**Land Governance in Lesotho**

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**Abstract**

This report presents the results of the scoping study on land governance in Lesotho. The report is structured around nine sections. Section 1 provides general background information on Lesotho, covering physiographic characteristics and system of government. Section 2 outlines the institutional framework for land governance and administration in Lesotho and notes, inter alia, that the institutional framework is beset by problems of policy overlaps and conflicts at both national and local levels, thereby resulting in extremely complicated land governance and administration processes.

Section 3 outlines the legal framework on land tenure. The two tenure regimes, namely, statutory and customary tenures are discussed and the security of tenure under each regime shown. The land registration process is also described in some detail, with a note that only about 2% of the land surface of Lesotho has been registered. The registered land parcels are significantly for non-agricultural uses. The rules of expropriation and the equity aspects of the two tenure regimes are also indicated. In particular, it is noted that although the national policy and legal frameworks have ensured equal access to land and property by women, at local levels, customary tenure and cultural practices that discriminate against women still exist. The section ends with highlights about the weakly developed land markets, which, it is noted, is partly due to incomplete land registration.

Section 4 of the report deals with dispute resolution procedures. In the main two procedures are noted. The first is mediation, which is meant to reduce the cost and time required for dispute resolution. The second is the court procedure, for which dedicated land courts have been established. Section 5 is about valuation and taxation, which apply only to areas that have been designated as ratable areas by the minister responsible for local government. Only three urban areas have to date been designated as such, with valuation and rating taking place in only one of the three urban areas. This is the Maseru municipality. However, even here only a small area (16%) of the municipality is ratable.

Section 6 deals with land use planning and control. The policy and legislative frameworks and processes for both urban and rural areas are outlined in some detail and weaknesses identified. Land use control and development permissions are also outlined. The main challenges are identified as weak institutional arrangement for planning; overly centralised planning processes and widespread non-compliance with planning and building regulations, including corruption. It is also acknowledges that climate change is yet to be integrated into plan-making processes and that the enforcement of environmental protection is extremely weak.

The management of public land is discussed in Section 7 of the report. Legal provisions for land acquisition and disposal of such are described. It is noted though that there is no known inventory of public land in Lesotho, including the various uses of such land. Section 8 is about land information systems and services. The types, reliability and transparency of existing data bases are outlined, including access to land information by the general public. The issue of the incomplete registration of the national land parcels is also noted.

The report ends by highlighting land governance challenges in eight key areas. These are: i) institutional and policy overlaps and conflicts; ii) poor enforcement of environmental protection; iii) lack of land use planning capacity; iv) incomplete land registration; v) deficient land markets; vi) lack of compensation policy; vii) access to land for women and; viii) management of urban sprawl.

**Key Words:** Lesotho, Governance, Tenure, Administration, Information