% of senators were in the ages between 50 and 59 while 40% were in the age range of 60-69. There were no senate respondents above 70 years.

The study sought to find out the educational level of members of the Legislature. The majority (60%) of parliamentarian respondents were below the matriculation qualification while 40% were matriculants. It also emerged that 50% of the senate respondents were below the matriculation qualification while 50% were matriculants. There were no tertiary qualification holders among parliamentarians.

5.3 Data Presentation and Discussion

Two major themes which form the topic of this study, namely, community participation and policy formulation were derived. From these themes, three sub-themes were formulated; involvement of the community in the discussion of the Bill; consideration of community participation in policy formulation by the government and the necessity of the government communication with citizens on formulation and implementation of policies. Under each sub-theme the views of the community, the ruling party and those of the opposition and senators are discussed.

5.3.1 Community involvement in the discussion of the Bill

5.3.1.1Views of the community

The respondents in this study stressed the importance of their right to voice opinions and the desire for these to be considered in decision-making. At the same time they expressed deep displeasure for the government sidelining them in formulating policies that affect their lives. The government only targeted a few individuals to support them in decision making. In one district respondents accused the government for not involving them. They stressed that community members who are the main stakeholders in the government, have better knowledge of what is good for them, and that they should be involved in decision-making to ensure that the formulation and implementation of policies in Lesotho is successful. On the issue of selecting individuals to participate in decision making, one respondent warned that "If one person is educated, there will be no change but if the whole nation is involved in decision-making, there will be change and feeling of oneness in decision-making."

On the question of what they understood about community participation, respondents unanimously agreed that community participation meant that their rights were not violated. One respondent advanced that it was like giving the voice to the mute. While most of them did hear about the Land Bill 2009, not many of them participated as they were not invited. Most of the respondents pointed out that although they attended the meeting that was held at the convention centre in Maseru, they did not understand what it was all about. They further stated that it was a brief meeting in which there was no thorough debate for them to understand all the contents of the Bill. A few respondents

who did not attend the meeting stated that although they were aware that the government wanted to involve them, they did not attend the meeting due to work commitments.

Some respondents indicated that they heard about the Bill from the radio while others said that they came to know about it from television. It also emerged in one focus group that respondents learnt of the Bill from other people. A good number of respondents did not know about the Bill at all. The picture painted by this is that communication or publicizing of the Bill was not effectively done as there are some respondents who claim not to have heard about it.

Respondents in the focus groups in the deep rural areas were very critical of the way the Bill was being imposed on them without their input or having been given clarity on its items that were ambiguous. They alleged that the discussion of the Bill was mostly done in parliament and there was no referendum with the ordinary people. Some assumed that the Bill was made for certain groups of people hence there was no referendum conducted to hear the views of the citizens.

On the question whether the presence of local citizens was important in ensuring successful formulation of policies in the government, one respondent pointed out that the importance of local citizens in ensuring successful formulation and implementation of policies in Lesotho is that when people are involved in decision-making, they feel as part of the solution and they can easily accept any results that might come along. For

this reason, they can easily ensure that policies are successfully formulated and implemented.

5.3.1.2 Views of the ruling party

Parliamentarians from the ruling party pointed out that people were involved in the formulation of the Bill, although one of them hastened to state that, "yes people were involved but then there was inadequate time to let people debate and deliberate fully on the subject."

On the question of how the government invited civil society and all stakeholders to participate in the Land Bill, it was indicated that people were told through audio, visual and print media and the minister of local government first made the announcement then two other ministers joined him to talk about the land Bill in-front of a live audience with people calling in to pose their questions.

Responding to the question whether the presence of local citizens is important in ensuring successful formulation of policies in the government, the parliamentarians were of the view that local citizens have to ensure the success of the formulation and implementation of policies because the very same community will be proud of the law upon which they participated in its formulation. Furthermore, that the citizens of Lesotho can only ensure the successful formulation of policies if they participate in the formulation stage and that this would help them to formulate policies that do not

contradict with their beliefs, attitudes and behaviour as a nation, which is something that identifies them from other nations.

5.3.1.3 Views of the opposition

While the members from the ruling party were saying that the members of the community were involved in the discussion of Land Bill 2009, parliamentarians from the opposition party refuted this, and one stated that "I would not say people were involved, they were only told what the government was planning because there was inadequate time for them to deliberate on all the issues." Further that a Bill of this magnitude requires robust public participation and public scrutiny which did not happen.

On the same understanding, one senator who spoke on behalf of the opposition said, "the citizens should ensure the successful formulation of policies in the country through participation in their formulation as this will help to gain support and respect of the policy from the entire society". The member was of the view that if citizens respect the policies they formulated and implemented, the other nationalities will do more than the citizens.

However, two senators cried foul about the consultative meetings as they alleged that these were very minimal in their districts because they are completely rural and the roads were not good, making accessibility to some venues virtually impossible. This meant that when the Committee finally got to the venue, the meetings were rushed so that they could travel back to the city before dark.

While senators were asked why the Bill was passed whereas there were some disagreements from some members, one senator argued that they can have an argument for not passing the Bill as senators but if the government insists, there is nothing they can do because of the top-down governance in Lesotho which leaves no room for participatory involvement. Therefore, they passed it.

The senator further pointed out that they have not been supporting this Land Bill as senators since the citizens of Lesotho were robbed of their right to participate. Affirming what the first senator said, the second senator claimed that the government of Lesotho was under pressure to get funding from Millennium Challenge Corporation which is an American funding agency for developing countries where land reform is one of their requirements for a country to get funding for development. "Even from my district, the community was not properly consulted," stated the second senator.

5.3.1.4 Data analysis

Participation and involvement are relative terms that may look the same but are different. Involvement is when interested parties are included in the issue of their interest. It assumes common interest between government and its people. On the other hand participation is a collective act of sharing in every activity around the issue of interest. Participation shows respect of human rights to citizens of the country regardless of colour, creed and race. However the belief is that both are indispensible and can be used for innovation and creativity (Desai, 2002).

It is clear from the above deliberations that the government did not consult the people, let alone involve them in the discussion of the Land Bill 2009. This confirms the observations by Wakeford (2001) who notes that people are usually sidelined when policies are formulated. The same situation was observed by Corkery, Land and Bossuyt (1995) when they state that policy-making is reduced to ad-hoc responses to urgent problems, leaving little room for more fundamental and long-term policy analysis, consultation, design of effective implementation strategies. Such ad-hoc responses are an anthesis to the point of view in favour of enhancing community participation which focuses on the benefits of the process itself. Nelson and Wright (1995), for example, emphasize the participation process as a transformative tool for social change. Furthermore, community involvement is intended to produce better decisions, and thus more efficiency benefits to the rest of society (Beierle 1999; Thomas 1995).

One of the findings in this study is that the situation in Lesotho confirms the observation by IRED (2002) which notes that most governments adopt a top-down approach as a lone player in designing policy solutions. In most cases, this kind of the process, "participatory" is an unheard phenomenon which is far from reality due to lack of appropriate methodology, expertise and experience.

Some people gave reasons why generally communities are marginalized in policy formulation. Dukeshire and Thurlow (2002) noted seven barriers to community participation in policy formulation as follows:

1. Lack of understanding of the policy process: In most cases policy making processes are complex and use technical language that is too abstract for the civic society to understand. Respondents in this study complained that the language used was too technical for them to understand, it should have been translated into Sesotho so that the less educated could fully participate. The others alleged that they heard the discussion on the CR FM radio programme on two occasions where it was said the main thrust of the discussions was advocacy on the accessibility on the Bill. This was not a very effective strategy as most of what was discussed was too abstract for most of them. Only those with telephones could call in to make their input or ask for clarification on some issues.

2. Lack of community resources: When governments find themselves with inadequate funding, incompetent staff and lack of volunteers to support the rural communities, they take the initiative to make decisions on behalf of their communities. Two members of parliament from the oppositions ascertained that a Bill of this magnitude required robust public participation and public scrutiny which did not happen. Respondents in the focus groups complained that combining three districts in one venue was not appropriate as some people could not travel long distances and the government did not provide adequate transport to ferry many people to designated venues.

3. Reliance on volunteers: Due to lack of finance, governments rely on volunteers to support rural activities. This is a temporary solution as eventually they need money to carry out all the necessary activities demanded by their community organizations. While volunteers may not have been used, respondents alleged that the stance adopted by the Committee of grouping the districts together was as ineffective as using volunteers because in the end of it all there was no genuine public participation.

4. Lack of access to information: Although communities may desire to learn about and access information about government programmes and services, that are understandable, concise and timely, lack of telecommunication services and electrification creates lack of access to information (Rural Dialogue, 2000). This is true for Lesotho as it was stated earlier in the study area that telephone service is limited in and around Maseru, and remote areas still await electrification. Since all forms of media rely on air waves and electricity, it is possible that the majority of Lesotho citizens did not have access to information about the Bill.

5. Absence of rural representation and certain community groups in the decision-making process. While the urban representation may be the elite, the rural representation is usually composed of people with lower socio-economic status. As stated by the Lesotho Disaster Management Authority (2008), 76% of Lesotho's population of 1.8 million lives in rural areas with 40% of them living in ultra-poverty. Two senators cried foul about the consultative meetings as they alleged that these were very minimal in their districts because they were

completely rural and the roads were not good, making accessibility to some venues virtually impossible. This meant that when the Committee finally got to the venue the meetings were rushed so that they could travel back to the city before dark.

6. Relationship between government and rural communities: Some rural communities have strained relationships with the governments as they allege that the government imposes policies and programmes without consideration of the issues that negatively affect them. It emerged in the current study that the parliamentarian from the opposition party noted that even though hearings and gatherings were conducted with all people regardless of their political affiliations, they all spoke strongly against the Bill and therefore called for its rejection in totality. From almost all the communities where consultations were held people argued that the economic problems that the Bill proposed to redress could be redressed through other national policies and not through the one proposed by the Bill.

7. Time and policy timeline restrictions: Although government may have been considering a policy change for a long period of time, the public consultation process may be relatively short and not allow community-based organizations the time to research and properly prepare to effectively participate. Respondents stated that the time allocated to the Committee for public participation on the Bill was too limited and therefore limited public participation. Two opposition members of parliament also argued that public hearings conducted in the two

radio programmes on the controversial Land Bill 2009 were inadequate and ineffective. This indicates that the Bill was not given enough timeline for people to synthesize the information about it and understand its implication to their lives.

8. Community participation can also be affected by contextual factors such as limited level of education, the willingness of decision makers to involve the people and the lack of clarity of the Bill to the people. This suggests that some communities are poor candidates for community-participation initiatives, and measurable outcomes may be better achieved through other decision making methods.

When looking at the issue of citizen involvement, the study found it hard to leave the issue of empowerment as they go hand in hand. Empowerment can be viewed as a process that makes power available to the powerless, so that it can be used for manipulation of access and the use of resources to achieve certain development goals (Max-Neef, 1991). Regarding the question whether the government is empowering its citizens, most of the respondents had no idea what empowerment is. A response from one of the respondents who is a professional was that "Personally I know what empowerment is but I have not seen our government making an effort in empowering its citizens." Members of the legislature were however reluctant to answer this question. Although one senator attested that while the government is making efforts to empower people, the hash economic status of the majority of people makes them cynical of

government efforts, preferring to be given jobs or food. Nonetheless leaving all the decision making to the hands of the parliamentarians is not a good idea.

Providing opportunities to ordinary citizens to be involved and engaged in influencing crucial issues is a means of empowering people. A good empowerment strategy is one that reaches out and beyond regular political activities in which voices of all people regardless of colour, creed or political affiliation are engaged in decision making. Applegate (1998, 923) explains that citizen advisory boards should allow an "opportunity to meet face to face with and personally persuade decision makers", and others advocate participation as a way of teaching otherwise powerless citizens to interact with other groups in society, gaining legitimacy as political players (Fox 1996; Valadez 2001).

Empowerment is given to people through participation and it enables people to develop skills and abilities to become more self-reliant, to make decisions and take actions essential to their development. Through empowerment, governments transfer the control over decision making and resources to stakeholders. However the results of this study display lack of empowerment of citizens, as there was inadequate deliberation on the Bill to make communities feel they know, understand and are part of the decisions taken. The government move not to empower people was contrary to Helling, Serrano and Warren (2005: iii) who state that, empowerment increases people's opportunities and capabilities to make an express choice into desired actions and outcomes. The

study found that the people of Lesotho were deprived of empowerment due lack of comprehensive consultation on the Land Bill 2009.

5.3.2 Consideration of community participation in policy formulation by the government

5.3.2.1 Views of the community

Respondents in this study felt that the government did not accommodate the suggestions and opinions of citizens when formulating the Land Bill. One respondent stated that "In Lesotho, the government always promulgates Bills by themselves without inviting opinions from its citizens. The community's needs, demands and rights are never considered. This Land Bill was supposed to have accommodated all community's rights. In this regard, it seems as if the Bill was promulgated to prejudice the community."

While the majority stated that the government does not consider their participation, there was a view that the government of Lesotho does consider its citizens to participate in formulating policies. One respondent confirmed that in the formulation of this Bill, the government called for a referendum which was an open forum for all Basotho to give their opinions through media particularly radio, newspaper and television. Further that "Letona le ikarabellang le maparamente a ile a ea li-ea-le-moeng moo bamameli baneng ba buletsoe ho hlahisa maikutlo a bona ka molao ona oa mobu. Le likoranta li ile tsa phatlalatsa setsoantso sena sa molao oa mobu. Hona ke sesupo sa hore 'muso o ile oa tsotella sechaba popong ea molao ona (The responsible minister and parliament

members went to radio stations where listeners were allowed to say their views about this Land Bill. Even newspapers disseminated the information about this Land Bill. This shows that the government considered its community in the formulation of this Bill)."

5.3.2.2 Views of the ruling party

The ruling party raised the argument that the government does consider community participation in the formulation of policies. They stated that in the portfolio committee of the Land Bill where all parties were represented, consensus was reached that the Bill had to be passed. The parties together modified the Bill and in this regard, it was the responsibility of each member to report to the community on the Bill. Also the government stated that the community cannot claim that the government does not consider its participation whereas they were represented. The ruling party was strongly against the issue of politicizing things that are important to the entire community like the Land Bill just to please other people. They pointed out that they even went to different local radio stations to invite the views of the citizens about the Bill.

5.3.2.3 Views of the opposition

From the opposition's point of view, it was confirmed that there was a committee made up of all parties which dealt with the Land Bill. The committee went to different local radio stations to talk about the Bill and to invite the opinions of the citizens. They were also given space by local newspapers to inform the readers about the Bill. The problem was the limited time that the formulation of the Bill was given.

The opposition believes that the discussion should have been given at least six months to a year in order to have proper consultations of the community. For the opposition, this was one of the reasons that drove them to walk out of parliament as they believed that the community was never given enough time for participation.

The parliamentarian from the opposition party noted that even though hearings and gatherings were conducted with all people regardless of their political affiliations, they all spoke strongly against the Bill and called for its rejection in totality. From almost all the communities where consultations were held, people argued that the economic problems that the Bill proposed to redress could be addressed through other national policies and not the one proposed by the Bill.

5.3.2.4 Data analysis

Community participation can contribute to the creation of a more informed policy which provides a normative justification for governance and foster social, psychological and political empowerment (Toddi et al, 1997). Therefore, it is good for the government to let the community participate in the formulation of policies that are meant to develop the society.

As indicated in the literature chapter, public policy studies (McKean, 1965, pp. 496-505; Haveman, 1976, pp. 235-250) suggest that optimal outcome in policy formation is achievable when all actors involved are fully equipped with relevant knowledge and are willing to negotiate and build consensus on policy choices that offer the ultimate means

of maximizing individual and societal welfare. Where participatory policy-making has brought neglected stakeholder groups to the table or at least given them a voice according to Veit and Wolfire (1998), the process can help empower these groups to stand up for their rights and make their concerns known. In this study, the Land Bill 2009 is viewed as public property because it affects everybody who lives in Lesotho.

The government of Lesotho used the top-down or elite model, as mostly technocrats participated on behalf of the citizens in policy formulation and decision-making. Therefore the ethos of participatory development that aims to incorporate the previously ignored voices and ideas into full decision-making so as to improve their wellbeing was not utilised.

5.3.3 The necessity of the government communication with citizens on formulation and implementation of policies

5.3.3.1 Views of the community

Respondents stated that according to the procedure before the Bill gets drafted, there should be proper consultation of stakeholders where the community is involved. There has to be a policy before any law can be drafted or amended and this policy has to be approved by Cabinet after consultations with relevant stakeholders. In the process of enacting legislation, there is a provision that consultations should be conducted with people who will be affected by the proposed law so that the people who have a stake in the law can make inputs and be aware of the developments that are taking place. In this regard, it has to be shown that adequate consultations have to be undertaken before

the Bill can be drafted. With regards to the Land Bill, the proper procedure was not followed to allow community participation.

5.3.3.2 Views of the ruling party

On the question whether it is necessary for the government to communicate the formulation and implementation of policies to citizens, it was stated that Lesotho is a democratic country which respects its citizens. It was also emphasised that there is a time when the parliament breaks and gives members time to communicate with the community on policies that are discussed in parliament. This is usually done to get the views and opinions of the citizens which mostly add value to the discussion. Therefore, it is necessary for the government to communicate the formulation and implementation of Bills "as we know how important the citizens of Lesotho are to their government." They confirmed that people knew about the government's intention about the land issue although one member hastened to say "Yes people knew but I cannot confirm that they all understood its proper meaning". It was emphasised that the word was sent around telling people about the land Bill.

Further inquiry on the contents of the Bill revealed that the Land Bill 2009 proposed the consolidation of the Land Act 1979 amendments and related laws whose aim was the introduction of land administration and land tenure security with the view to promote efficiency in land services. It was meant to enhance use of land as an economic asset in Lesotho.

Some members of the legislature from the ruling party disputed that the government wanted to give land to the foreigners. They explained that where people had excess of land that they have not developed, that land will be taken and given to those who will develop it for commercial purposes.

5.3.3.3 Views of the opposition

From the view of the opposition, the citizens are the basis where the building consensus for legislation comes from. The dissemination of information to the citizens about the Bill was limited even though members of the legislature were given time to go to various local radio stations and local newspapers. The visit to the radio stations was allocated a week in which it happened only once.

It was also argued that policy documents in Lesotho are mostly drafted in a technical legal language and that this prevents proper understanding except for the well educated few. That lack of understanding may be an advantage to government authorities who wish to ensure that policy implementation is not unduly delayed, since the participation can be limited to inputs from the educated minorities. Furthermore, consultation was done at the level of central government rather than the affected communities themselves. This can be proven by the walk-out of opposition members from the parliament which took place during the discussion.

The opposition members refuted that people knew about the Bill as one lamented that "In my deep rural constituency most people don't have access to media so when

invitations were sent out for people to attend consultative meetings most of them did not attend". Another senator commented that "The only time when people were invited, the weather was so bad that only a few people attended and those few were the elite people". Sentiments passed by the opposition confirmed that there was little time to develop effective cross-sectorial linkages in the discussion of this Bill in Lesotho.

5.3.3.4 Data analysis

Around the world today, debates on policy development are placing more emphasis on good governance and democratic institutions. Good democratic governance should be fully accountable to people and provides opportunities to all the citizens through effective participation of citizens in discussing Bills that affect their lives.

Local citizens in a democratic society have to ensure that formulation of policies and implementation of those policies where their decisions are appreciated are successful. Growing evidence shows that most land policy decisions are made by local individuals such as famers, pastoralists, and brick makers among others, but not by policy makers and planners (Enemark, 2005). Brazil and Mozambique in the case studies provided in chapter 2 are examples of countries where this has happened.

Therefore, Lesotho citizens should have been included in decision-making so as to ensure the successful policy formulation and implementation of Lesotho Land Bill 2009. Hurni (2000) highlights that technology, culture, politics and economics also have an influence on decisions made by land users and all these determine the behaviour of

local citizens. In this sense, the formulation of the Land Bill 2009 should have included the cultural understanding of the citizens as well as their political and economical factors. Cultural understanding entails the creation of an environment that enables people to realise their full potential and to feel positive in creating life that reflects their everyday life. It also promotes the cultural wellbeing of the area which reflects the geographical identity, local history and the character of the area. Political factors on the other hand entail disagreement of the policy by the opposition which leads to civil wars if all the parties do not reach mutual understanding. The economical factors may lead to a situation where investors will not invest into the country, where production, distribution and consumption of goods and services are affected.

In his recommendations to how policies should be formulated in a democratic society, de Leon (1997) states that democracy requires the affected citizens to be involved in policy formulation so that they advice the government in decision-making. He further states that participation among affected citizens fosters socialization among people. de Leon's main argument is that participatory policy analysis serves to advise the government in making decisions to revitalise social capital and to reduce mistrust in the government, thereby strengthening democracy. Having understood that Lesotho is a democratic country, the presence of local citizens is important in ensuring successful formulation of policies in the government.

The study found that the communities in the sampled population ineptly participated in the discussions on the Bill. The level of participation in these fora was more of

information dissemination where the communities were told to adopt predetermined policy plans. The government introduced a policy to the communities and implemented it prematurely before the civic society had actually conceptualised what the policy means to them.

The government used its own knowledge to push the bills into Acts of parliament at their discretion. When it comes to political decisions Lesotho communities are co-opted into endorsing the decisions made elsewhere. Respondents alleged that most of the debates on policies were done by the technocrats or in parliament. While arguments for enhanced communication participation often rest on the merits of the process and the belief that an engaged community is better than a passive citizenry (King, Feltey, & Susel 1998; Putnam 1995; Arnstein 1969), the results from this study were contrary.

The results of this study did not show that community participation in decision making exists in Lesotho as outlined by Chamber (1995) in the theory of Participatory development which seeks to understand the participation of the local community whereby stakeholders influence and share control over development issues and decisions that affect them. This was confirmed by one respondent who suggested that all decisions in Lesotho are made by the legislature. It may be difficult to tell the level of technical competence of parliamentarians to make wise decisions that cater for all citizens. The biographic data indicates that none of the interviewed parliament and senate members had tertiary education which paints a gloomy picture on their competency in decision making. This confirms Mphale and Rwambali's (no date)(

www.odi.org.uk/food-security-forum accessed December 9, 2011.) assertion which states that experience indicates that most of the policies and programmes end up being approved probably on the basis of solidarity and not necessarily on technical appropriateness.

5.4 Conclusion

The findings in this chapter indicated that there is more to ascertaining community participation in decision making at all stages in Lesotho than what took place with the Land Bill. The findings came up with other insights in the problem of community participation. These insights included differences in the conceptualisation of community participation between government and the communities and how community participation can be reinforced. Participants saw the challenge of community participation to be multifaceted as it involves a lot of politics, with each political party trying to undermine the other through the passing of the Land Bill 2009.

In summary, the findings of this study suggest that community participation and policy formulation are foreign acts in the rural Lesotho communities. At the centre of these stumbling blocks is the poor participation of the communities in decision making in planning and designing policies and programmes that are geared towards improving the livelihood of people. Based on these findings, the study came up with several conclusions and recommendations outlined in the closing chapter.

6   Chapter 6

Concluding annotations and Recommendations

6.1   Summary

The main focus of this study was to assess the challenges and implications of community participation in relation to policy formulation. The study was prompted by lack of participation by the community in the formulation of the Lesotho Land Bill 2009, the implications of which were the objective of the study. The concepts of community participation and policy formulation have been considered as a thorn in the throat by all necessary stakeholders.

This study revealed that community participation is a broad term which covers a number of different things as suggested by different stakeholders in the development discipline. The discussion of elite mass model and group model shed light on the intricacies of the policy formulation process such as in the case of the Lesotho Land Bill 2009. It was necessary to discuss the participatory development theory as it guided this study. The examples of Mozambique and Brazil were cited as case studies where participatory development in policy formulation was practiced and paid dividends to stakeholders; while in Zimbabwe some failures of not involving citizens in the land tenure were experienced and could not bear any fruitful change in developing the country and the community.

The study shed light on Lesotho's geographical, historical and economical background. It detailed aspects that make the research sites of valuable to the nation as strategic resource bases. Maseru, Leribe and Mohales' hoek are the districts where the study was carried.

This study used the qualitative approach which helped to provide more information and a more detailed examination on how the Lesotho Land Bill was communicated to the citizens. The study aspired to establish the role played by the Lesotho community in policy formulation regarding the Land Bill 2009 through an in-depth examination. Therefore, a case study design was adopted as it was best suited for this investigation. The focus was on three districts; Maseru, Mohale's hoek and Leribe.

From the findings, the community of Lesotho is skeptical regarding the government's motives and interventions, such as Lesotho Land Bill and MCC. Therefore, there is a general feeling that the government has connived with foreigners to alienate the community by adopting a restrictive policy such as this Bill.

The formulation of the Lesotho Land Bill 2009 which sparked a lot of controversy has created division among the citizens of Lesotho. The citizens feel that they were left out of the policy formulation process. In general, civil society in Lesotho has very seldom been consulted. The study found that the government did not consult widely on the Bill before it was enacted into an Act of parliament. This issue of public participation is very crucial more so as it was expected to bring about real change in the lives of Basotho

people. The government needed to make sure that all relevant stakeholders participate in the policy formulation.

The study found that while members of the ruling party in the legislature claimed that there was community participation in the formulation of the Bill 2009, citizens claim they were marginalized. The methods of grouping the districts to one venue and giving two live talk shows were inadequate interventions to address the issues raised in the Bill. The other challenge faced was the terminology and language used; which was too abstract for the rural folk to understand.

The study found that the government used a top-down approach in the formulation of the Bill. The Committee responsible for consultations with communities was informing the people, but did not fully explain the implications of the Bill to them. Since the Bill aimed at developing the land for commercial use, those affected had to be told how the government would compensate them.

This study revealed that, basically, civil society knew what the term community participation meant and that they should have been involved in the discussion of the Bill and that their views and opinions should have been taken into consideration. However, evidence from the study indicates that the consultations fell short of reaching the relevant stakeholders in the country.

From the findings of this study, the community of Lesotho is cynical about the government's motives and interventions rushing to pass the land Bill. Suspicions are that there are some ministers who were bribed to accept the MCC offer even though they are the most powerful funders.

Above and beyond the summary and findings raised above, sound recommendations for future development of community participation in policy formulation in Lesotho can be deduced from these findings. These recommendations and lessons will contribute towards shaping the community of Lesotho to participate in the formulation of policies and how the government can involve its citizens in the formulation process.

6.2   Recommendations

Having discussed the findings of this study, the following recommendations to the government, nongovernmental organisations, donor agencies and development practitioners in Lesotho are proposed. The critical issue is that through this study the government can maximize opportunities for active community participation in decision making of the formulation of policies.

6.2.1   Community participation

Based on the findings of this study, the level of community participation in the formulation of the Land Bill 2009 was at an informing stage. This was against the theory of participatory development which rejects top-downing of normal development but giving priority to grassroots civil society (Mohan & Stoke, 2000). This allows

developmental goals to be seen as well as giving the community self-determination that is needed. Given that the state was the main impediment to participation, much of participatory development is organized through civil society (Hyden, 1997). The important principle of participatory development is the incorporation of local people's knowledge into programme planning (Chambers, 1997). The supposition is that the articulation of people's knowledge can transform the bureaucratic top-down planning system.

On the same understanding, Theron (2005b: 117) states that community participation implies decentralisation of decision-making and entails self-mobilisation and public control of the development process. Furthermore, community participation often rests on the merits of the process and the belief that an engaged community is better than a passive citizenry (King, Feltey & Susel 1998; Putnam 1995; Arnstein 1969). Based on the thoughts of the above scholars, there is a need to establish links between the government and civil society stakeholders at local levels, as basis for participatory policy-making.

For the civil society to be willing to participate there is need for the government to involve citizens from the initial stage of the policy. Discussions should take place and in the process, the stakeholders should have a vision and their views should not be ignored.

6.2.2 Capacity Building

- Capacity building is the ability of the community to carry out its functions more effectively (Glickman & Servon, 2003: 240). On the other hand, Morss and Gow (1985: 135) regard capacity building as the ability to make informed decisions which attract and absorb resources and to manage resources in order to achieve objective in an effective way. The UNDP (1996) guidebook on participation suggests the following principles for capacity building through participation.

- The primacy of people: Whatever the purpose of goal or project, people's interest, needs and wishes must be allowed to underpin the key decisions and actions relating to the project.

- People's knowledge and skills must be seen as potentially positive contribution to the project.

- People's participation must empower disadvantaged groups, seeking to improve inequalities by providing a means by which members of disadvantaged groups can take part in decision-making.

- Autonomy as opposed to control: seek to invest as much responsibility as possible for the project with the local community and avoid having absolute control in the hands of project staff.

- Local actions as opposed to local responses: encouraging local people to make decisions tend to take action within the broad parameters of the project as opposed to merely responding passively to initiatives proposed by others. Promote local ownership of the project activities and outcome.

- Flexibility: allow for some spontaneity in project direction. Promoting people's participation will mean that as far as it is reasonably possible the project should be allowed to develop in accordance to the abilities of the local people to plan an increasing role and to begin to assume some responsibility (UNDP, 1996).

In the light of the above principles, policy dialogue should offer the opportunity for marginalized groups to participate in providing feedback to the decision-making process and to governance. Also that effective feedback is one that combines grassroots experience, relevant context, interpretation and reflection. Feedback from policy discussion makes sense if expressed and justified as a means of involving civil society in the decision making process. Consequently, there is need to provide capacity-building for the civil society to engage with the policy-making process. This would address information needs and programmes on understanding policy-making.

Therefore, this study recommends that continuous efforts be made to ensure Lesotho citizens acquire policy knowledge, and understand the foundation of democratic policy formulation.

6.2.3 Communication between the government of Lesotho and the local people

Community places of free spaces with an open public face which allows for the exchange of different perspectives and ideas can become the seed beds for democratic action within the community (Boyte, 1989). To learn the process of developing public policy, governments and other civil institutions need to create public places where citizens can come together to exchange thoughts and discuss issues (Civitas, 1991). This study found that the citizens of Lesotho were deprived of their right to be informed about the formulation of the Land Bill 2009. Therefore, citizens developed mistrust and misunderstanding of government policy initiatives. While the government may have had good intentions in adopting the Land Bill 2009, communication fell short of convincing the citizens of its importance. The study therefore recommends effective communication through all media available, using local languages and explaining concepts that may be abstract to the layman.

On the other hand, there are examples of successful traditional mechanism that this study recommends in order to encourage community participation in the formulation of Lesotho Land Bill. *Pitso* (public gathering) system is one mechanism that should have been used for community participation. The *Pitso* system is one of the simple and effective means where decisions can be reached and have the support of all members of the community. In this system, it is where conflicts are reduced through an open debate and decisions taken that are binding to all members of the community. Participation and decision making are not prejudiced. In rural areas women are a majority of the *de facto heads* of households and are able to make main decisions that

would be the prerogative of the men. This guarantees the effective implementation and monitoring of development activities because the process is carried out through the traditional institutional structures that are respected by the local community. Therefore, the decisions reached are respected by the entire community.

There is also need for the government to take legislation to the grassroots level in the process of policy formulation since the citizens are affected and have to implement the policy. This will also help community members to be involved in decision-making by adopting the bottom-up approach as opposed to the top-down approach where citizens are just told what to do. It is recommended that the parliament of this nature should meet at least once per session when there are serious issues that need the involvement of the citizens such as the Land Bill 2009.

Cornwall and Gaventa (2000) postulate that through decentralisation and devotion, many countries took some measures of bringing government closer to people and these have prompted shifts in approaches to service delivery that created space for citizen involvement in decision-making and service delivery. By excluding its citizens in decision making, Lesotho is moving away from its democratic stance. In order to bestow the right of people there is need for a healthy flow of information so that citizens can become responsible citizens.

6.2.4 Community involvement

A good policy is the one that participants agree on rather than what is best to solve the problem. Juma and Clarke (1995) describe this approach as one in which policy reforms are presented as reasoned arguments. They argue that policy is developed through debate between state and societal actors. If civil society is involved in decision making, it helps to achieve acceptance of the policy by the people. When people are involved in decision making they can claim ownership of the policy thereby increasing its sustainability. Furthermore Kothari (2001:139-140) claims that to acquire true knowledge as well as empowering participants through their involvement in a process; have led to overwhelming adoption of participatory techniques within development policy and practice. Also that participation in development is broadly understood as active involvement of people in making decisions about the implementation of processes, programmes and projects. Therefore, the study recommends that the government involves the ordinary stakeholders in the decision making mechanisms.

6.2.5 Empowerment

Empowerment is a process through which people shape their lives and the kind of society in which they live and can be experienced on an individual level or in terms of households, local groups or a larger entity. In the same understanding, empowerment is the ability of an individual or group to exert power over institutions, people or resources (Parpart et al., 2002). In this understanding, marginalised population's actual and perceived ability to participate is controlled by dominant groups who determine when, where and how these marginalised populations can participate.

While the concept of policy making may be seen as complex, it can be simplified for the benefit of empowering the citizens. Empowered citizens are in a position of actively participating in policy formulation and make informed decisions. This study recommends that key people in the government like the members of the legislature, the local government administrators and all political figures should educate the ordinary people about policy formulation.

6.2.6 Community education about Land Bill 2009

According to Okafor (1984), education is defined as a process of acculturation through which the individual is helped to attain the development of all his potentialities and their maximum activation when necessary, according to right reason and thereby achieve his perfect self-fulfillment. Furthermore, The Nigerian National Policy on Education (1981: 6) indicates that education is the greatest investment that the nation can make for the quick development of its economic, political, sociological and human resource.

Recognising education as an instrument of excellence for effecting national development and as an instrument of dynamic change, it should also propose for full improvement of the citizens as well as the country. Having understood the basics of education, the study found that people were not taught about the pros and cons of the Land Bill 2009. However, land outsourcing affects the livelihoods of the citizens, their food production and other developments already done on the land. Therefore, there is need for collecting much evidence on the impact of outsourcing land which is entailed in the Land Bill 2009 and teach the community about it.

The study recommends that people should be taught about the land tenure that existed in Lesotho before the introduction of the foreign crafted land Bill. Experience shows that international agencies push the government into introducing projects and policies with strings attached. This calls for governments to thoroughly examine such policies in order to establish how the citizens will be negatively or positively affected before enacting them.

6.2.7 Further research

From the findings at hand, the study revealed that there is much unrecorded information about community engagement on issues concerning their own development. Therefore, the study recommends that further research be done extensively on community engagement in policy formulation in Lesotho.

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Appendices

Appendix 1: Questionnaire for General respondents
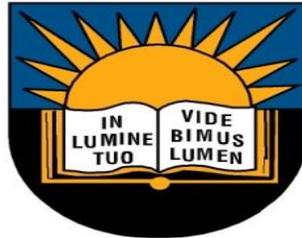
Department of Development Studies

I am Teboho Edward Modia, a Master of Social Science student at the University of Fort Hare in the department of Development Studies. I am engaged in this study which seeks to assess the challenges and implications of community participation and policy formulation in relation to Lesotho Land Bill 2009. This research is purely academic and any information provided herein will not be used against the respondents. Therefore, confidentiality of your responses is hereby pledged. Your corporation and participation in this study is greatly appreciated. Please ensure that you honestly answer all questions in section A and B. Tick in the box provided and also write in the space provided where there is room to commend.

Questionnaire for General People

Section A

Personal information

1. SEX**:** Male ☐ Female ☐

2. AGE**:** 15-19 ☐ 20-24 ☐ 25-34 ☐ 35 and above ☐

3. MARITAL STATUS**:** Single ☐ Married ☐ Divorced ☐ Widowed ☐

4. LEVEL OF EDUCATION **:** Certificate ☐ Diploma ☐ Bachelors 'Degree ☐
Honours ☐ Masters ☐ PhD ☐

5. LANGUAGE**:** Sesotho ☐ IsiXhosa ☐ English ☐

If other, specify…………………………………………………………………………..
………………………………………………………………………………………….

6. What is your occupation? working ☐ Not working ☐ student ☐

7. If none of the above, specify
…………………..………………………………………………………………..........

SECTION B

8. There is this Land Bill 2009 which the government of Lesotho has introduced and
which has now turned into an Act. How were you involved during its discussion?
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9. What were the concerns that necessitated the Bill?
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10. Did the government consult widely on the intended land takeover?

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11. What were the reactions of the locals to the proposed land Bill on taking over unused land?

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12. Why were the Lesotho citizens unable to develop the land?

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13. How does the government consider the participation of the community in formulating and implementing of the Lesotho Bills?

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14. What ways of communication did the government use to convey messages about policy formulation to its citizens?

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15. How do you think the local citizens can play an important part in ensuring successful formulation and implementation of policies in Lesotho?

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16. Do you think is necessary for the government to include its citizens in formulating and implementing policies? State the reasons for your answer.

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17. What have been the consequences of the Land Bill after it was gazetted?

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18. Who were the interested parties for pushing the Bill?

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19. What were the pushing factors for formulating the Bill?

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20. Were the citizens aware of the Millennium Challenge Corporation?

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21. Is there anything you can say about the Lesotho Land Bill 2009 which is not included in the questions asked?

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THANK YOU FOR TAKING YOUR TIME TO RESPOND TO THESE QUESTIONS

Appendix 2: Questionnaire for parliamentarians and senators

University of Fort Hare
Together in Excellence

Department of Development Studies

I am Teboho Edward Modia, a Master of Social Science Student at the University of Fort Hare in the department of Development Studies. I am assessing the challenges and implications of community participation and policy formulation in relation to Lesotho Land Bill 2009. This research is purely academic and any information provided herein will not be used against the respondents. Therefore, confidentiality of your responses is hereby pledged. Your corporation and participation in this study is greatly appreciated. Please ensure that you honestly answer all questions.

Questions to Parliamentarians and Senators

1. There is this Land Bill 2009 which the government has introduced and which has now turned into an Act. How familiar are you with it?
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2. How did its formulation involve the citizens?

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3. What were the concerns that necessitated the Land Bill 2009?

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4. How was the Land Bill communicated to the citizens and other stakeholders?

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5. Who were the interested parties for pushing the Bill?

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6. What were the pushing factors for making this Bill?

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7. Were the citizens aware of the Millennium Challenge Corporation?

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8. What were the problems associated with the involvement of the community in the formulation of 2009 Land Bill?

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9. How did the Parliament/ Senate address problems to its citizens regarding the formulation and implementation of the Land Bill 2009?

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10. What have been the consequences of the Land Bill after it was gazetted?

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11. How can the policy administrative structure facilitate the participation of the community in policy formulation?

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12. How is the knowledge of the local community significant in the formulation of Bills in Lesotho?

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13. State whether the constitution of Lesotho allows the participation of its citizens in the formulation of policies?

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14. What is your comment concerning community participation in regard to policy formulation in the government?
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15. Is there anything you can say about community participation in relation to Lesotho Land Bill 2009 which has not been discussed from the questions asked?

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THANK YOU FOR TAKING YOUR TIME TO RESPOND TO THESE QUESTIONS

Appendix 3: Permission letters to conduct research
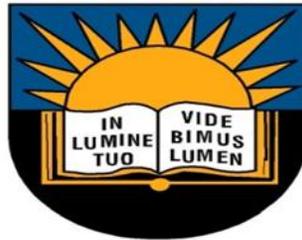
University of Fort Hare
Together in Excellence

Lesotho Mounted Police Service

P.O.Box 2

Mafeteng 900

Cell- +266 63031856/ +27739326069

E-mail: modiaet@yahoo.com

17th March 2011

Clerk of the National Assembly

Parliament Building

P. O. Box 190

Linare Road

Maseru 100

Dear Madam

Permission to conduct Research

I am a Master of Social Science Student in the Department of Development Studies under the Faculty of Management and Commerce at the University of Fort Hare (Student Number: 200602904).

I am currently engaged in a research where I am assessing the **Challenges and Implications of Community Participation in Policy Formulation**. In this study, my case study is the **Lesotho Land Bill 2009** which has now turned into law (**Land Act 2010**). Actually, I am not assessing the Bill itself but community participation. For this research to be successfully conducted, I therefore need access to legislators from the National Assembly and the house of Senators.

This is purely an academic research and the information obtained shall only be used for academic purposes where confidentiality will be strictly observed. Your attention in this manner is therefore requested with all respect.

This study is thought to produce findings that will be helpful to academics and other professionals in the discipline of development studies. I therefore ask for your permission to carry on with this study. Attached hereunder is the letter from my supervisor. Thank you.

Yours Sincerely

Teboho Edward Modia (Mr.)

University of Fort Hare
Together in Excellence

Lesotho Mounted Police Service

P.O.Box 2

Mafeteng 900

Cell- +266 63031856/ +27739326069

E-mail: modiaet@yahoo.com

22nd March 2011

Clerk of the House of Senators

Parliament Building

P. O. Box 190

Linare Road

Maseru 100

Dear Sir or Madam

Permission to conduct Research

I am a Master of Social Science Student in the Department of Development Studies under the Faculty of Management and Commerce at the University of Fort Hare (Student Number: 200602904).

I am currently engaged in a research where I am assessing the **Challenges and Implications of Community Participation in Policy Formulation**. In this study, my case study is the **Lesotho Land Bill**

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2009 which has now turned into law (**Land Act 2010**). Actually, I am not assessing the Bill itself but community participation and I am also aware that the major role of the house is to examine and review draft legislations or Bills that are passed by the National Assembly. For this research to be successfully conducted, I therefore need access to legislators from the National assembly and the house of Senators.

This is purely an academic research and the information obtained shall only be used for academic purposes where confidentiality will be strictly observed. Your attention in this manner is therefore requested with all respect.

This study is thought to produce findings that will be helpful to academics and other professionals in the discipline of development studies. I therefore ask for your permission to carry on with this study. Attached hereunder is the letter from my supervisor. Thank you.

Yours Sincerely

Teboho Edward Modia (Mr.)

University of Fort Hare

DEVELOPMENT STUDIES DEPARTMENT

Alice (main) Campus:
Private Bag X 1314, Alice, 5700
Ground Floor, Henderson Hall , Alice, 5700
Tel: +27 (0) 40 602 2562 • Fax: +27 (0) 86 627 4870
Email: cmanyonta@ufh.ac.za / pmonyai@ufh.ac.za

University of Fort Hare
Together in Excellence

15 March 2010

The Clerk of the House of Senate
The national Assembly
Parliament building
Dinare Road
Maseru

Dear Sir/Madam

REQUEST FOR PERMISSION TO DO RESEARCH

This is to certify that Mr ET Modia is a registered student in the Department of Development Studies doing his Masters studies. He is doing field work as part of the requirements of the qualification and his area of interest is on policy and participatory development in Lesotho. His research work is under the title "An Assessment of the challenges and implications of community participation and policy formulation: A case study of the Lesotho Land Bill 2009".

As part of the method for data collection Mr Modia needs to have discussions with relevant people in your organisation that can assist with information regarding the issues of his research. He also would need access to your libraries and archives for documentation pertaining to the history and activities around policy issues and participation in Lesotho.
The research is purely for academic purposes and when the study has been completed a copy of the thesis can be made available to the organisation on request. Should you need any further clarification please do not hesitate to contact me on the details given above.

We are looking forward to your kind assistance.

RESPECTFULY

PB MONYAI (HOD)

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University of Fort Hare

DEVELOPMENT STUDIES DEPARTMENT

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University of Fort Hare
Together in Excellence

15 March 2010

The Clerk of the House of Senate
The national Assembly
Parliament building
Dinare Road
Maseru

Dear Sir/Madam

REQUEST FOR PERMISSION TO DO RESEARCH

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We are looking forward to your kind assistance.

RESPECTFULY

PB MONYAI (HOD)

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Ntate Modia,

I write to acknowledge receipt of your letter requesting for assistance in your academic research.

On behalf of the Clerk to the National Assembly, I hereby inform you that your request has been successful and approval is granted for you to go ahead with the consultations. I will be your contact person, and I will be responsible for assigning officers to assist you to access the information you require.

I wish you luck in the exercise.

Yours sincerely,

Libuseng Majoro
Deputy Clerk to the National Assembly
P. O. Box 190
Maseru

Tel +266 22325971
Mobile +266 58870715
email   ledithm@yahoo.co.uk

PARLIAMENT OF THE KINGDOM OF LESOTHO
SENATE

Telephone: (+266) 22315338/22311785
Fax: (+266) 22310023/22310220
Email: senate@ilesotho.com

P.O. Box 553
Maseru 100, Lesotho

Our Ref:...

Dated: ....

Your Ref:...

Dated: ....

11 October 2011

ATT. PB MONYAI

University of Fort Hare
Development Studies Department
Alice (Main) Campus
Private Bag X 1314, Alice, 5700

Dear Sir/Madam

Re: Request for permission to do Research

Please refer to the above-captioned subject-matter and your letter of 15 March 2010 in relation to the same.

It has been noted that, the mentioned research work underscores implications and challenges of public participation in policy formulation and enactment of laws in Lesotho. I humbly refer you to Senate Standing Order 69, the section which deals with "Public Participation". It is reproduced hereunder.

Standing Order 69, *Facilitation of Public Participation The Senate and its committees shall facilitate public participation in its legislative and other processes through implementing the following:*

a) *Observing the institutionalized days as provided in these Standing Orders;*
b) *Receiving and consideration of Petitions,*
c) *Conducting public hearings as and when necessary,*
d) *Educating the public on their role in parliament.*

Quite clearly, the issue pertaining to public participation in legislation is not a matter of discretion by certain authorities. It is a requirement of the law.

I write this letter to attest that Mr. E.T. Modia, your student in the Department of Development Studies pursuing his Masters studies, did get assistance as requested and had occasion to interview not less than six Senators, who are also Principal Chiefs and had access to our library and especially, verbatim record of proceedings of the discussions of the Land Bill 2009.

I further wish to undertake to assist with all other relevant material should need arise.

Kindly accept Sir/Madam, the assurances of our highest consideration.

Sincerely

'Mota Nkuatsana
Chief Research Officer

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Appendix 4: Consent form

CONSENT FORM

Research Topic: The assessment of the challenges and implications of community participation in the Lesotho Land Bill 2009.

Researcher: Mr. Teboho Edward Modia. E-mail: modiaet@yahoo.com/ 200602904@ufh.ac.za - Phone: +266-63031856/+27739326069

Supervisor: Mrs. P.B. Monyai. E-mail: pmonyai@ufh.ac.za Phone: +274060022100

I --- do hereby confirm that:

1) I have read the attached participation information sheet and fully understand the nature and purpose of the study and hence agree to take part in the study.

2) I understand that there will be no financial or material benefits to be gained from taking part in this study.

3) I understand that while information from this research may be published, I will not be identified, unless I consent to true identification; besides that my identity should remain confidential.

4) I understand that I am free to withdraw from the study at any time.

5) I understand that notes will be taken from my responses and will also make part of

the research report.

6) I understand that I have the right to access the feedback of the findings of the study.

7) I understand that the interview will take roughly 45 minutes to one hour.

Signature:

_____

Date: ------------/----------/----------------