THE IMPACT OF CIVIL SOCIETY ON GOVERNANCE IN LESOTHO

by

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DECLARATION

I, Mphonyane Rakhare, declare that the Master Degree thesis for the Programme in Governance and Political Transformation at the University of the Free State, is my original and independent work that I have not previously submitted it for a qualification at another institution of higher education. I therefore declare that I am aware that the copyright is vested in the University of the Free State. I declare that all the royalties as regards to intellectual property that was established during the course of and/or in connection with the study at the University of the Free State will accrue to the University. I declare that I am also aware that the research may only be published with the Dean's approval.

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Mphonyane Rakhare
February 2019

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LIST OF ACRONYMS

ABC - All Basotho Convention

ACL - Anglican Church of Lesotho

AD – Alliance for Democrats

BAC - Basutoland African Congress

BCP - Basutoland Congress Party

BNP - Basotho National Party

CCL – Christian Council of Lesotho

DC - Democratic Congress

IEC **–** Independent Electoral Commission

LCD - Lesotho Congress for Democracy

LCA - Lesotho Communications Authority

LCN - Lesotho Council of Non-Governmental Organisations

LDF - Lesotho Defence Force

MEC - Movement for Economic Change

MISA - Media Institute of Southern Africa

MMP - Mixed-Member Proportional

MPs – Members of Parliament

LEC - Lesotho Evangelical Church

RCC - Roman Catholic Church

TRC - Transformation Resource Centre

UNDP - United Nations Development Programme

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CHAPTER ONE
Introduction

1.1 Motivation and background

This study investigates the impact of civil society on governance in Lesotho. The topic is crucial because it will explore the role and purpose of civil society and how they impact on the governance of Lesotho. Civil society is crucial to public policy and governance, and they have significant implications for the traditional role of administrators and the political elite (OECD, 2009; Government of Austria, 2011).

The strong point of civil society is that it has a positive influence on the state and citizens. Moreover, it is seen as an imperative agent for promoting good governance, such as transparency and openness, effectiveness, responsiveness, accountability, effectiveness and efficiency, equity and fairness, the rule of law, and participation (UNESCAP, 2007; Swiderska, Roe, Siegele & Grieg-gran, 2009; FAO, 2011).

According to Kakumba and Kuye (2008:66), the principle of good governance is based on the needs of the citizens, which include economic growth, political stability and poverty alleviation. Additionally, good governance entails democratisation, which is the process of capacity building and enabling citizen participation not only through voting but also in policy formulation and implementation (Global Village, 2010:3). Civil society's participation has been growing progressively and its success is linked to the transformation process from government to governance.

The notion of civil society, according to Edwards (2011b:3), is imperative because it provides and encourages citizens to be vocal and challenge the authority of the government. The concept of civil society has been in existence for the past hundred years, political scientists around the world have found it very difficult to come up with a specific definition for the term (Blair, 1997).

The term civil society is defined as follows by different authors: Corry, (2010) states that civil society can be defined "as the space between government and business and in mobilizing people to voluntarily pursue community and social goals".

Bratton (1994:2) defines civil society as a "sphere of social interaction between the household and the state, which manifests in norms of community cooperation, structures of voluntary association, and networks of public communication".
Civil society is further defined spatially as the political space between the household and the state (Costantinos, 2001:4). The meaning of civil society is elusive and sometimes foggy, owing to its diverse theoretical origins, disciplinary traditions, and political economy discourses (Obadare, 2014:475; Mati, 2014:215).

For the purpose of this research, civil society is defined as a distinctive, voluntary organisation within the community. Examples of civil society are non-governmental organisations, non-profit organisations, community-based organisations, trade unions, religious organisations, charitable organisations, and foundations (Thomson, 2004:26). In Lesotho, we find all the above-mentioned civil society types operating to contribute to the development of the country.

According to Ncube (2008:1), there must be a good relationship between the state and civil society for democracy to be exercised properly and to establish a stable democratic country. Hegel (1991:xviii) states that the correlation between the state and civil society is the same, even though the state is superior and civil society inferior.

According to Oche (2003:192), the main function of civil society is "to limit the state power and to oppose and resist the abuse of power".

Ebrahim (2010) and Wyngaard and Hendricks (2010a) articulate that civil society accounts to their donors who provide funds to beneficiaries, and to themselves in order to accomplish their mission and vision, and to their employees.

According to Ibrahim and Hulme (2010:6), civil society has increasingly become famous contributors to development in most parts of the world. Their contribution has largely been noted to be extremely valuable to the welfare of the citizens, more especially the less privileged members of society.

Civil society contributes to governance by being the voice of the voiceless members of society. The term governance is not a new phenomenon and can be traced back to 1990 when it gained recognition (Arnouts, 2010; Behagel, 2012). Some scholars state that the philosophy of governance involving new governing practices can be considered as a new technique of rule by which society is governed (Rhodes, 1996:652-653).

Governance describes and enhances assured relations between the state and civil society. Therefore, governance is about who decides what and how. It also encompasses policies, institutions, processes, and power, according to Swiderska *et al.* (2009). Moreover, governance is the partnership between the leaders of a country and citizens to plan and implement decisions. It ensures that the needed services are provided to the citizens. In this regard, good governance requires the participation of both the state and civil society in order for it to be realised and further promote the well-being of the citizens (Kakumba & Kuye, 2008:632).

Eregha (2007:207) states that good governance is democratic and involves all democratic principles. Governance consists of planning, organising, leading and control. Planning and organising are where decisions about governance are made. Leading is another component of governance – where decisions of government are implemented. Controlling is where government officials will be accountable to the users of the services and products (UNESCAP, 2013). Civil societies promote good governance through

participation, consultation, and transparency and openness. Good governance can have a positive impact on how public entities conduct their public interaction (Amundsen, 2010:71).

In Lesotho, civil society should strive to participate in governance where laws are made, in policy making, and in implementation by government ministries and departments. They can achieve this through lobbying and advocacy campaigns. Civil society's engagement in the governance process from grassroots level leads to democracy. Therefore, civil society in Lesotho must have the capacity to associate with citizens in their communities.

Almost every civil society organisation or institution in a country relies and depends on funding from international donors. In the African context, the inclusion of civil society is imperative because governance throughout the African continent experiences numerous problems (Owuye & Bissessar, 2012). In addition, too few effective institutional spaces have been created by governments to allow civil society to engage with and act on global development issues.

As said before, civil society's participation and engagement in the governance process leads to democracy. Therefore, democracy implies the government of the people, and serves to restrict and enforce control and checks over unlimited power (Keane, 2009).

Dahl (2005:189) states that democracy usually stresses the legitimising power of citizens and government of the people, by the people, for the people. The theory of 'polyarchal democracy' means that the power is vested in multiple people. The role of civil society or non-state actors is critical in counter-balancing the state, representing various groups of people, and voicing their needs and problems.

Democracy cannot exist if citizens and civil society are denied their right to participate in government decision making, policy making, and the implementations of those policies. According to Mokotjo (2015), the government of Lesotho should remember that the

"hallmark of a successful and stable democracy is the existence of powerful and liberally operating civil society".

Civil society makes governments accountable to the citizens. Therefore, good governance can be achieved only when civil society fulfils their role of mediating effectively and efficiently. Section 20 of the Constitution of Lesotho permits the right to participate in government, and Section 16 permits citizens the right to freedom of association respectively, (Lesotho, 1993:15).

According to Diamond (2008:5), African counties practiced multi-party democracy in the 1990s. As such, political parties competed in elections, and for this reason the transfer of power from one party to another became habitual. Lesotho witnessed this transfer of power after it gained independence in 1966 when the multi-party system was first practiced.

This research will put more emphasis on liberal democracy, which includes equality before the law, human rights, and electing a representative for each constituency. Liberal democracy is a misleading notion of electoral democracy, which encourages elections no matter what the circumstances. Liberal democracy, if it is to survive and thrive, is built on the mutual respect of citizens (Al-Amin, 2008:15).

Lesotho is a constitutional monarchy with a democratic parliamentary government (Rantso, 2001:3). In terms of governance matters, Lesotho has two houses of Parliament which are made up of the Senate and the National Assembly (Lesotho Year Book, 2008:11). Lesotho gained independence from Britain on 4 October 1966 where it became a constitutional monarchy. After Lesotho's independence, the King of Lesotho is the head of state and constitutional monarch in a parliamentary system and the Prime Minister is the head of government (Tlohang, 2009:6). According to Monyane (2009:14), Lesotho practiced monarch from the year 1822 until the present era but monarch lost the executive power when the country obtained independence in 1966.

The king's position as head of state is hereditary and office of the King is ceremonial. A king role in governance according to Section 87 subsection 1 to 2 is to appoint the Prime Minister with the advice of the Council of State who will be leader of all political parties and appoint members of the National Assembly of Lesotho, (Lesotho, 1993:22). The Prime Minister as head of government and head of executive is capacitated with the authority to to recommend judiciary impeachments and appointments to the King of Lesotho, (Bertelsmann Stiftung's Transformation Index BTI, 2018:11).

Although the pre-independence era was peaceful, the country was not prepared to take full responsibility upon independence to govern a stable country, (Makoa, 2004:80). In view of this fact, Lesotho has experienced and continues to experience political instability. Many civilians have lost their lives and even more have fled to South Africa as refugees (Haynes, 2001). Making an example of recent incidents, political instability in Lesotho made Prime Minister Thabane to flee to South Africa in 2014 for his safety because soldiers sought to kill him, (News 24, 2017; Lesotho Times, 30 August 2014). Army Commander Mahao was brutally killed due to political instability in Lesotho in July 2015 after his appointment of being commander of the Lesotho Defence Force by Thabane's administration. Political instability has caused major conflicts in the armed forces of Lesotho and military personnel were arrested, detained and tortured, (Bertelsmann Stiftung's Transformation Index (BTI), 2018:6).

Since independence in 1966, the country has held numerous elections in 1970, 199 8, 1993, 1998, 2002, 2007, 2012, and 2015 (Lesotho IEC, 2016). The political instability faced by Lesotho's government has led to another general election, which was held on 3 June 2017. Date for the election was confirmed by His Majesty King Letsie III (Africa News, 2017).

Lesotho politics encourages governance performance, but its governance measures are lower than other African countries. Lesotho general governance performance is fairly well and excels well the 'voice of accountability' and 'control of corruption' dimensions of governance, (Kaufmann, Kraay and Mastrizzi, 2008:33). Additionally, the political

instability and violence has had a negative impact on the development of governance in the country (SADC, 2015).The effectiveness of civil society is complicated as it cannot be measured because of its intangible goals. This is why civil society is also difficult to define. Public participation in the policy-making process in Lesotho is poor, therefore there is a need for a strong civil society that will ensure that they, as well as the citizens of Lesotho, participate in policy-making and law-making. Lesotho's Parliament has recognised various Portfolio Committees that are in the process of becoming effective.

1.2 Problem statement

The major function of civil society is to construct a bridge between the state and society. When problems arise, civil society mobilises society to approach government in a democratic fashion to limit state power so as to avoid an abuse of power. According to Drucker (2005), proper planning and organising is needed to overcome the restrictions that civil society experiences, so that the proper measures of control and evaluation can be exercised. Collins (2009) states that it is more complicated to operate civil society than a corporation, as the success of civil society cannot be measured.

Societal problems cannot be solved by the government alone but it has to interact with other actors, such as the private sector and civil society organisations. This interaction is essential because the quality of the problems that might arise could exceed the capacity of the state; hence, civil society can assist in ensuring that the problems are solved (De Weijer & Kilnes, 2012).

Studies relating to civil society show that many of these organisations and institutions, which depend on international funding, lack a real grassroots constituency due to discriminatory structures within the organisations. Civil society in Lesotho has to strive to participate in the formulation of public policies. According to a report by Innovations in Civic Participation, due to a number of economic and other socio-political factors, civil society in Lesotho is uncoordinated and works in isolation from the government (Ramsey, 2013).

A World Vision Report (2013:19) states that lack of engagement between civil society organisations and the government means that important ideas from the constituents that civil society represent are not raised because of their inability to present the issues in a manner that is creative and appealing. Moreover, the African Development Fund (2006:ii) also reported that civil society organisations, and the private sector in general in Lesotho, are weak and have inadequate capacity to engage government on its programmes and intentions.

The current government of Lesotho hinders participation and shared views, based on the community they represent; they also threaten the civil society organisations that voice their concerns.

According to the Lesotho Council of NGOs (2016), the government contributes to inequalities and is failing to implement poverty alleviation policies that will help in the development of the country. This can be well understood by looking at the following examples of bad policy decisions that were taken by the government of Lesotho during the 8th Parliament, where loans of Members of Parliament (MPs) were written-off. Decision of paying loans for Members of Parliament was taken by the government. Most MPs were pleased with this decision; only two objected, for ethical reasons, and paid back their loans. The two MPs said the money could be used to cater for the poor citizens of Lesotho, but other members saw an opportunity for their personal interests. The loans were between M500 000 and M600 000 per MP. Poverty is extremely high in Lesotho and more than 50% of citizens live below the national poverty line (Lesotho Council of NGOs, 2016:2).

Additionally, the government of Lesotho allowed a non-Lesotho company, Bidvest Car Rental to provide and administer the government fleet. This despite there being Basotho companies that were able to provide the same service to the government. Civil societies in Lesotho tried to explain to the government that this was not benefitting the country's citizens, but they were ignored, (Lesotho Council of NGOs, 2016:2).

The effective participation of civil society in governance depends on three key factors:

(i)   the existence of a legal framework that enables civil society's participation without political and legal restrictions;

(ii) the willingness of the state to engage constructively with civil society; and

(iii) the effective engagement of civil society in the fight against corruption (OECD, 2013).

Civil society does not function without challenges. It should be noted that in the Lesotho context, the fight against poverty alleviation, weak governance and political instability is a long-term one that needs effort from the government, the private sector and civil society. It is accepted by most development actors in Lesotho that civil society continues to play a significant role in poverty eradication strategies, and creating and sustaining development, democratic culture and values. Although there are still many challenges to overcome, civil society in Lesotho remains a sector that could address issues of development and governance (LCN Annual Report, 2012/2013).

Lesotho's civil society sector desires to contribute to policy making, but it encounters obstacles because consulting citizens is not a common practice in the country. Citizens are consulted only before the elections because politicians want to be elected. In Lesotho, civil societies have some disadvantages that hinder them to perform their abilities. Most civil society sector in Lesotho experiences a lack of resources, especially human resources. If people are not present to do the work, there will be no performance, and thus civil society is not heard. The main problem again arises when outstanding individuals do emerge within certain civil society organisations, the government and other institutions lure them away with the offer of better remuneration. Another disadvantage of civil society in Lesotho is that their programmes are not specialised, which makes them ineffective (Shale, 2011).

Moreover, civil society has been criticised for not practicing what they preach, namely, maintaining high standards of legitimacy, transparency and accountability. Additionally, civil society does not necessarily represent the views of citizens, but rather those of the organisations and their funders and this make them bias. It is also evident that civil society in developing countries is associated with certain political parties. This leads to confusion amongst citizens with regard to their neutrality and citizens may lose confidence in them (Naidoo, 2008:4).

Globally, civil society faces the challenge of legitimacy and accountability. These are imperative assets because the sector needs to be perceived as an independent voice (Steffek, 2010). Steffek (2010) is of the opinion that many civil society organisations hardly ever meet the citizens they represent and do not even consider themselves accountable to them. This is a huge problem that needs to be addressed promptly. Additionally, sources of financial support impact legitimacy of civil societies. Lesotho civil society operates in a constrained environment and that makes it weak and to have negative consequences for the country democratic transformation. According to Wyngaard (2013:1), civil society is troubled and faces a crisis, which makes it unable to meet its functions of being a social watchdog and delivering social services to needy citizens.

Instability creates a climate whereby both state and non-state actors end up devoting an enormous amount of energy and resources to either escalating or containing conflict situations. Consequently, economic development is sacrificed on the silver platter of political expediency. The root causes of instability are traced back to the extent to which general elections help escalate or de-escalate conflict (EISA, 2007:1).

Lesotho is regarded as a democratic country. Unfortunately, it is one of many African countries where democracy is riddled with the misuse of incumbency, political corruption, abuse of power, and embezzlement and electoral fraud, to name a few. Democracy fails in many African countries because of underdeveloped political organisations and feeble democratic structures (Adetula, 2011:13). The citizens of a

county must have skills and values that accord with democracy in order for democracy to endure and prosper.

According to the Lesotho Country Report (2016:15), Lesotho is experiencing governance challenges whereby democratic institutions, such as the legislative, the executive and the judiciary branch of government, are not functioning as well as they should. Therefore, politicians endeavour to influence the justice system in Lesotho. Additionally, the Office of the Ombudsman has not been active for many years – in fact, no reports have been published since 2010. The Office of Ombudsman faces the challenge of not addressing the grievances relating to human rights abuses and does not have enforcement power. It is high time that civil society in Lesotho fulfils it role of being a watchdog so as to ensure that the country is governed well by those who in power.

Governance in many developing countries for instance in Lesotho particularly, can be regarded as weak, and lacking in transparency and accountability. This is because only a few civil society organisations approach citizens who are in need, meaning most of the needs of citizens are ignored as they do not have a civil society sector who can advocate on their behalf to the government. Moreover, civil society is under pressure to obtain funds, and when they do receive funding, they spend a considerable amount on marketing their societies (USA, 2012).

Thus, the question arises: Why is the activism and advocacy by civil society not making a serious impact in Lesotho in terms of attracting citizens to influence government policies? Debatably, the greatest challenges for developing countries are widespread corruption, poor governance, and the weakening effects that ripple through all aspects of existence when such detractors are in play.

The results of the research questions will enable a conclusion to be drawn on the impact of civil society on governance in Lesotho. The following main research question will be taken into consideration for the purpose of this research: **To what extent does civil society impact on governance in Lesotho?** In order to do justice to this research question, the following sub-questions were developed:

1. What are the roles of civil society in governance?
2. What is the impact of civil society in democratic governance?
3. How is Lesotho viewed in terms of democracy?
4. What is the political participation climate in Lesotho?
5. What are the legislative frameworks in Lesotho in terms of civil society and governance?
6. Is Lesotho implementing participatory democracy?

1.3 Aims and objectives

The primary aim of this research is to assess the impact of civil society on governance in Lesotho in order to make a contribution to the development of the country. The research will endeavour to identify challenges that obstruct the participation of the state, citizens and civil society in Lesotho. The aim of this research is not only to add to the body of knowledge on the impact of civil society in Lesotho, but to also add to the existing literature on the role of civil society in general.

1.3.1 Research objectives

The study's objectives are as follows:

1. To evaluate the roles of civil society in the governance of Lesotho. To achieve this objective, the research will provide data on the impact of civil society and governance. Civil society organisations and societies have over the years been agents for the promotion of transparency, the rule of law, and accountability. They serve as the voice of the nation and allow people to be members voluntarily.

2. To investigate the relationship between civil society and democratic governance. The purpose of this objective is to critique civil society by examining who they represent, whose interests they pursue, and if they act according to their mission and vision. Civil society plays a vital role in democracy because it provides a link between the government and citizens by creating a platform for citizens' participation in decision-making processes. Both state and civil society plays an important role in promoting democracy and good governance. Civil society is seen as an instrument that enhances good governance and contributes to the development of the country. It plays a complementary role by engaging government to be more productive, effective and efficient (Parnini, 2006:189).

3. To investigate the political participation in Lesotho's democracy. The purpose of this objective is to examine the political environment in Lesotho's democratic governance. The primary roles of civil society in democratic governance include "advocacy, civic engagement, election monitoring, media watch, budget tracking, provision of socio-economic services, legislative advocacy, and the promotion of inter and intra ethnic peace" (Mercy, 2012).

4. To identify the legislative framework of Lesotho's civil society in governance. The purpose of this objective is to recognise legislation in Lesotho that deals with the rights to participate in government. The Constitution is the supreme law of Lesotho and other legislation must align with it.

1.4 Methodology

The research methodology is the manner in which the topic will be understood and how it will be conducted, as well as how data will be collected utilising different methods and techniques. The rationale of methodology in a research is to explain the methods that the researcher used and helps to provide detailed explanations of how the data will be collected and analysed (Silverman, 2006:275).

According to Fox and Bayat (2013:7), qualitative research clarifies the procedures, people and issues associated with them in a scientific manner. Qualitative methodology is exploratory and seeks to explain 'how' and 'why' a certain phenomenon operates as it does in a particular context.

This study will examine the impact of civil society on governance in Lesotho, utilising qualitative research and deductive logic. It will be based on evidence and facts from real life – not experiments. The argument will flow from general to more specific, so that it can be interpreted using the deductive method.

1.4.1 Methods of collecting qualitative data

In completing the research, the usage of both primary and secondary data is imperative. The researcher will make use of document analysis and reviews to collect data. The observation method will be used where necessary. These are imperative qualitative methods of collecting data and they will help the researcher to focus on the exclusive rationale of the study. The study data will rely on published and unpublished material, for example, journal articles, newspaper articles, magazine sources, thesis and dissertations. For the purpose of this research, the researcher will employ ethnography, which is "the study of social interactions, behaviours and perceptions that occur within groups, teams, organisations and communities" for data collection (Hesse-Bibber & Leavy, 2011:193).

1.4.2 Methods of qualitative data analysis

Data analysis is a thoughtful interpretation and explanation of the data collected. The main aim of analysing data is to obtain usable and useful information. The second aim may be to identify the conditions on which such differences are based (Frankfort-Nachmias & Nachmias, 2008). Qualitative data analysis can be defined as, "The process of bringing order, structure and meaning to the mass of data", according to De Vos, Strydom, Fouché and Delport (2011:397). The researcher will ensure that the data collection process is not biased; thus, the research will be analysed using the textual

method. In order to understand the phenomenon better, an ethnomethodological and phenomenological approach will be used.

1.5 Chapter outline

The research will consist of six chapters that will provide an in-depth understanding of how civil society impacts governance in Lesotho.

Chapter one provides the introduction to the study. It examines the background to the study, and provides the problem statement, the objectives of the study, the research questions, an overview of the research methodology, and the chapter outline.

Chapter two will provide detailed theory related to civil society and governance in Lesotho. Civil society organisations and societies worldwide are democratic agents who provide empowerment to the citizens, humanitarian services, political participation, human capital development and economic activities (Ikelegbe, 2013:2).

Chapter three will explore the roles of civil society and democracy in the governance of Lesotho, and explain the legislative framework of civil society. Civil society's roles, among others, are to be imperative agents in good democratic governance, which consists of accountability, transparency, rule of law, curtailment of human rights abuses, and capitalist exploitation. Civil society ensures that there is adequate constitutional provision and other legislation that promotes equity and the implementation of democracy in a country (Ikelegbe, 2013:3).

Chapter four will deal with the experiences of civil society in governance in Lesotho and provide examples that will illustrate the impact or effect of civil society. Civil society provides the proper channels for communication between citizens and the government.

Chapter five will present the summary, the summary of findings and the recommendations. This chapter will also evaluate how civil society has improved governance in Lesotho.

CHAPTER TWO

Theoretical framework of civil society and good governance

2.1 Introduction

The previous chapter stated what motivated the researcher to pursue this study. Moreover, the aims and objectives of the research were explored and the researcher asked the questions that were considered important for this study.

The objective of this chapter is to provide a theoretical framework and further explain the concepts that were identified in Chapter one, which were civil society and good governance. This chapter will offer an overview of applicable literature related to civil society as a democratic agent, and more emphasis will be put on civil society's roles, including it acting as an imperative agent in good democratic governance through accountability, transparency, rule of law, equity and strategic vision. The chapter will also evaluate the roles of civil society in the governance of Lesotho.

The chapter is divided into sections. The first section will look at the notion of civil society and its framework. The second section will discuss the notions of governance and good governance.

Civil society as a democratic agent has been studied with growing interest in recent years in all parts of the world. Modern democracy anticipates positive environments for the progression of political awareness and activism through the representation of civil society. It is imperative for civil society organisations to be more effective and efficient because they act as providers of interest between a state and its citizens. Civil society involvement has grown rapidly and progressively and its success can be related to the transformation process from government to governance. Civil society plays a vital role in providing leverage for citizens to work collectively and voluntarily to promote social values and civic goals that are beneficial to the whole society (Steffek, 2010:48). Civil

society works independently from government and acts as a watchdog of government actions. It is a pillar of the promotion of good governance.

According to Sahni and Vayunandan (2009:172), the notion of good governance is important – even in this era – because it is a mechanism that brings a better life to citizens at large. Good governance has been debated since 1980 and mentioned in reports by international organisations such as the World Bank, the International Monetary Fund, the Organisation for Economic Co-operation and Development (OECD) and the United Nations (UN). A state that is capable and exposed to good governance has many positive attributes, such as effectiveness, participation, transparency, and promotion of the rule of law. Good governance goes hand-in-hand with democratic governance. According to Gberevbie (2014:140), democratic governance relies on the values and norms of a country; therefore, there must be certain procedures that assist citizens to fully exercise their democratic rights, for example, to participate in elections to choose their own leaders.

Article 3(a) of the African Union Act encourages the promotion and implementation of democratic principles and their institutions, public participation, and good governance. Good governance and democracy were authorised by the African Union's New Partnership for Africa's Development (NEPAD) because it regards them as instruments that assist in the development of every country (Mbao & Komboni, 2008:52).

This chapter will explain the notion of 'civil society' in more detail, its definition, the evolution of civil society, as well as the roles of civil society the theories that were developed by philosophers regarding civil society. The critical overview of civil society will be addressed. The chapter will also provide the conceptual framework of governance and good governance with regards to its principles and challenges.

2.2 Civil society as a concept

In this section, in order to understand the roles, functions and contexts in which civil society operates, it is imperative to define the aspects that are connected to the term 'civil society'. Before exploring the various concepts of civil society in governance, it is essential to define the concept 'civil society'.

Imade (2007:11) is of the opinion that civil society comprises of social movements that are concerned with political party representatives and members of societies who are governed by rules so as to ensure that the state do not overuse or abuse its powers. According to Keane (1989:87), civil society is seen as a synonym for political association, whereby the members of an association are governed by laws that enable peaceful order and good governance. Additionally, Khilnani (2001:19) states that Locke views civil society as a legal political mandate where the citizens learn how they should conduct themselves in a civilised manner in their respective communities and countries.

Ikelegbe (2005:241-270) states that civil society enables citizens to participate in government by voicing their needs and becoming part of policy formulations. Moreover, Olateju (2012:310) argues that civil society is regarded as a mediator between the state and the citizens to ensure that the basic needs of the citizens are met.

Civil society is regarded as a public association that allows people with different values, ideas and different political party affiliations to come together for the common goal of ensuring that the government does not abuse its powers (Howell & Lind, 2010:20). Civil society consists of institutions, organisations and the people who voluntarily come together for common purposes and interests (Anheier, 2004:22). Civil society, in most cases, is regularly connected to a group of people who have the same reasoning and who form the society that they believe will help their country's development and, most importantly, the governance of that country (Edwards, 2009:1).

The notion of civil society has many roots and has been debated for centuries by scholars, theorists and philosophers. Despite this, there is still no agreement regarding what civil society is (Muukkonen, 2007:2). According to the Centre for Alternative Development Initiatives (CADI) (2004:17), although there is no agreement regarding the definition, authors and philosophers agree on one point that civil society "constitutes a dimension of society different from and sometimes even antagonistic to the state".

Braton (1994:52) additionally states that civil society is a multifaceted concept.

Various authors highlighted different scopes within the term "civil society" and for instance, Hegel, Marx and Engels focused on the material, while Ferguson and De Tocqueville focused on the organisation, and Gramsci and Harvel affirmed the ideology (Braton, 1994:52).

Civil society is not a new phenomenon and can be traced back to Locke (1689-1755), the first scholar to develop the notion. He argued that society creates order and gives the state legitimacy, and protects the rights and property of citizens against the state. Locke also said that the state was formed from the society and there must be peace maintained amongst the members of the society (Alqadhafi, 2007:203). Tocqueville, a French thinker, stated that civil society is related to democracy because citizens and local associations work and act together in daily affairs that concern them. He additionally asserted that connection of civil society can limit the power of the state and is an obstacle to political dictatorships (Paffenholz & Spurks, 2006:4). After Locke's opinion on the concept civil society, Smith (1977:23), an enlightenment thinker extended this notion by emphasising that a market economy is the basis for a civilised society.

Moreover, Hegel (1991) who was inspired by Scottish political economist states that civil society is a mediator between the state and the family or society. Marx, Engels and other 19th century thinkers used definitions for civil society that were similar to Hegel's definition. Furthermore, Hobbes claims that society uses the force to sustain the contact and Hume contends the self-interest of every citizen will influence the interest of

the whole society; this idea can be linked to utilitarianism, which calls for the maximisation of goodness in society (Storig, 2007:630).

Civil society in contemporary times is viewed as all types of societies that are independent from the state and that is formed to ensure that the state and the market are accountable and respond in time to the needs of the citizens (Ncube, 2010:66). Steyn (2008:115) additionally states that civil society is a leverage that empowers citizens to exercise their rights and to participate in government – not only through elections – but also in government decisions. Civil society has the extreme role of promoting good governance by controlling and limiting the government. It additionally has to protect and advocate for the citizens and monitor public activities (Lewis, 2002).

Civil society is a broad term that can be referred to as the non-governmental or non-profit sector (Teegen, Doh & Vachani, 2004:463). However, others like Brown, Khagram, Moore and Frumkin (2000:275) view civil society as an association of a state and market in which citizens are able to raise their concerns and act individually and collectively. According to Spurk (2010:3), civil society is argued about because it is used in various ways in the field of science and policy making, which leads to the absence of a common definition regarding the concept in current literature. A watchful civil society contributes to good governance in many ways, such as the providing civic education so that societies are aware of government activities and increasing the participation of citizens in the government's decision-making process (not only from polling) (Tasnim, 2012:161).

2.3 Role of civil society

Paffenholz and Spurks (2006:66) provide more clarity on the roles of civil society that are understood as imperative aspects of civil society in governance of any state:

2.3.1 Protection of citizens

The first role played by civil society is to act as a protector of citizens' rights and property. It is known that the state has an obligation to protect its citizens, but in the case of political instability and conflicts, civil society plays the major role of providing the citizens with protection (Paffenholz & Spurks, 2010:67). This is based on Locke's perception of an un-political sphere that protects the rights of citizens and their property against the state; in this manner the state is viewed as a hierarchic actor while civil society is regarded as a bridge for freedom and the participation of citizens (White, 1994:7). The protection, role in most cases, is done by outside civil society that functions as watchdogs and humanitarians. They provide support to local civil society through interaction and companionship, (Paffenholz & Spurks, 2006:27).

2.3.2 Monitoring and accountability

The second role is monitoring and evaluation, which is a pre-condition for the role of protection and can be closely linked to advocacy and public communication (Paffenholz & Spurks, 2006:28). Monitoring is a systematic process of collecting, analysing and using information to track progress and guide decisions (Gage & Dunn, 2009). According to Paffenholz and Spurks (2010:68), civil society that has the ability to monitor and hold a government accountable for its actions and conducts is fundamental in a democratic society.

2.3.3 Advocacy and public communication

According to Paffenholz and Spurks (2010:69), the third role of civil society is advocacy and public communication that involves lobbying, raising awareness about governance in government, and prioritising citizens' needs. Additionally, it is the manner in which civil society actors influence the public agenda by impacting positively on societal changes. This is called advocacy and public opinion. There are two types of advocacy: one is non-public and includes formal and informal communication that happens between civil society and political party leaders, and the other is public communication where civil society speaks in public and acts on behalf of the citizens, for example, mass mobilisation, media releases and other public statements. There is also an advocate who works as part of government and works on behalf of citizens to investigate their complaints. He/she is called the ombudsman (Paffenholz & Spurks, 2006:29).

2.3.4 Socialisation

The fourth role is socialisation, which views civil society as a means to accomplish democracy because people meet and discuss certain matters that concern their wellbeing. Socialisation helps citizens to follow democratic rules, and understand the opinions and thoughts of fellow citizens so as to come to a conclusion that is mutually agreed upon. An example is reconciliation initiatives and education to promote attitude change (Paffenholz & Spurks, 2006:30). Moreover, socialising helps civil society build communities by creating platforms for engagement and facilitating cohesion between various ethnic groups and communities (Paffenholz & Spurks, 2010:73).

2.3.5 Intermediation and facilitation between citizens and state

The fifth role of civil society in democracy discourse is the intermediation and facilitation between citizens and state. This provides a balance of power by empowering civil society and government institutions (Paffenholz & Spurks, 2010:73). Civil society plays

a mediation role between other civil society organisations, villages or districts, and local government with regard to how services should be delivered to the citizens.

2.3.6 Service delivery

The sixth role of civil society is that it has a mandate to ensure that services are delivered effectively and efficiently to the users of these services (Paffenholz & Spurks, 2010:74). McLennan (2009:21) states that service delivery is the provision of goods and services by the state or private organisations to the users who demand them. The White Paper on Transforming Public Service Delivery (1997:13-22) provides the principles of service delivery that every government and private institution must abide by to enhance the quality and accessibility of government services. The principles, according to the White Paper on Transforming Public Service Delivery (1997:15), are consulting the users of services; setting the service standards; increasing access; ensuring courtesy; providing more and better information; increasing openness and transparency; remedying mistakes and failures; and getting the best value for money.

2.4 Theories on civil society

A theory can be defined as a structured set of assumptions, as well as the concept, principles and relationships that help to explain a phenomenon (Leedy & Ormrod, 2013).

2.4.1 Liberal theory

Liberal theory was developed by Locke, who was a classical liberal. He opined that civil society cannot operate without a state. Locke was also of the opinion that it is only civil society that can make a bridge to cross by "providing equal and independent citizens with a legitimate political authority" that will help in the provision of partial judgment on conflicts (Dunn, 2001:53). According to Khilnani (2001:18-19), Locke saw civil society as a legal political direction whereby the citizens learn how to behave in a civilised manner in their community and ensures that the state delivers the best services to its communities.

The central element of Locke's vision of civil society is Christianity as it maintains that the community should view things in a similar manner as they share the same culture (Khilnani, 2001:19). Additionally, Locke declared that all people are equal before God – irrespective of gender, culture, race and political affiliation. In addition, no person must harm another in any way and they must trust one another because they are all stewards of the Most High God (Dunn, 2001:44). According to Khilnani (2001:19), Locke also stated that government was made up from the people and it represented different groups in their different political affiliations.

In later times, when Christianity was no longer sufficient to resolve community problems, some theorists of commercial society, such as Smith, came up with a new stance where civil society was seen as relations between the trade needs and the citizens who are free to associate themselves with anyone they sympathised with; this resulted in not viewing strangers as enemies (Khilnani, 2001:22). Another liberal theorist, Hall compares civil society to "an agrarian civilization", stressing that civil society is the collaboration between the state and its citizens (Hall, 1995:26-27).

Liberal theory stresses the importance of liberation and the rights of citizens, and that civil society is considered to be the space between the state and its citizens. The liberal theory further states that it is the role of the state to shape and frame civil society, and that the role of civil society is to ensure that the state is using its power appropriately and not abusing it (Khilnani, 2001:24).

2.4.2 Communitarian theory

Hegel was acknowledged as a communitarian who criticised the liberal approach of civil society by developing a substitute approach to civil society. He emphasised that civil society interaction with and between citizens is based on more than just self-interest because their collaboration with one another depends on solidarity and the way they choose to live in their community (Femia 2001:135). Hegel took this idea further by stating that an individual cannot achieve certain things without referring to others. This means that the people in a community need to depend on each other. For Hegel, civil

society was an arena in which individuals accomplished their well-being mutually. He added that civil society helped to unite the citizens so they had one common goal as a "universal family". Hegel also asserted that civil society consisted of different institutions which dealt with "social, religious, professional and frivolous life", and it should educate and represent a society's members (Kumar, 1993:379).

To Hegel, civil society's prominent feature is the relationship between itself and the state, and they complement one another. Hegel argued that the partnership between the state and civil society is not just to succeed in achieving their needs, as it was for the liberal founders, but the partnership is based on the need to identify a unified social life (Femia, 2001:134).

Hegel's view of civil society was developed from the works of other philosophers, such as Gramsci, who appealed to the Hegelian thoughts of the "political and cultural hegemony of social groups" and asserted that the state is a compilation of different political associations and different types of civil society. Gramsci's theory on civil society was developed because he wanted to answer the question regarding why capitalism did not fall, as Marx had predicted. The answer was that capitalism, according to Gramsci, is not regarded as an "ethics-free place" because the citizens might be biased based on factors such as class (Femia, 2001:139).

2.4.3 Classical theory

According to De Lue (2002:60), the first classical philosophers, namely Aristotle and Plato, defined 'civilized society' as a society that respects the human rights of citizens and where all citizens have joined the political affiliation that has good ethics and the principles required to transform the country. Aristotle and Plato were of the opinion that the state is the instrument that helps to accomplish the needs of the society. Civil society was perceived by classical researchers to be the political association that helps in governing the social battles that involves the government and its citizens, so that their wellbeing will be protected (Edwards, 2005:6). The classical thinkers' understanding

was based on the expectation that humans are rational by nature and communally have the ability to shape the culture of their society (De Lue, 2002:61).

2.3.4 Enlightenment theory

According to Kaviraj (2001:289), the true nature of the government in the classical period was grounded by the principle of humanism during the enlightenment period. The enlightenment theorists were famous for believing in the goodness of the equality that should be seen in all human beings and their minds, as they pity one another. These theorists of enlightenment critiqued the legitimacy of heredity-based political systems and they explored the powers and ethics of those political systems. They also assessed the relationship between the government and region because they believed that these two elements hindered the advancement of the wellbeing of the citizens. Both the political and religious systems were seen to be opposed to the citizens' freedom because they formed extreme civic structures (Kaviraj, 2001:289).

Kaviraj (2001:289) furthers states that Hobbes and Locke made a clear distinction between human law and natural law with regard to the extent that they challenged the social relations that existed in terms of human nature. The scholars of this era stressed that human nature could only be understood based on the conditions of natural law by the analysis of the objective realities. Both Hobbes and Locke considered civil society as a means through which citizens' lives could be maintained in terms of laws, and whereby the basic rights would be respected (including the democratic values). In the enlightenment era, the purpose was to understand the advantage of individuals' "social contract" within the governance of the state (Kaviraj, 2001:290).

2.3.5 Industrial or modern theory

The civil society language was transformed and advanced in the modern period because the philosophers of that time, such as Hegel, were galvanised by the new emerging 'market' society. Hegel's concept of civil society, according to Mamdani (1996:15), was grounded on modern liberal thoughts, which included the "patriarchal family" and the "universal state". For Hegel, civil society was an indication of a "civilised" society whereby accepted modern government was to distinguish human rights and ensure that the citizens obeyed the rules of the country, and nobody would be above the law.

Marx was another advocate of the industrial period and regarded civil society as a variety of relations rooted in the market bourgeoisie, of which social relations and advances in political society were the foundation. According to Marx, the government could not solve problems because it represented the interests of the leading class and the principles of the bourgeoisie socio-economic and political systems (Mamdani, 1996:16).

Gramsci did not regard civil society as the market and public opinion only; he characterised it as a combination of the state, the economy and the society, according to Sjögren (2001:30). Gramsci viewed civil society as the representative of public opinion, and culture and civil society's foundation was based on voluntary and free publicity. Additionally, Gramsci regarded civil society as an agent that could be used to protect the interests of the citizens against the government (Chambers, 2002:91).

2.4.6 Pluralist theory

According to Sjögren (2001:22), the pluralist theory emphasises the importance of polygonal and the role civil society plays in constructing a lively democratic society. The pluralist theory's main focus was to act as the mediator between the community and the government to ensure that all democratic rights and principles are maintained in the country. Pluralists believed that for a country to fully achieve democratisation, there

must be relations and links between civic society and political society. The pluralists interpreted the main roles of civil society as bringing about a peaceful and stable democratic country because they advocated for the protection of the democratic rights of citizens by the ruling government. The pluralists additionally contended that a vibrant civil society had the ability to act as a mediator in order to solve the conflict that could result in instability in a country (Sjögren, 2001:33).

2.4.7 Globalisation theory

The globalisation theory became famous in the mid-1990s as the notion of a global civil society became widespread and scholars familiarised themselves with this notion as they sought solutions for global challenges. The global advocates believed in common global issues such as HIV and AIDS, climate change, and other factors that affected all the countries in the world. These issues needed the commitment of civil society and citizens at large (Hyslop, 1999:4-5). According to Kefir (1998:17), global civil society shared the "gratitude of diversity, the promotion of shared leadership, and the cultivation of collective responsibilities" for the development of countries. Additionally, global civil society could be engaged in various activities because of its diverse nature. Its main focus is the protection of global citizens against the ruling political party, the military, and cultural and economic powers (Kasfir, 1998:20). Kasfir (1998:22) further states that global civil society has the capability to form local agreements that will develop local cultural liberty whereby the citizens can experiment and gain mutual understanding about governance in their country.

2.5 Critics of civil society

Marx criticised civil society's bourgeois character, arguing that it encouraged high-class domination in society. He added it should not be considered as an agent important for the development of a whole society (McCandless, 2011:7).

Paffenholz and Spurks (2006:25) emphasised the need to investigate the conditions and pitfalls that curtail civil society's ability to play a beneficial role. Civil society faces certain barriers that hinder its ability to perform its duties. The barriers are different from one organisation to another, but there are common problems with regards to administrative capacity, effectiveness, basic visibility and sustainability.

McCandless (2011:8) further states that many civil society organisations do not make administration their main priority because they focus on short-term activities rather than long-term strategies. Funding of civil society is imperative because a common government objective – improving the wellbeing of citizens – can be achieved with the assistance of civil society.

Communitarian theorists criticise the liberal theory regarding civil society, especially the individualism and universalism of liberals. According to communitarians, the liberal ideas of individualism were constructed on assumptions and not scientific evidence that proved that individuals were socialised in a specific community with a collective culture and language and they should be treated as members of the community rather than independent individuals (Cohen & Arato, 1995:9).

Liberals see civil society as an association that is autonomous from the state and in which the interests of the citizens are protected to ensure that the government does not abuse its powers. Liberals are often criticised for ignoring the economic dimension and the functions of civil society (Evers & Laville, 2004:15).

2.6 Conceptual framework: Governance and good governance

This section will focus on governance and good governance, and the two concepts will be defined. The principles of good governance will also be discussed.

2.6.1 Defining governance

Scientific theoretical definitions are common and the results are accepted as correct by scientific scholars (Patric, 2007:107). Governance, according to Fukunyana (2013:350), is the government's capacity to make and enforce the rules, and to provide services effectively and efficiently in a democratic government.   There is evidence from academic scholars and literature review that shows various definition of the term 'good governance', (United Nations Human Rights Commission (UNHRC), 2007:2).   The World Bank states that governance ensures that there is institutional competency in the public institutions that delivers services to the citizens of the country and the providers of services in an effective and efficient, transparent, impartial and accountable manner (Kerandi, 2008:3).

Governance is the practice in which authority is exercised by a country. It normally includes the capability that the government has to effectively and efficiently formulate and implement sound policies in the country, as well as in respect of the citizens (Anowar, 2010:29).

According to Adetiba and Rahim (2012:133), governance is the application of political, administrative and economic authority in the management of the affairs of a country. Political governance includes the decision-making process that helps in the formulation of the country's policies. Administrative governance is regarded as the system of policy implementation that promotes accountable and efficient public office bearers. Economic governance involves the decision-making process that will affect the country's economic activities (Adetiba & Rahim, 2012:133).

The notion good governance and governance do not have universal meanings and definitions, according to Kerandi (2008:2). The UN (2007:1) states that governance can be formal or informal provisions that regulate the decisions of the citizens and how public actions are carried out by government. Moreover, Bevir (2009:15) states that governance provides the mechanism and transformation of public sector reforms that

were made in the early 1980s and 1990s. According to Swiderska, Siegele and Grieg-gran (2009:1), governance is knowing who is in charge of the decision-making processes and what policies should be followed, the institutions that will implement the decisions, what processes must be followed, and who has the power to do so.

Geddes (2005: 23), states that even though the two concepts governance and good governance have been debated through centuries, they are 'social inclusion and partnership' the politics and policies of the governments. Having defined the concept 'governance' it will now be appropriate to define 'good governance'. This will help to understand more depth of the concept good governance.

2.6.2 Defining good governance

Good governance is not a new concept and it can be traced back to the 1980s .It is often related to public affairs and involves the decision-making process and its implementation strategy (Blatter, 2012:2). More recently, good governance has been linked to political science, public administration, especially development management. It is often used with concepts such as civil society, democracy, participation, and human rights. Good governance, according to Van Wyk (2008:35), is the effective and efficient supervision of public resources and assisting citizens with their needs.

The progression of good governance strengthens the legitimacy of government by making public administration more transparent. It is the mandate of any government to ensure that free and fair democracy exists so that the rule of law can be applied, and effective and efficient services can be provided to the users of services.

The term governance is used by political philosophers as a fundamental basis for the relationship that exists between government and citizens. Good governance motivates better service delivery, and enhances and strengthens accountability and enhance decision making (IFAC, 2013:2; Mutuhaba, 2012:25). Good governance was developed to reform the processes for improving the notion governance, and thus provide political and administrative reforms (Jordan, 2008: 480). Good governance was also developed

because of the practices of bad governance, such as a lack of respect for human rights, corruption, maladministration and unaccountable governments. Good governance also has various definitions and the research will look into different definitions.

Good governance principles, according to Lockwood (2010:759), assist in the monitoring and assessment of governance in the government.

Good governance is defined as governance with good resources that are allocated and managed effectively and correctly, and where the needs of citizens are prioritised according to what citizens want first (UN, 2006:4). Another definition, this one by the Organization for Economic Co-operation and Development (2006:4), states that good governance is the administration of government activities so that there is transparency with regard to the rule of law.

According to Naidoo (2012:32), good governance is defined as "a governance system which requires processes in decision-making and policy formulation for the public in order to be transparent and accountable". Good governance combines accountability, ethics and the manner in which government responds to the needs of the citizens (Mohamed Sayeed & Pillay, 2012:3).

Moreover, good governance is a value-driven practice that assists in the implementation of policies with regard to effective and efficient service delivery to the citizens (Dassah, 2013:733). According to OECD (2013:29), good governance can be achieved by participation, transparency, accountability and promotion of the rule of law.

Good governance and public administration cannot be used effectively if they are not well understood. Public administration reinforces the concept of good governance, which is made up of principles such as participatory governance, transparency, accountability, and the rule of law (Woods, 2000:824).

For the purpose of this research, good governance is participatory, that is, citizens participate in the decisions of government, which must be transparent by doing activities in a clear manner, be accountable for its actions to the citizens, and promote the rule of law (UNDP, 2009:2). Good governance is the foundation of modern government and it helps to designate the conditions and elements of governance within a government.

2.6.3 Principles of good governance

The principles of good governance were modernised by the World Bank's researchers, who identified the dimensions in which good governance can work, according to Kauffman, Kraay and Zoido-Lobaton (1999). Vyas-Doorgapersad and Can Aktan (2017) state that there are principles that mandate the government of every country to enable these providers of services to be more effective and transparent in doing so (Cheema & Rondinelli, 2007:7-8). Albritton and Bureekul (2009:6) emphasise that there must be certain principles for good governance to be established. Good governance principles are participation, accountability, the rule of law, transparency, equity, strategic vision, effectiveness and efficiency.

For the purpose of this research, the principles of good governance that will be explained are participation, the rule of law, transparency, accountability, equity and strategic vision.

2.6.3.1 Participation

Participation is a hallmark of good governance in which the state, civil society, stakeholders, and citizens in general are involved in the decision-making process (Vyas-Doorgapersad & Can Aktan, 2017:35). All citizens who are eligible to make decisions should have a voice in decision making. This can either be directly or through an intermediate institution, such as a civil society that will represent their interests.

There are certain conditions that need to be met for effective participation to take place, according to Reed (2008:9). Such conditions include genuine participation that commands "social involvement, personal security and freedom of speech". Citizen participation is a process that needs strong civil society, civic education and all the necessary channels of communication between the participants. State employees should report back to the community on at least a quarterly basis to provide feedback (Bryson & Carroll, 2008:2-3).

2.6.3.2 Accountability

Accountability is regarded as the stronghold of good governance in which the state has the mandate to answer to the citizens about the actions they take and why they make such decisions (Vyas-Doorgapersad & Can Aktan, 2017:36). Civil society must also be accountable to the citizens they represent. Every government institution should be responsible for its actions. Accountability can be achieved through being held to account and complying with certain actions or activities; giving account of the actions taken and talking account by being responsive and answerable for actions (Zadek & Radovich, 2006). Accountability in governance ensures there is no abuse of power by politicians (Schacter, 2000).

2.6.3.3 Rule of law

In the principle of the rule of law, the government and the citizens must know that the constitution is the supreme law and it must be respected by all (Vyas-Doorgapersad & Can Aktan, 2017:35). The legal framework must be fair and be enforced impartially, especially the laws regarding human rights. According to Johnston (2013:2), the citizens and the state obey the rules when good governance and the rule of law are implemented effectively because no one will be above the law and they will all be equal before the law. When the rule of law is enforced effectively and efficiently, anyone who violates the law will be punished (Johnston, 2013:2).

The rule of law, according to the UN, is the principle of good governance in which all citizens, government institutions, civil society, private institutions and the government are held accountable to the laws that are promulgated publicly, that must be equally enforced, and that must be aligned to international human rights standards and norms (United States Council for International Business, 2015:1). The constitution of every country provides the rule of law and needs to be respected as the supreme law by the government and citizens. The judiciary branch emphasises the rule of law and is independent from the legislature and executive branches. Both the state and its citizens must interpret the rule of law in the same manner as it must be very clear and understandable (United States Council for International Business, 2015:5).

2.6.3.4 Openness and transparency

Transparency and openness is another principle of good governance. It allows citizens to freely access information about the government so that they know who is responsible for what and why (Vyas-Doorgapersad & Can Aktan, 2017:35). The concept transparency has to do with the free flow of information. Information must be presented in such a way that it is understandable and this can be achieved by writing it in the country's official languages and be monitored.

The term transparency in simpler explanations means making what is invisible to be visible (Strathern, 2000:61). According to Park and Blenkinsopp, transparency is the open flow of information, (2011:259). Transparency and openness encourage good performance, assist in reducing corruption, and enhancing accountability, (Grimmerlikhijsen, 2012:52; Park & Blenkinsopp 2011:256). Roberts (2009:960), in addition states that openness and transparency work as regulatory mechanisms to reveal what was hidden. However, there are boundaries of openness and transparency, such as the "violation of privacy, revelation of sensitive information, and misinformation and propaganda" (Park & Blenkinsopp, 2011).

2.6.3.5 Equity

Equity is defined differently by various authors and scholars. Young (1994) states that equity deals with the allocation of resources, liberties, obligations and prospects concerning different societies. Additionally, Swiderska, Roe, Siegele, and Grieg-gran, (2009:23) argue that equity ensures that the rights of citizens and the state are maintained. According to Brown and Corbera (2003), there are three components of equity: equity in access deals with how people participate in government decisions; equity in decision making encompasses how the actors are included in the process of decision making, policy formulation and policy implementation; and equity in outcome involves the results of activities performed by the state and how citizens react and perceive those results.

2.6.3.6 Strategic vision

Strategic vision is another indicator of good governance. Leaders must be visionary, and have long-term plans and strategies regarding good governance and the development of both the state and citizens (Vyas-Doorgapersad & Can Aktan, 2017:35). Good governance must be planned carefully and managed effectively. The management of good governance entails a vision, goals and targets (UNSCAP, 2001:128). Hunger and Wheelen (2010:13) state that vision puts into words not only what the company is for, but what it wants to become .In the other words, it refers to management's strategic vision for the organisation's future.

2.7 Challenges and critiques of good governance

The literature review revealed that good governance is a mechanism used for transformation that brings about a democratic and developed government. Good governance faces challenges such as, "lack of participation and decentralization, weak institutions and corruption, and these challenges may lead to maladministration, mismanagement of finances, inequality, bribery, and misuse of power" (Maung Aye, 2016:1). Corruption is damaging good governance worldwide, especially in government

institutions where officials abuse their capacity and use bribes to obtain what they want (Transparency International, 2016:12).

The principles of good governance have been criticised by some scholars. The critics state that the principles are deceptive and not practical in the world of politics (Moore, 1993:41). Additionally, it has been argued that the principles need to be scientifically proven and applied in a simple manner in reality, because they can be perceived in various ways in different socio-cultural and political environments (Doornbos, 2001:100). The principles of good governance, just like other concepts such as democracy and civil society, have to be investigated by scholars and philosophers because good governance has not yet been fully achieved.

2.8 Role of civil society in governance

In order to provide good governance, a country must ensure that all citizens participate in the agenda setting, formulation, implementation, and evaluation and monitoring of government plans and decisions that concern them. The country must be familiar with the needs of the citizens in their communities and prioritise those needs. This can be accomplished by decentralising power, resources and authority from national or central to local government and all concerned lower levels (Kauzya, 2002:9). Civil society, as the mediator between government and the citizens, ensures that the government fulfills its mandate to the citizens. In modern society, there are no decision-making processes that can take place without input from civil society (Obuljen, 2005:1). Civil society has the ability to convince citizens to participate in government decisions so that they may be familiar with government activities and public affairs management (Mukamunana & Brynard, 2005:668).

Civil society also ensures that there is transparency and assists in disseminating information to society with regard to how government intends to implement its policies. In such a way, civil society holds government accountable because citizens must be informed about how the services will be provided to them. Civil society's role here is to

work as activists to advocate on behalf of citizens should the government fail to deliver what was promised to them (Mukamunana & Brynard, 2005:668).

2.9 Governance theories

There are many theories of governance, which were used by various scholars who explored and explained different theoretical lenses, and their choice of theory was made on the basis of variables (Silverman, 2001:3).

2.9.1 Governance networks

Governance can be defined as "self-organizing, inter-organizational networks that are interdependent, resource changing and autonomous from the state" (Rhodes, 1997:15). According to Stoker (1998:23), governance networks influence government policies and administer "the business of government", meaning that the government's authority to govern is lost. Koliba, Meek and Zia (2011:56) state that a network is a term commonly used for "inter-organizational arrangements". Other scholars state that networks are more comparable to collaborative arrangements and partnerships. According to Caldarelli and Catanzaro (2012:4), a network can be divided into the individual element, which comprises of people, the organisation and the environment, and the second element is the combination of the individual elements and dynamic interaction elements in the relationships among various elements.

The governance network addresses government and market failures that have emerged and assists with a back-up plan that will need the collaboration of government and civil society (Bell & Hindmoor, 2012:146). Lowe and Donaldson (2010) identify three forms of networks: the policy network that is a coalition of government and civil society – they influence legislative processes and the agenda of the government; the intergovernmental network that is used to organise the government's actions and the reactions of local government and central government (Rhodes & Marsh, 1992:18); and the public management or governance network that helps to solve the policy problems

that cannot be solved or be solved easily from formulation to implementation by a single party (Agranoff, 2006:1).

The governance network is the approach that redresses the problems in the structure of traditional governance and provides alternatives should there be unpredictable and complex problems (Isett, Mergel, Le Roux, Mischen & Rethemeyer, 2011:165). The complex policy problems may take years to be resolved. This often happens in countries that focus on short-term progress to secure elections and responses to the opposition parties (Head, 2008:741). Shrank and Whitford (2011:160) are of the opinion that the failure of network is as a result of environmental factors that include transactional uncertainty and participant limitations' and the limitations maybe obligatory to 'organization or individual and restricted rationality'.

2.9.2 Collaborative governance

The concept of 'governance is understood as the process by which decisions and actions are influenced within the public, private and civic sectors (O'Leary, Gerard & Bingham, 2006:7). The concept collaborative means working together in multi-sector relationships to achieve mutual understanding and goals (O'Lear, Gazley, McGuire & Bingham, 2009:3). When the two concepts are put together, they are called collaborative governance. Tang and Mazmanian (2010:4) define this as" "…steering, operating, facilitating and monitoring cross-sectoral organization procedures that address public problems that cannot be addressed by one organization and public sector alone". According to Huxham (2000:339), both collaboration and collaborative governance include all the necessary procedures and labels of governance that allow the citizens to have working relations with those in other organisations, such as civil society.

Collaborative governance can be defined as governing arrangements whereby one or more public agencies directly involve civil society or non-state stakeholders in shared decision-making processes. This is done in a formal, deliberative and consensus-oriented manner and aims to implement public policies effectively and efficiently (Ansell

& Gash, 2008:544). Carlson (2007:11) additionally states that collaborative governance includes various processes in which all the governing sectors manage, the public, the private and civic sectors and they all come together to find solutions to problems encountered by the public that go beyond any sector's capability to resolve on its own.

There are four aspects of collaborative governance, namely:

1. collaboration can be done within and outside the government, meaning it can be done between the government and independent civil society;
2. collaboration be done across the extensive scope of government work in policy processes such as making, enforcing and implementing the laws;
3. collaboration through the processes, methods and models that are consensual (as separated from adversarial; and
4. collaboration can be done online and in person (Bingham, 2011:387). Bingham (2011:388) adds that collaborative governance may start at any stage of the policy process, as it is defined as "any action in the formulation and implementation of policy".

2.9.3 Participatory governance

Wampler (2012b:669) defines participatory governance as another platform of public voice in the political decision-making and public policy processes that are far beyond the ballot box. Andersson and Van Laerhoven (2007:1090) assert that participatory governance can be broadly defined as institutional arrangements where ordinary citizens participate in the public policy process.

According to Mogale (2003:220), there are four mandates of participation:

1. participation as a voter to ensure democratic accountability in the elections;
2. participation of citizens and their contribution to the policy processes through civil society;

3. participation of the users of the services as "customers who want value for money" for the services they receive; and participation of partners who are involved in the mobilisation of resource development objectives.

Participatory governance enables responsiveness to the various needs of citizens at grassroots level – based on the direct contribution of civil society in the policy-making process (Gaventa, 2006:150). In addition, Harriss, Stokke and Törnquist (2004:39) are of opinion that participatory governance is vital to increase accountability, legitimacy and responsiveness in local democratic governance. Civil society in participatory governance is perceived as a "co-governor" with the ruling party in democratic governance whereby solutions to governance problems are reflected and solved together by the citizens and government officials (Fung & Wright, 2003:5).

2.10 Summary

The chapter presented the role of civil society in governance and explored good governance principles. Not all countries have fully achieved implementing good governance principles, and action must be taken to ensure the full implementation of these principles. The hope for this lies with an active and vibrant civil society. Critically, the chapter discussed the concepts of civil society and the concept good governance. It is important to note that there is a need for countries to have an active civil society that can act as watchdogs and advocates for the communities so as to ensure that governments do not abuse their power and that they implement good governance principles. The chapter will be very helpful in the subsequent chapters because it provides an understanding and inside on how the civil society function well in good governance.

CHAPTER THREE

Theoretical framework of democracy and civil society

3.1 Introduction

The previous chapter dealt with the theoretical framework where the concepts 'civil society and good governance' were discussed in depth. The objective of this chapter is to provide a theoretical framework and provide more detail about the concepts that were identified in Chapter one 'democracy and civil society'. Civil society is regarded as essential element of democracy and researchers put more interest on the study in the present era where there is an increase activism and political awareness. This chapter further aims is to investigate the impact of civil society on democratic governance. Civil society stimulates democratic governance through the promotion of transparency, accountability, and the restriction of human rights abuse and the rule of law (Ikelegbe, 2007:6).

In a democracy, there is efficient and effective representation of the citizens (Aiyede, 2003:39). According to Fadakinte (2013:133), democracy is a system of government where the citizens or voters are given the power to choose and remove leaders through free and fair elections. Democracy is popular in African and Western countries as it allows unrestricted human freedom, equality and rule of law. Civil society in a democracy should be involved in advocacy and monitoring the actions and conduct of public officials (Diamond, 1999:16). According to Ikelegbe (2007:8), democracy is rooted in equality and eradicates any form of discrimination – irrespective of class, race, religion and culture. Civil society ensures the provision of the constitution to promote equality and monitor its implementation. Civil society's role in democracy includes election monitoring, advocacy, civic engagement, legislative advocacy and provision of peace (Mercy, 2012:3).

According to Bryman (2008:81), literature review permits the researcher to explore other scholars' theories and opinion and support the view points by interpreting literature. Civil society is recognised as important role players in the community because they are responsible for development. They strengthen democracy because of their support at grassroots level where they empower poor citizens to participate in government decisions (Irvin & Stansbury, 2004:55).

A country is perceived to be democratic when civil society is active, vociferous and is not biased towards any political party or government. In a democracy, the citizens have the opportunity and freedom to elect and replace leaders of government through elections as well as hold the elected leaders accountable for their actions in government (Omotosho, 2013:126). The leaders appointed in democratic elections are guided and expected to practice the principles of transparency, equity and fairness, and not be arbitrary, so that good governance could be attained (Gilbert & Allen, 2014:525).

This chapter will explain the background of the concept democracy and its relationship with and it does so by defining the concept. In addition, the researcher will discuss the theories relating to democracy, the importance of political participation in a democratic country, the principles related to democracy, the forms of democracy, the elements of democracy, the democratic institutions that help democracy to flourish, the rights relating to democracy, and the barriers that prevent democracy from being effective.

3.2 Defining democracy

According to Becker and Ravelson (2008:4), the concept democracy comes from the Greek words *demos,* which means "the people" and *kratein*, which means "to govern" or "to rule". According to Goodwin (1987:181), the Greek philosopher Aristotle explored democracy as the core ethical principle linked to liberty, whereby the citizens are ruled. The concept democracy has existed in Greece since the 5 century and various forms of democracy have been practiced since then.

Democracy was defined by former USA President Abraham Lincoln as "a government by the people, for the people" because democracy was considered to be a form of governance based on the principle of popular sovereignty (Heywood, 2010:68; Schmidt, 2002:147). In addition, Eken (2008:71) states that democracy is a government system whereby the country's citizens are included in the governing mechanism through participation in politics. Moreover Banik (2010:89-90), states that democracy is a system that allow the citizens to participate in decision-making processes and policy-making processes.

Mair (2011:88) asserts that democracy is perceived as a government system that emphasises the promotion of "equality, impartiality and inclusion of the whole citizenship in the political processes".

Moreover, democracy is defined as an established institutional procedure, which provides political rights, free and fair regular elections, and allows competition between political parties (White, 1998:19-20). According to Obaidullah (2001:15), democracy is seen as a system of government, when viewed in a limited manner, and a type of society whereby there are certain requirements that need to be fulfilled before it can be a form of governance, when viewed in a general manner. It can be said that democracy is basically a government structure that allows power to be vested in the hands of citizens. Diamond (2008) opines that democracy is the "institutional arrangement" that permits political decisions based on what the citizens want.

There are three views of defining democracy, according to Whelan (1983:14). In the first view, democracy is perceived as participation of shared decision making where the citizens have equal opportunity to be involved in public affairs that affect them directly. The second view perceives democracy as a system of government where "majoritarian" is considered to be central. The third view considers democracy as a system of government with the ability to govern effectively.

According to Diamond, Linz and Lipset (1995:6), democracy can be defined according to three conditions:, namely,

i.   democracy permits extensive competition amongst individuals who want to represent certain parties in their constituencies for effective executive positions at regular intervals;
ii.   political participation must be present in the selecting of leaders through fair and free election and
iii. democracy must be aligned with political and public freedoms and participation in political activities such as voting.

3.3 Theories of democracy

There are two schools of thought regarding democracy, namely minimalist and deliberative (Diamond, 2008:20). These will be discussed below.

3.3.1 Minimalist theory

According to Moller and Skaaning (2013:143), the minimalist theory of democracy allows for competition between multiple political parties in free and competitive elections where there will be only one winner who will be determined by the citizens through voting. Wright (2008:222) states that democracy is seen as a procedure because its focus is on the contesting of parties in elections – the incumbent and the opposition are competing to win the elections. In the minimalist theory, elections between multiple parties confirm democratic governance where the citizens have the legal right to participate in free and fair elections (Baird, 2012). According to Coppedge, Alvarez and Maldonado (2008), the minimalist theory denotes that the electorate will be able to hold political leaders accountable because the elections present the opportunity for a tangible option for the voters.

Minimalist theorists believe that democracy is attained through free and fair elections where voters exercise their right to participate in the government decision-making process and where voters' right to vote is legally protected (Przeworski, 2011). Minimalist democracy is the lowest level of democracy required for a country to be classified as a democratic one. A country cannot be regarded as democratic if the requirements, such as periodic free and fair elections and the right to vote, are not met. The minimalist theory of democracy allows the citizens to choose their own leaders instead of determining what the government does (Rose, 2009:12).

Minimalist theorists such as Schumpeter are of the opinion that secret ballots and free and fair elections are not only the cornerstone of democracy, but democracy itself. The elections are only held periodically and the elected representatives are accountable only to the citizens they represent because they are the ones who can choose to re-elect or remove them. In this way, minimalists limit the importance of democracy to what is so-called "vertical accountability" amongst governors and the governed (Przeworski, 2007:475). Schumpeter (1976:269) was the first theorist to advocate for a procedural minimalist definition of democracy, which states that democracy is an institutional arrangement that permits the political party leaders to compete for votes in periodic elections so as to find one winner. The minimalist view of democracy should include the right to cast a vote by all the adult citizens in free and fair elections and the principal officers' decisions must be disclosed to the voters (Rose, 2009:20).

According to Broussard (2003:26), the minimalist theory refers to an institutional arrangement. Schumpeter (1976: 269) was the first theorists to advocate for procedural minimalist definition of democracy which states that democracy is an institutional arrangement that permits the political party leaders to compete for the votes in periodic elections to find one winner of the elections. The institutional arrangements that are present are:

1. elected officials because the political power is vested in politically-elected representatives of the constituency;

2. free and fair elections that are held at regular intervals according to each and every country;

3. inclusive suffrage where adult citizens have the authority to cast their votes on the voting day;

4. freedom of expression that mandates the citizens to express themselves and critique the government where necessary without being afraid of being victimised;

5. information dissemination where all the citizens must have access to information about the elections and the governing of the country and

6. associational independence where the citizens are given the authority to join any political party of their choice, based on their various interests, and support the civil society of their choice, irrespective of their political affiliations (Dahl, 1982:10f; Dahl, 2005:188-195).

The minimalist conception of democracy regards democracy as political party competition that takes place only at a specific time that is chosen by each democratic country (Hague & Harrop, 2004:39). The political party that wins the elections will rule the country – whether opposition parties like it or not (Schumpeter, 1943:269).

3.3.2 Deliberative theory of democracy

According to Berg-Schlosser (2008), deliberative theorists state that democracy can be viewed as more than periodic change through voting. The main function of the deliberative theory is to allow grassroots citizens to participate in the policy-making process, as well as allow them to be involved in matters regarding how they will be governed (Landa & Meirowitz, 2009). In the deliberative theory of democracy, communication is vital between the governors and the citizens because it emphasises deliberation in political dialogue (Bonafede & Lo Piccolo, 2010). Bonafede and Lo Piccolo (2010) further state that in deliberative democracy there is a clear and tangible significance to sovereignty, binding laws, political equality and citizens' participation in government. According to Gagnon (2010:4), deliberative democracy means that "sovereign citizenry and typically the formation of a government that operates by permission from the citizenry".

Saunders (2010:150) states that deliberative democracy can be defined as the responses of government to the citizens' wishes and needs. According to Guttmann and Thompson (2004: 3-7), deliberative democracy assists in public participation in the decision-making process where there is justification based on the decisions made. These authors (2004) add that the place of the meetings must be accessible to the citizens who will be affected by the decisions with the purpose of attaining the obligatory conclusion for the time being and with the aim of reviewing decisions in the set time.

3.3.3 Political participation in democracy

Political participation is the cornerstone of democracy and it is vital in understanding representative democracy (Teorell, Tornal & Montero, 2007:333). According to Casteltrione (2015:2), participation of the citizens in the public decision-making process is imperative in democratic governance – even though it is debated how often it should happen. Political participation promotes stability, thereby strengthening legitimate democratic political systems. It also focuses on voters expressing their complaints and concerns, ensuring that the government accounts for its actions, and demanding politicians to be responsive (Teorell *et al.*, 2007:334).

According to Van Deth (2001:3), democracy in all circumstances must be regarded as government with the involvement of the people and, therefore, democracy can never be attained through lack of involvement from politicians and lack of political participation. This would be regarded as a non-democratic government because citizens as a whole would not be represented and, therefore, their power would be undermined.

The advocates of participatory democracy emphasise that political participation through elections every five years is not enough for democratic effectiveness and that engagement of the citizens in government decisions and policy formulation is also imperative (Pateman, 2012). In the words of Dalton (2008:76), political participation is perceived as a measure of a well-functioning democratic government whereby the citizens are given the opportunity to participate in political processes to promote

legitimacy. Diamonds and Morlino (2004:23) assert that political participation gives citizens the opportunity to influence the political process of voting by choosing the leader of their choice so that they will be able to enjoy the benefits of democratic governance.

According to Deneulin (2009:186-187), there are five criteria for political participation in a democracy:

1. the need for effective participation by all the citizens in the policy-making process before it can be adopted;
2. democracy is rooted in equality in voting whereby all citizens are given the opportunity to vote once;
3. all the citizens must have the same opportunity to study and be aware of standby policies and how they will impact on governance;
4. the citizens must be able to make decisions on an agenda and where there is a need to change; and
5. democratic decision making by right should include all the citizens who will take part in making decisions that will affect them, and the ability to make decisions rests in political equality.

Political parties' participation is imperative because they control the political agenda, represent the citizens in parliament, and the opposition keeps the government in check to ensure that it does not abuse its authority (Katz & Mair, 2009:754). Sørensen (2008:14) states that political participation in a democracy is a form of government that mandates conditions which allow for competition between independent candidates and political parties for political power, political participation where the representatives are selected from their constituency to represent the community in parliament, and gives the citizens the freedom to express their opinion and views and to join any organisations.

3.4 Principles of democracy

According to Beetham (1994:21), for a democracy to be effective, it needs two principles. The first is the principle of "popular control", which means that voters have the ability to influence government decisions with those who make the decisions, and the second principle is "political equality", which means that there must be equality between citizens with regards to the decisions that are made on their behalf. The principles of democracy are as follows:

- Participation, which is where the citizens have the opportunity to participate in government through casting their votes and taking part in decision-making and policy-making processes.
- Popular authorisation, which is where the citizens are capacitated with the right to choose their representatives and remove them when they believe they are no longer performing their functions well (in set intervals, which are normally every five years).
- Representation, which is where the citizens are well represented in government during legislature making.
- Accountability, which is where the elected representatives give an account to the citizens and answer questions based on their behaviour during the time they represent the citizens.
- Transparency, which is where there is clarity and openness about how the government is performing its activities and who is responsible for rendering services.
- Responsiveness, which is where the government is able to answer and respond to the citizens' demands and render effective services that meet the needs of the citizens.
- Citizenship rights, which involve citizens' basic rights, including the freedom of association and political and civil rights (Beetham, 1998).

3.5 Forms of democracy

This section will examine the different forms of democracy that are practiced in democratic governments.

3.5.1 Direct democracy

Direct democracy was born in ancient Athens as a form of democracy where the citizens gather for the common good to debate and make decisions (Hague & Harrop, 2010:84). According to Heywood (2007:74), direct democracy was founded on straight and endless citizen participation that eradicated variation between civil society and the state. Rothmann (2000:96) states that direct democracy is considered the most pure form of democracy as it allows citizens to speak directly to government, thus not requiring representatives to act on their behalf.

3.5.2 Representative democracy

This is a type of government that mandates laws to be passed by the elected representatives of the voters (Rothmann, 2000:98). In representative democracy, the citizens have the authority to choose their representatives and remove them through voting if they do not deliver (Heywood, 2007:74). The citizens give the power to their representatives to make decisions on their behalf with regards to what they need and how they should deliver the services to them.

3.6.3 Liberal democracy

This type of democracy maybe maps out back to the 18th era with Enlightenment whereby 'politics, religion and learning' have been challenged in order to see progression (Heywood, 2012:26). The philosophy of individualism can back the above argument in its liberty and rights of individuals, (Holden, 1988:13). Liberalism assisted in influencing current liberal democracy where the citizens had the choices, (Macpherson, 1966:6). According to Bollen (1993:1208), liberal democracy can be defined as the type of regime whereby the system of politics mandates democratic rule

rather than political liberties. Bollen (1993) further states that democratic rule is present when the government allows the participation of citizens in decision making and is accountable to the citizens at large. Liberal democracy can also be defined as a system of politics where political parties compete to see who will be the winner in regular free and fair elections (Foweraker & Krznaric, 2000:759). According to Heywood (2012:330), liberal democracy is rooted in pluralism, whereby there is diversity and the presence of different opinions.

Liberal democracy has been criticized like any other thought of thinking. According to Carter & Stokes (2000:2), liberal democracies are failing to maintain and achieve their core mandate which is to maintain liberal values and practice and providing channels of democracy for the citizens especially having the voice in government. In the Marxist perception, democracy that is liberal can be viewed as ideology of capitalist that creates worse class conflicts and social inequalities (Dryzek & Dunleavy, 2009:98).

3.6 Elements of democracy

Democracy is not only about elections that are held at regular intervals, multiple parties that compete, and present active civil society. It is also about having various elements that are connected to it (Meyer, 2011:5).

3.6.1 Separation and balance of power

Separation and balance of power involves the division of power between the three spheres of government, which are the legislature, the executive, and the judiciary. The three branches of government are interrelated but must function independently with the aim of complementing the other branches of government (Meyer, 2011:8). The legislature is capacitated with the ability to make the laws for the country, the executive has the mandate to implement the laws made by the legislature, and the judiciary is authorised with interpreting the laws in courts of law with the assistance of well-established legal procedures that are fair (Fashagba, 2012).

3.6.2 Adherence to the rule of law

The rule of law is about complying with the existing legal system whereby the laws are being approved, interpreted in an understandable and simple manner, and equally applied to every citizen – irrespective of prestige (Narayan, 2002:11). According to Meyer (2011:12), the rule of law mandates all public authorities to abide to the laws so as to ensure that no citizen is above to the law. In the rule of law, the behaviour of citizens is regulated and monitored by set rules that apply to everyone – irrespective of their calibre (McFerson, 1992:244). McFerson (1992:245) adds that the rule of law limits abuse of power by politicians and develops state legitimacy. Therefore, the law must be superior to any person, no one is above the law, and the law has to be communicated properly and enforced effectively in a democratic government. According to O'Donnell (2005:3), laws are imperative in a democracy because other elements cannot function without the guidelines provided in the rule of law. Moreover, the rule of law must be stated clearly, be known to the citizens, and be applied and interpreted consistently and fairly by the judiciary (Diamonds & Morlino, 2004:23).

3.6.3 Accountability and transparency

Accountability is the extent to which government, especially elected representatives, are answerable for their actions to the citizens who elected them. Transparency is the proper dissemination of information to the citizens in a simple and understandable way (Graham, Amos & Plumptre, 2003:3). Transparency and accountability are intertwined and interrelated concepts that complement each other. Without transparency there can be no accountability (Meyer, 2011:13). Transparency and accountability contribute to effective and efficient governance as the citizens are given feedback, and the officials and citizens are given the opportunity to review and evaluate the policies (Florini, 2004:8).

Transparency can also be defined as providing and availing relevant information in a timely manner to all relevant stakeholders (Bellver & Kaufmann, 2005). Transparency is regarded at a requirement for democracy because it allows the citizens to observe and

monitor the behaviour of their elected representatives in Parliament when they make policies on behalf of the citizens that will meet their interests (Kono, 2006:369).

Transparency denotes openness of governance. Clear processes and procedures are explained to the citizens and they are given an opportunity to access public information and share this information with other citizens. This ultimately results in organisations and individuals who handle government resources more accountably (McGee & Gaventa, 2010:13).

3.7 Democratic institutions

Democracy is a process which requires the establishment of institutions to ensure that it is consistent and effective (Gberevbie, 2014:140). These institutions are created to ensure that the elected representatives give account to the citizens. They are considered imperative for the success of democracy (Beetham, 1994:24).

According to Plattner (2012:67), there is a link that must not be broken between civil society, political parties and the media. All three play a vital role in providing channels in which citizens' opinions are formed and communicated. For democracy to be established effectively, the following institutions need to present:

3.7.1 Civil society

Civil society is regarded as a voluntary organisation that is "self-financing and self-supporting", and is independent from the government, but uses the legislative framework of the country (Diamond, 1994:5). In civil society, members of society come together in a public sphere to voice their common interests and opinions, and exchange information that will uplift their development in that society (Diamonds, 1994:6). In a democratic state, civil society's role is to bring stability to the country; to monitor that elections are free and fair; to act as a watchdog to ensure that government does not violate human rights; and to educate the citizens about their rights so that the government does not abuse its powers and authority (Pietrzyk, 2003:38).

Civil society in the contemporary era may be referred to as a political association that governs social struggles by imposing the rules that hinder citizens from hurting one another (Edwards, 2004:3). According to Drake (2010:117), civil society is an institution that brings together political, social, private and public outside the government in order to make sound judgements for improving the lives of citizens in urban and rural regions. In a democracy, several forces of civil society should be aligned and involve government tools, bridging the way for political discussions among the government and the citizens (Lumumba-Kasongo, 2005:35). Pietrzyk (2003:44) further states that the purpose of civil societies is linked with successful liberal democracy where democracy and civil society are commonly dependent on one another.

3.7.2 Independent media

Independent media is used mainly to convey information and for communication between people. It includes newspapers, radio, television, the internet (which includes Facebook and WhatsApp), magazines and books (Nisbet, 2008:454). Independent media is important in a community because it provides citizens with relevant, adequate and unrestricted information within and outside their society. It allows citizens to express their views, interests, ideas, likes and dislikes about the affairs of the government – especially the decisions and policies that their elected representatives make on their behalf (McConnell & Becker, 2002:1).

In democratic governance, access to adequate information is vital for ensuring accountability (when citizens hold the elected representatives accountable for their actions). Independent media is also considered a bridge that citizens use to participate in decision making so as to ensure transparency during the process (McConnell & Becker, 2002:2). In particular, radio plays a vital role in democracy because the citizens can participate in public matters such as public policies by voicing their views (Nisbet, 2008:455).

3.7.3 Political parties

In democratic governance, a political party is an organisation in which people who share the same interests and goals come together to exercise political power and create a healthy democracy (Cross & Katz, 2013:1). As an institution of democracy, a political party enables the citizens to elect the leader of their choice who will represent them in Parliament and make decisions on their behalf (Schattschneider, 1942:1).

Democratic governance also allows political parties to compete for the political power of the state in elections so that democratic practices will be maintained. According to Mimpen (2007:2), the basic principles political parties must operate in are: transparency, participation, representation, and electivity.

3.7.4 Independent electoral commissions

Elections regulate which political party will rule the country; therefore, it is imperative that the electoral process is fair and unbiased. There must be clear, distinct borders between the electoral administration and the politicians so that monitoring can be done to avoid unwanted electoral irregularities that might be interpreted as being politically influenced.

An independent electoral commission is needed in every democratic country to assist with the election process, and ensure that the election processes are free and fair and a reflection of the legitimate votes of the citizens (Roberts, Gordon & Struwig, 2016:2). Electoral management plays a fundamental role in democracy because an election is an observable manifestation of popular sovereignty, where there are universal active and passive voting rights and free and fair elections. The observable changes in voting performance, such as discrimination against ethnic groups and women, high voter absenteeism, and high instability are signs of democracy insufficiency (Merkel, 2014:14).

3.7.5 Ombudsman

Ombudsman is a Swedish term that means "representative" (Akpomuvire, 2007). The ombudsman is a public protector institution that is created by the legislature to monitor and administer the executive government's activities. The main purpose of the ombudsman is to investigate complaints from the citizens regarding offences that government officials have committed (Reif, 2004). An office of the ombudsman is established by all democratic states to serve as an institution that improves the accountability, performance and competence of government public institutions and acts as the checks and balances regarding the abuse of power by the legislature and executive spheres of government (Reif, 2004). The ombudsman has a mandate to "investigate where there are complaints with regard to public administration or suspected prejudice and remedy the mistakes and give a report about the complaint that was made" (Public Protector, 2010:7).

3.7.6 The legislative, executive and judiciary

The division of power in the spheres of government, namely the legislature, executive and judiciary, prevents the abuse of power (Persson, Roland & Tabellini, 2003:15). All three branches of government have their own precise duties that are enshrined in the constitution. The legislature is responsible for making laws for the country. It also oversees and authorises expenditure and revenue, and ensures that the lives of the citizens are improved (Fashagba, 2012:21). The executive implements the laws and enforces public policies, such as tax collection. It is also tasked with representing government's interests abroad. The executive is accountable to the legislature. The judiciary is authorised with interpreting laws and applying them in accordance when resolving disputes. It also interprets the constitution.

3.8 Democratic rights

According to Reveloson (2008:4), there are democratic matters that signify sine qua non condition functioning systems of democracy. Raveloson (2008:4) further states that democratic rights are made up of basic rights that include self-worth and political and civil rights, rights to acknowledge the various cultural practices and languages, and social economic rights. These are discussed below:

1. Individual personality rights include liberty to personal improvement and the right to live;
2. Civil and political rights involve the privileges that enable citizens to take part in their constituencies where they will be able to implement their rights of freedom of speech and freedom of association with any political party and civil society of their choice. Citizens also have the right to access the same public services;
3. Generation rights involve the certainty that human rights are not stable and they can change from generation to generation. This may include the right to the environment;
4. Social economic rights involve the rights that ensure the survival of citizens, such as right to education, and right to healthcare and social security (Raveloson, 2008:4).

Democracy has major traits in the right to cast a vote and to belong to particular political party that a voter chooses in order to have freedom of speech and expression and democracy main function is to protect the basic human rights for the citizens (Sachikonye, 2003: 99).

3.9 Link between democracy and civil society

Civil society and its connection with democracy have attention in the present era of academic circles.   According to Calvert and Burnell (2004:279), the idea of civil society in government decision making is imperative in a democracy. Democracy and civil society are interlinked and one cannot function properly in the absence of the other. Democratic practices are maintained and promoted by a vocal and vibrant civil society in democratic governments where there is accountability of decision makers and limitations of state power (Letki, 2009:159). Civil society is a catalyst that speeds up

political participation and ensures that democratic values and norms are practiced by educating the citizens to "demand accountability and civil liberties from the government" (Belloni, 2008:185).

Moreover, civil society must be a watchdog with regards to democratic practices and act as a checks and balances that prohibits the government from oppressing citizens and abusing its power (Belloni, 2008:185). According to Stokke and Oldfield (2004:129), civil society in a democratic country acts as the protector of political rights and civil rights. Civil society is also the tool that transports democracy where it is not present or reinforces democracy where it is not functioning well.

In democratic governance, democracy means the promotion of elections that are free and fair, the practice of good governance and observing its principles, respect of human rights and prohibiting its violation, ensuring the rule of law has been strengthened, and encouraging participation of civil society (Global Village, 2010:3). According to Rose (2009:11), democracy can be defined as a country where the elections are held in a free and fair manner with the aim of holding government representatives accountable, as well as enforcement of the rule of law because it provides accountability in politics.

Civil society assists a country to be democratic because it works as a mediator between the government and the citizens to ensure that the rule of law and the needs of the citizens are observed. It also assists in empowering the citizens at grassroots level to take part in the decision-making process at national and local level (Rose, 2009:16). AmartySen (2001:31) states that democracy empowers the lives of the citizens by advancing the welfare of the poor and providing the basis for political and civil rights. It can be viewed as a system that mandates the citizens to voice their concerns to the government they have elected.

Civil society is applicable to democracy because it ensures that the rights of the citizens are protected by urging the government to respond to the needs of the citizens (Maraming, 2013:13). Maikudi and Asmau (2005:78) further assert that civil society is a

tool that holds democratic government power, and ensures that the rights of the citizens are not violated. Countries that have an active civil society can establish democracy.

3.10 Barriers to democracy

Democracy in Africa has been described as "hollow and ambiguous" (Diamond, 2003:28). Edigheji (2005:2), states that democracy can be obtained when voters casts their vote in the elections to choose the representatives in government. The barriers to democracy that will be discussed are corruption, controlled civil society, and military threats.

3.10.1 Corruption

According to Farrales (2005:16), corruption is the misuse of state funds, authority and public office for personal gain. Lane and Ersson (2003:219) state that democratic governance needs to be immune to corruption because all decisions must be made based on popular participation.

Elected representatives often become Members of Parliament just so that they can present their own interests and ambitions (Bratton, 2008:621). According to Adebanwi and Obadare (2011:207), corruption can also be democratised, whereby it is begins to weaken anti-corruption measures. When corruption becomes systemic, the citizens begin to lose trust in the system, as well as the rule of law (Olayinka, 2014:21).

Corruption may be caused by various factors, such as poor governance, political instability, and weak legislative and judicial structures (Kyambalesa, 2006:108). Poor governance occurs when there is a lack of accountability, a lack of participation by citizens, a lack of enforcement of the rule of law, and a lack of openness and transparency. These are the core principles of good governance that enable a government to manage a country democratically. Political instability is other factor that permits corruption in democratic governance because it causes fear and uncertainty among public sector officials with regards to job security. This can lead to some of them

becoming involved in unethical activities so as to try to save themselves from unexpected job losses (Kyambalesa, 2006:108). Legislature and judiciary are important spheres of government that are capacitated with the power check on the executive and ensure accountability and transparency and where they are weak the chances of corruption increases because they no longer keep an eye on the executive (Van der Merwe, 2006:38).

3.10.2 Military threat

The propensity of the military to capture the government hinders the practice of democracy in African countries. It is a major challenge to democracy in the present era because of the violence and conflicts that arise in the political parties' governance. Military intervention takes place as a means to bring about peace and order in a country. The military suspends the constitution, closes the legislative assembly, and there is no accountability to the citizens (El-Khawas, 2011:86). The failure of democracy often leads to military coups in African countries. This in turn leads toand deterioration of democratic institutions where there will be a loss of control of power, as well a loss of equality and freedom (Erdmann & Kneuer, 2011:12).

According to Linz (1978:50), democracy failure may be the outcome of a government failing to solve problems in the governance structure. Jackson (2002:35) additionally states that African countries are faced with the challenge of being unable to resolve the internal conflicts that arise in a controlled political environment. When a state is weak, it is characterised by illegitimacy, political instability, economic crises, and external acquaintance to international actors. This leads to military takeovers to ensure the safety and security of the country and it citizens.

The planning of institutional arrangements and restrictions are also a possible threat that leads to failure to a democracy. It has been debated that the presidential system often presents the situation where the elected president vacates his/her position before his/her fixed term is over or the country experiences a constitutional crisis. These are

times when the military is most likely to intervene and take over the reigns of the country (Linz, 1978:71).

The parliamentary system in new democracy is often recommended because it has less loopholes that can be used to manipulate a situation than the presidential system (Cheibub & Limongi, 2002:156). However, according to Kapstein and Converse (2008:63), in the parliamentary system, the prime minister can also abuse his/her executive powers and this can lead to no strong opposition, no independent judiciary, and no free press.

3.10.3 Constrained civil society

In all democratic countries, civil societies play the role of advocacy in the promotion of democratic practices such safeguarding human rights for the citizens ensuring that the government does not violate them. Civil society worldwide is faced with the challenge of funding. This makes them dependent on their funders, which can lead to them compromising their values and principles (Mapuva, 2010:368). This is the major challenge for democracy in African countries. The challenge of funding also leads to a politicised civil society. This is where a civil society finds itself influenced by government and political parties, and thus makes biased, politically-motivated decisions (Tasnim, 2007:160).

According to Quadir (2003:426), civil society that is influenced by political parties feeds divisions and conflicts in the political parties; therefore, civil society become incompetent. Thus, they can no longer present the voices of citizens or oversee and maintain democracy at grassroots and national level. In Africa, civil society is extremely sensitive and weak because it cannot withstand long periods of protests, and citizens do not trust civil society to represent them (Fadakinte, 2013:134). Democracy cannot survive in an environment where there is no popular participation in the political processes.

3.11 Summary

Democracy is a form of government that allows citizens to be part of the decision-making and policy-making processes. Democracy is perceived as a government system that emphasises the promotion of equality, impartiality, and the inclusion of citizens in the political processes of the country. Democracy permits citizens to participate in public affairs that affect them directly and to provide input on how services should be rendered and prioritised by the government. In addition, democracy allows political parties to compete in elections so that citizens can vote and, so doing, choose the political party and leader who will govern the country. Political participation is regarded as the cornerstone of democracy because it permits citizens to choose their leader whom they will be able to recall if they have issues regarding how the country is governed.

This chapter discussed democracy and the principles that are related to it. There are institutions in place to ensure an effective and efficient democracy. Civil society is regarded as a vital element of democracy because it holds political institutions accountable and provides a platform for citizen participation. Civil society leads to collective support for a democratic system of government.

The concept of also democracy was discussed with specific emphasis on the different theories relating to it, why political participation is imperative in a democracy, its numerous principles, and the forms, elements and democratic rights that are found in democratic governance.

CHAPTER FOUR

Application and experiences of civil society in Lesotho governance

4.1 Introduction

The previous chapter discussed the theories regarding democracy and civil society organisations. The objective of this chapter is to explain the experiences of civil society in Lesotho governance and the legislative framework of civil society in Lesotho. The major function of civil society is to construct a bridge between the state and society. Moreover, civil society provides the proper channels for communication between the citizens and the government.

Civil society is regarded as a catalyst that can speed up democracy. However, in Lesotho, civil society is uncoordinated and works in isolation from the government. This had led to it missing out on critical issues that concern the citizens (World Vision Report, 2013:19). In addition, civil society in Lesotho is regarded as weak. Its alleged weaknesses have led to it being incapable of engaging the government on its purpose and platforms (African Development Fund, 2006:ii).

This chapter will combine the secondary data captured in the previous two chapters. Civil society as a democratic agent has been studied with growing interest in recent years around the world. The researcher will discuss the background to civil society in Lesotho and the legislative framework that assists civil society to be vocal and heard by the government. The role of civil society will be explored with specific reference to monitoring and accountability. The principles of good governance will also be discussed, such as participation, the rule of law, and strategic vision. The chapter will also examine democratic governance in Lesotho, and provide examples of democratic institutions in the country and also the barriers to democracy will be explored.

4.2 Civil society's background in Lesotho

In Lesotho, civil society organisations are referred to as non-governmental organisations (NGOs) and there is no clear distinction between faith-based, community-based, and employer or employee organisations. In fact, the exact number of active civil society organisations is not known (EU, 2014/2017).

The first civil society organisations that formed in the country were faith-based and political, which were active in the pre-independence era (Khiba, 2010:8). However, in the present era, according to United Nation Development Programme, (UNDP), (2015:126), the formation of civil societies in Lesotho include civil society organisations include labour unions, faith-based organisations, community-based organisations, and professional associations (UNDP, 2015:126). Civil society was introduced in Lesotho after the Cold War as policy-makers strategised to deepen democracy and development (Lewis, 2002:1).

4.2.1 Faith-based civil society organisations

The Parish Evangelical Missionary Society was formed by missionaries from France in 1833 (Du Plessis, 1965:329). It later changed its name to the Lesotho Evangelical Church (LEC). It has several hundred thousand members. The LEC was formed by missionaries Eugene Casalis, Thomas Arbousset and Constance Gosselin who were from France, (Du Plessis, 1965:329). LEC's vision reads as follows: "We are committed to sanctity and aspire for healing and a well-informed and empowered community which is able to bring transformation, renewal, and peace with justice". Its mission is to affirm and renew its faith in Jesus Christ, the Lord of the church, and accept its calling to continue God's mission of total salvation for all of mankind.

The Society was followed by the Roman Catholic Church (RCC), which was established in Lesotho in 1965 by missionaries Bishop Allard, Father Gerard and Brother Bernard. Its vision is, "To be a leader in evangelization and in the provision of service to humanity so that everyone lives a dignified human life". Its mission is, "To co-ordinate the

activities of the Catholic Church for service to humanity in Lesotho through commissions and as guided by the teaching of the Catholic Church", (Khiba, 2010:9).

The Anglican Church of Lesotho (ACL) was established in the same year as the RCC in 1865. Its mission is based on "values, ethos and tradition, and to engage in evangelism and discipleship to become committed fellowship of a worshipping and caring church". Its vision is, "healing their world and reconciling people to God through Jesus Christ" (Khiba, 2010:9).

In the pre-independence era, the first political party that emerged was the Basutoland African Congress (BAC). It was established in 1952. It changed its name in 1959 to the Basutoland Congress Party (BCP). BCP split in 1957, and a new party called the Basotholand National Party (BNP) was established in 1959. In 1997, the BCP split again and changed its name to the Lesotho Congress for Democracy (LCD) in 1997. The chiefs and RCC supported the BCP before its spit but after the split their support went to the BNP (Matlosa & Sello, 2005:21). It is important to note that the first political parties of Lesotho were faith-based civil society organisations.

4.2.2 Politics-based civil society

The first political parties that emerged in Lesotho aligned themselves with the faith-based civil society organisations. In 1952, the Basotholand Congress Party (BCP) was formed, which was led by Dr Ntsu Mokhehle, who belonged to the Anglican Church. However, as a political party, it was more entrenched in the Lesotho Evangelical Church.

The BCP's main goal was to pursue the political liberation strategy. Its philosophy was influenced by the Pan-Africanist movement that was from South Africa and Kwame Nkrumah's ruling Convention Peoples' Party (CPP) in Ghana, (Khiba, 2010:11; Matlosa & Sello, 2005:19). In 1959, the Basotholand National Party (BNP) was formed and led by Chief Leabua Jonathan, who was a member of the Lesotho Evangelical Church, but

he converted to the RCC where he gained support from RCC members in the form of votes (Khiba, 2010:11).

According to Matlosa and Sello (2005:20-21), Chief Leabua, Patric 'Mota and Gabriel Manyeli, who was the RCC leader, were the founders of the BCP. The BNP had good support from the chiefs of Lesotho because its leader was also a chief. The BCP formed a good relationship with South Africa's apartheid government through policies that were unpopular. Chief Leabua was regarded as a women's rights champion because women won the right to vote in Lesotho after the formation of the BNP. Chief Leabua's party was promoted and supported by the RCC.

4.2.3 Community-based civil society

In 1960, the BCP and the RCC encouraged the formation of community-based civil society organisations and the presence of other civil society organisations were felt in a country. There are numerous community-based civil society organisations, but this research will only focus on the Lesotho Council of Non-Governmental Organisations; the Transformation Resource Centre; the Christian Council of Lesotho; and opposition political parties (Khiba, 2010:11). The next section will give a detailed background to the aforementioned civil society organisations.

4.2.3.1   The Lesotho Council of Non-Government Organisations (LCN)

The Lesotho Council of Non-Governmental Organisations (LCN) was established in 1990 with the objective of bringing support services to the citizens of Lesotho. It aimed to implement this objective through networking, information dissemination, capacity building, advocacy and representation in government matters. The vision of the LCN is as follows: "To be an effective and vibrant civil society in the democratic, peaceful and sustainable Lesotho". Its mission is "to stimulate, promote and build capacity within Lesotho so that they are stable, democratic, transparent, skilled, empowered, sustainable and responsive to their beneficiaries' needs and those of the voiceless and marginalized".

The LCN is the umbrella body of all the civil society organisations found in Lesotho. The LCN supports the government of Lesotho in the capacity building of rural civil society organisations. Its focus is achieved through strategic functions, in evidence-based advocacy and capacity building, by using the participatory approach through networking and in the mobilisation of resources.

The LCN faces challenges regarding capacity. It does not cover the whole country and only has offices in urban areas, leaving the rural areas without support. Others challenges include an inability to engage citizens and being unable to hold the government accountable should it fail to meet national priorities. There is also weak coordination of the civil society organisations in Lesotho, which hinders their performance (Lesotho Commonwealth Observer Group, 2017:14).

4.2.3.2   The Transformation Resource Centre (TRC)

The Transformation Resource Centre (TRC) was established in 1779 by Jimmy and Joan Stewart to live a dream that God gave them, which was to build their aspiration to establish a non-racial community that would work for peace and justice (TRC, 2012). The TRC received support from the Conference of the Inter-Regional Meeting of the Catholic Bishops in Southern Africa, which was held in Lesotho. At the Conference, fundraising was approved in order to make Jimmy and Joan's dream a reality.

The TRC's vision is "to advocate for justice, peace and participatory development". It should be noted that the TRC, although it is independent, is also a member of the LCN (TRC, 2011). The TRC assisted the government of Lesotho in advocating on the formulation of a national human rights commission. Former Prime Minister Pakalitha Mosisili accused the TRC of being biased and acting as a "political party in another name". Mosisili accused the TRC of this because they openly support the Thabane administration; therefore, his political party will not be associated with the activities of the TRC. Mosisili accused the TRC of being biased after he refused to be part of the political debate that was held prior to the 2017 elections (Ntsukunyane, 03 June 2017).

4.2.3.3   The Christian Council of Lesotho (CCL)

The Christian Council of Lesotho (CCL) was established in 1965, but was registered in 1969 under the Society Act as a non-profit organisation with the objectives of fostering closer cooperation and unity amongst churches and organisations of different Christian traditions, and enabling member churches and organisations to fully share in spiritual, social and economic activities. The CCL's mission statement reads as follows: "The council exists for the renewal and empowerment of the local church as an agent of reconciliation within the church and society in the reign of God. It also exists as the voice of the voiceless, the poor and the marginalized".

In Lesotho, civil societies are referred to as non-governmental organizations (NGO) and there is no clear distinction between the faith-based, community based and employer or employee organizations and the exact number of active civil societies is not known, (EU, 2014/2017). Before the 2017 general elections, the CCL invited all Lesotho's political party leaders to sign a pledge to accept the results of the election. This was followed by a prayer breakfast that was held in United Nations House in Lesotho (CCL Report, 2017:1). Prior to the 2017 general elections, the CCL also reminded the citizens of Lesotho that the main reasons to vote were to elect people who would draw up policies and laws in parliament; people who would allocate public money and monitor it; and people who would have the courage to hold ministers accountable and ensure that ministers implement the policies (CCL Report, 2017:1).

4.2.3.4   Opposition political parties

In the history of Lesotho, opposition political parties have played a major role in ensuring that the ruling government delivers effective services to the citizens. After the 1998 elections, opposition parties were not satisfied with the election results. They contested the results and this led to violence. The South African Defence Force (SADF) intervened and restored the government to power (UNICEF Lesotho, 2017:14). In an instance like this, opposition political parties can pose a danger to the ruling political party by causing chaos.

In April 2015, the prime minister annulled General Maparankoe Mahao's promotion and reinstated General Kamoli as the commander of the Lesotho Defence Force (LDF). On 25 June 2015, General Mahao was murdered by soldiers. Opposition political parties protested and boycotted the National Assembly. The prime minister asked the SADC Commission of Inquiry to investigate the death of General Mahao (Reports of the Commonwealth Observer Group, 2017:11).

4.3 Civil society's role in Lesotho

This section will discuss the role of civil society in the context of Lesotho with specific reference to monitoring and accountability. Civil society in Lesotho continues to play a significant role in poverty eradication strategies and create and sustaining development, democratic governance. There are numerous civil society organisations in Lesotho, which are legally registered under the Law Society Act and address different societal problems. The services provided by most of these organisations are pro bono and that leads to massive challenges in their operations. Most of them rely on the funding provided by external funders and donations from individuals who assist the poor and marginalised citizens of Lesotho. This limits civil society's ability to extend its functions to the regions where they are needed. These civil society organisations are also unable to recruit the qualified experts who will grow their organisations due to a lack of funds. If the government of Lesotho funded civil society organisations annually and did not interfere in their operations, it would benefit the citizens of Lesotho (Nwafor, 2012:43).

The absence of formal guidelines constrains the role of civil society to engage in political reform processes and in the national development process. The role of civil society is misinterpreted as unwelcome "watchdogs" and the "opposition in disguise". Civil society in Lesotho should strive to be involved in public policy formulation because the Civic Participation Report states that it is uncoordinated and works in isolation from the government (Ramsey, 2013). The lack of civil society participation shows that the important opinions and views of the citizens that they represent will not be raised or be heard (World Vision Report, 2013:19).

Moreover, civil society in Lesotho has been challenged by a lack of resources (SAIIA, 2011:55). Kapa (2013:4-5) made a clear demonstration that shows that civil society organisations in Lesotho are challenged regarding participation, when they were involved in the Poverty Reduction Strategy, but were not involved in the Millennium Development Goals. From this it is evident that the government needs to make civil society's environment more conducive to participation.

The space for civil society in Lesotho to participate in the political process is limited and this was seen when Former Army Commander Maparankoe Mahao was murdered by soldiers and the civil society representatives wanted the killers to account for their deeds and take responsibility for their actions. The government of Lesotho, however, was opposed to civil society and the citizens who wanted the restoration of the rule of law. The government was so adamant to limit civil society's participation in government that the former Minister of Law and Constitutional Affairs, Motlalentoa Letsa'sa, announced that there were plans afoot that would hinder the work of civil society by providing substitute policies that would support the government's policies and humanitarian aid (BTI, 2018:35). Civil society did however not have the capacity to hold the government accountable for its actions and to expose its failings (Reality of Aid Africa Network and Hand in Hand Lesotho, 2014).

According to Mokotjo (2015), the Executive Director of the LCN, Seabata Motsamai, said that despite the challenges that faced civil society organisations in Lesotho, they would play their role of mediating between the government and the citizens of Lesotho to ensure that good governance was achieved because "civil society is the oxygen of democracy and where the government stops, civil society starts the journey". An EU delegation also stated that they would continue to fund civil society organisations because the government of Lesotho allowed the space for civil society to function and hold the government accountable.

Civil society organisations play a critical role in service delivery to the citizens of Lesotho, more especially to children. They play an important role in the delivery of health and welfare and education services and have participated in the formulation of law and policies regarding children's rights. Even though civil society organisations in Lesotho are committed to their work with children, they lack the skills and knowledge to thrive. UNICEF and the EU, after realising civil society's willingness to assist the children of Lesotho, provided technical support to improve civil society's coordination and knowledge of children rights (Lesotho Civil Society Organisations Complementary Report, 2017:16).

Civil society's strength lies in its ability to mingle with the citizens at grassroots level and to hold the government accountable for critical aspects that affect the citizens directly. Civil society's main weakness, on the other hand, relates to its lack of human resources, which hinders it from advocating for specific matters. The government tends to "poach" outstanding employees from the civil society organisations whenever they become too vocal, and to employ them in the government service. Another weakness of civil society organisations in Lesotho is that they do not specialise in specific programmes; this hinders their performance because they may not be effective and efficient in performing all the activities they are required to undertake (Kapa, 2013:49).

4.3.1 Monitoring and accountability by civil societies in Lesotho

It has been stated before that civil society organisations in Lesotho do not conduct their own research, but rely on consultants to perform this task for them. This is because the lobbying capacity and analytical skills of civil society organisations are extremely weak and they do not have the ability to hold the government accountable (EU, 2014/2017:5). Civil society also lacks the capacity to monitor the government's transparency, and they lack the necessary skills to participate in policy dialogues with the government. On a more positive note, civil society organisations, which perform similar functions have become more effective, and there are coalitions between the youth, women and children, and disabled civil society organisations (EU, 2014/2017:5). Civil societies in the country Lesotho lack the capability of monitoring the government transparency and

accountability and they lack the necessary skills to participate in policy dialogues with the government.

According to the LCN (2016:1), the Lesotho government fails to provide for the poor and hinder engagement of the citizens in democratic processes. This was illustrated in 2015 when the government paid off the loans of Members of the 8th Parliament of M500 000 each and its interest to First National Bank Lesotho. The amount involved was M32-million. Civil society condemned the government's "immoral action" based on the fact that were many poor citizens who could have benefitted from the money. Statistics show that 50% of Lesotho's citizens live below the National Poverty Line. Civil society organisations and political parties' youth leagues voiced their dismay, classifying this action of government as "legalized corruption by the elite" (Ntsukunyane, 15 October 2016). In 2017, the new government wrote-off debt of M43-million, M547-million, and M948.49-million of MPs of the 9th Parliament as their terms had ended prematurely, doing the same thing that was condemned as "legalized corruption" in 2015 (Mohloboli, 25 August 2017). In this case again the civil societies that act as a watchdog were concerned about this policy and principle that every government wish to practice without involving the citizens and the civil societies.

The writing-off of MPs' loans can be viewed as a means of canvassing for votes, as former Prime Minister Pakalitha Mosisili warned them (the MPs) that if they continued to pass a motion of no confidence in his government, there would be no pay-off again. In the case of the current government, the writing-off of MP's loans did not appear to bother the civil society organisations as there were no media reports stating their dissatisfaction. Attorney Mosotho was against this principle of paying off MPs loans and stated that this is very wrong no matter who is in power because Lesotho faces many challenges and it is least developed country. Attorney Mosotho further states that there was no need for the government to pay off the MPs loans because most of them returned to parliament and he was also concerned because the money that was used to pay off loan was not reflected in the national budget. Attorney Mosotho and Mr Ponya who is University of Lesotho Student Representative Council Secretary-General

elaborated deeply by emphasizing that there are Lesotho graduates who are not working and who are in debt to National Manpower Secretariat (NMDS) who cannot afford to settle the loan and they are still expected to pay government that money. Mr Ponya was worried about this issue because the MPs earn more than any working citizens yet they benefit from different governments. This case shows that the government of Lesotho has so much money and if the government wishes it can also pay off student's loan to NMDS (Mohloboli 25 August 2017). This is a very serious issue that shows that the government of Lesotho does not care for its citizens; they are just there to fill up their own pockets and forgot about the citizens who put them there in parliament to represent the nation.

4.4 Legislative framework of civil society in Lesotho

This section will discuss the legal framework in which Lesotho's civil society operates, which must be aligned with the Constitution that is regarded as the supreme law of the land. The civil society organisations are registered under the Society Act of 1996. Additionally, there are various laws that govern civil society organisations, such as the Cooperative Societies Act 2000, the Labour Code of 1992, the Partnership Proclamations, and the Friendly Societies Act.

4.4.1 The Constitution of Lesotho, 1993

The Constitution of Lesotho is the supreme law of the country and any other legislation should be aligned to it. The Constitution provides for the freedom of assembly, association and expression, and this is where civil society organisations feature in order to be able to express their opinions and views on how the government should handle certain matters regarding its citizens. Freedom of expression is guaranteed in Chapter 2 of the Lesotho Constitution in Section 14. This provision is said to have limitation and it can be denied if it imposes a threat to public safety, public order, public health, or public morality. However, the Constitution remains unclear on the interpretation and definition of public ethics or morality (Constitution, 1993). The freedom of association and assembly are enshrined in the constitution of Lesotho and demonstrated through the

emergence and existence of various political parties, (Reality of Aid Africa Network and Hand in Hand Lesotho, 2014).

The Constitution, in Chapter Two Section 15, provides for the freedom of peaceful assembly by stating: "Every person shall be entitled to, and (except with his own consent) shall not be hindered in his enjoyment of freedom of peaceful assembly, without arms, that is to say, freedom to assemble with other persons". The right is also subject to the limitation if it poses a threat to public morality. Moreover, Chapter Two Section 16 guarantees an individual's right to freedom of association. However, these constitutional rights can be declared unlawful on the basis of public morality by the courts of law (Lesotho, 1993). According to Reality of Aid Africa Network and Hand in Hand Lesotho (2014), the Act prohibits the involvement of unregistered civil society organisations, which results in the violation of the rights of unregistered groups.

Civil society organisations are governed by various laws. They include the Society Act 1966, the Cooperative Societies Act 2000, the Labour Code 1992, and the Partnership and Proclamation and Friendly Society Act. Aligning civil society with legislation, they should be voluntary charitable organisations such as World Vision and the Lesotho Red Cross; non-governmental organisations such as Letsema Lesotho and the Lesotho National Council for Women; faith-based organisations such as the Christian Council of Lesotho and the Lesotho Young Christian Students; professional associations such as the Lesotho Consumer Organisation; and research foundations such as the Baylor College of Medicine, the Children Foundation and the Elizabeth Glaster Pediatric AIDS Foundation. Few citizens of Lesotho are members of the aforementioned civil society organisations and it can be deduced that the citizens of Lesotho are not informed about the role played by these organisations.

Civil society organisations in Lesotho need to obtain a permit from the police before publicly demonstrating and the police may deny or grant permits aligning themselves with the Public Safety Act. According to the Human Rights Report (2017:10), the government respects such a right only if a permit is obtained seven days before the

public demonstration. Thus, it can be said that the government of Lesotho prevents civil society organisations and citizens from exercising their right to freedom of association and assembly, which are rights enacted by the parliament of Lesotho (Reality of Aid Africa Network and Hand in Hand Lesotho, 2014).

The next section will explore the Society Act.

4.4.2 The Society Act of Lesotho, 1966

The Society Act of Lesotho strives to: "Provide for registering societies, for the consequences for failure to register societies and for dissolving unlawful societies to the extent that is necessary in a practical sense in a democratic society in the interest of public safety, public order, public morality and protecting fundamental human rights and freedoms". This means that all civil society organisations in Lesotho are registered under the Society Act of 1966. The Society Act aimed to establish a unique law for all civil society organisations in Lesotho and to standardise the registration process, but it failed to revoke other laws impacting negatively on the Act. The Act impacts negatively on Lesotho's Constitution because it states that citizens have the right to freedom of association, while the Society Act mandates societies to register prior to their operation. The Constitution is the supreme law of the country and any other laws must be aligned with it. In this case we see that the Society Act poses a threat to the supreme law (Reality of Aid Africa Network and Hand in Hand Lesotho, 2014).

4.5 Experiences of civil society in Lesotho

This section will explain the involvement of civil society in the administration of government. It will also deal with the challenges faced by civil society relating to the governance of the country.

In Lesotho, according to Pefole (2010:16), the models of participation by civil society were not given priority and were taken for granted by the government, and the media, where citizens could voice their concerns, was not recognised. Although civil society

organisations in Lesotho enjoy constitutional freedom and are free from interference, the consultation in policy and strategic formulation does not have clear policy structures and this results in the unstructured and fragmented participation of civil society. In addition, the selection of the civil society organisations to participate in policy formulation is not transparent because the selection process is done by the government (EU, 2014/2017:3).

Moreover, civil society struggles to have adequate access to information on issues of public interest, even though it is legal to have such access. Examples of this is information on bills, the national budget, audits and general policies. Lack of such information restricts civil society from participating in the national decision-making processes, including in dialogues with the government (EU, 2014/2017:3).

Civil society also faces challenges regarding finances and human resources, and this hinders civil society organisations from participating effectively in various dialogues. Civil society faces financial constraints in Lesotho because there are no approved guidelines for local and foreign fundraising, therefore civil society organisations individually source their funding. Even though individuals and private companies might want to contribute financially to a civil society organisation of their choice, the tax laws in Lesotho are not user-friendly to these organisations as legislation states that contributions are only tax deductible when donated to sports activities. This has made private companies and individuals reluctant to support civil society organisations in Lesotho (EU, 2014/2017:4).

Lesotho civil society organisations are not vocal enough to refuse when the government selects certain civil society organisations to engage with in the policy-making process. There are complaints that the selection process of civil society organisations is not transparent and excludes underprivileged groups and those groups who are seen as overly-vocal. This indicates that the government of Lesotho has only a partial interest in public participation and consultation processes. It is said that some civil society organisations in Lesotho are not given the opportunity to participate because "they

intimidate the government" (BTI, 2018:15). In addition, the civil society's interaction amongst them is extremely limited therefore these weaken their ability to carry out their roles.

On a more positive note, civil society organisations have played a major role in the administration and management of elections by providing voter information and education, election-related conflict management, and by monitoring elections. Moreover, civil society has been involved in the democratic processes of Lesotho and that has led to the deepening of democracy in the country. They have called for the establishment of a Human Rights Commission to ensure that the rights of the citizens are protected, and they have advocated for the independence of the office of the Ombudsman and the Directorate of Economic Offences (Matlosa, 2006:47).

4.6 Principles of good governance

This section will deal with the principles of good governance, which allow citizens and civil society to effectively and efficiently supervise public resources. Taking into consideration the principles of good governance, the research will focus on participation, the rule of law, and strategic vision in the context of Lesotho.

4.6.1 Participation

Participation is the hallmark of good governance in which the state, civil society, stakeholders and the citizens in general are involved in the decision-making process (Vyas-Doorgapersad & Can Aktan, 2017:35). The citizens of Lesotho are free to join the political parties of their choice and to have membership, as stipulated in the Bill of Rights of the Constitution. Civil society in Lesotho has mostly been active in the field of health care, poverty alleviation, and governance issues (BTI, 2016:9). Although civil society organisations in Lesotho do not have adequate funds and resources to carry out their task successfully, they are still vocal on corruption. However, they find it difficult to engage with the national legislature, thereby resulting in limited chances for public participation (BTI, 2016:10). In Lesotho, the private sector exercises its right to form

trade unions, but public sectors employees are not given the opportunity to exercise this right to association. Labor laws are ignored in and union meetings are prohibited in economy sectors, such as mining, because the investors work outside of government regulations.

In Lesotho, civil society participates in the public consultations on the budget process, even though they lack coordination and effectiveness in tracking expenditure revenue. It has been noted that civil society in Lesotho does not have the capability to effectively and efficiently monitor the implementation of domestic laws and the international conventions that Lesotho is a member of (EU, 2014/2017:4). Even though civil society organisations in Lesotho do not always participate in government, there are various occasions where they have be involved in policy formulation processes. Examples are their participation in the formulation of the National Vision, the Poverty Reduction Strategy, the National Strategic Development Plan, 2012/2013/-2016-2017, and the Lesotho African Peer Review Mechanism (EU, 2014/2017:5).

According to the Citizens Participation Survey (CPS) (2017:11), the 2016 Baseline Study found that a clear national programme on civic education does not exist, regardless of the fact that several national policies make reference to the fact that "civic education and participation is the cornerstone for promoting democracy in Lesotho". This has led to inadequate capacity and responsiveness of the citizens to participate in democratic processes. In Lesotho, progress was seen in participation in the elections where the elected representatives participate on behalf of the constituencies they represent in the legislative processes. The participation of ordinary citizens and civil society in the legislative processes in Lesotho was introduced by the parliamentary portfolio committee and because this kind of participation was argued to be a new phenomenon in Lesotho, such participation was low. This led to the government of Lesotho to sign international treaties without consulting the parliament and to allow debates on the status of legitimate policies (Kapa, 2013:10). In addition, citizen participation in the policy processes could not flourish because the citizens did not have

access to the government information which would assist them to have a clear understanding on how the government functioned (Kapa, 2013:45).

4.6.2 Rule of Law

The rule of law is the most important element of good governance and democracy. In the principle of the rule of law, the government and the citizens must know that the constitution is the supreme law and it must be respected by all (Vyas-Doorgapersad & Can Aktan, 2017:35). Lesotho has three branches of government, which are partially separated. However, Lesotho experiences challenges regarding the fact that the members of the executive are also members of parliament, and individuals qualify to be ministers or deputy ministers only if they are members of parliament or senators. Lesotho's Parliament consists of two houses, the National Assembly and the Senate, responsible for making and enforcing the laws of the country. They are subject to the Constitution of Lesotho. The king is the head of state and the prime minister is the head of the executive (LCN, 2009:2).

The branches of government play a major role in nurturing and institutionalising democratic governance, and political parties and civil society organisations complement these institutions. The executive branch is made up of the prime minister and the ministers who comprise the Cabinet. The legislative branch comprises of two houses, which is the National Assembly with 120 seats in Parliament, and the Senate, which has 33 members consisting of 22 principal chiefs and 11 members who are appointed by the king on the advice of the prime minister. The National Assembly is regarded as the major law making body and Senate oversees and ensures bills are scrutinised. The judiciary comprises of the High Court, the Court of Appeal, the Magistrate Courts and traditional courts. The judiciary is responsible for interpreting and adjudicating justice aligned with the Constitution (Matlosa, 2006:41-42). The rule of law is a prerequisite for democracy, where the political parties are allowed to compete for power through the elections that are free and fair and political leaders exercise the political power within the regulated legal framework. In Lesotho, the perceptions of the rule of law by the citizens were aligned with the political party affiliations (Gay & Mattes, 2004:5). In the

rule of law, after the general elections, the king appoints the prime minister as a member of the National Assembly, who is the leader of the political party or the coalition of political parties (Reports of the Commonwealth Observer Group, 2017;13).

4.6.3 Strategic vision

Strategic vision is another indicator of good governance. Leaders must be visionary and have long-term views and strategies on good governance and the development of both the state and the citizens (Vyas-Doorgapersad & Can Aktan, 2017:35). According to the BTI (2018:30), the government of Lesotho failed to implement the National Strategic Development Plan, which was clearly aimed at increasing funds in tourism, agriculture, manufacturing and mining between 2012 and 2017. In addition, the policy formulation of the country is not based on scientific research; therefore, the country cannot progress. All the policies that earned Lesotho respect from international players were not implemented.

The strategic objectives of the National Strategic Development Plan 2012/13 – 2016/17 in tourism were aimed at developing products for tourists, the management and protection of cultural heritage resources, and improving the tourism market and the visibility of Lesotho as a tourism destination of choice. The strategic objectives in agriculture were aimed at developing access to finance, advancing quality livestock breeding capacity, developing water harvesting infrastructure, and advancing the production of high value crops. The strategic objectives in manufacturing were aimed at developing a textiles and clothing hub and increasing exports, expanding industrial infrastructure, building more factories, and developing industrial collections to diversify products to increase local participation in manufacturing. The strategic objectives of mining were the identification of mineral resources intelligence systems, improving the legal and policy framework to address emerging issues, and finding solutions and improving mining companies' access to infrastructure (National Strategic Development Plan 2012/13-2016/17; 2012:79-85).

4.7 Democratic governance in Lesotho

This section will explain how democracy is perceived in Lesotho. Since its independence in 1966, Lesotho has experienced numerous breakdowns in democratic governance and the political environment of Lesotho had been unstable because of political violence.

Lesotho has practiced electoral democracy since 1993 and is regarded as a stable democratic constitutional monarchy (BTI, 2016). Lesotho held its first democratic elections in 1993 when the country became a one-party dominant state ruled by the Basotholand Congress Party (BCP). The second democratic elections in Lesotho were held in 1998 and were won by the Lesotho Congress for Democracy (LCD). The international observers confirmed that the elections were free and fair, but opposition parties and their followers contested the outcome of the elections. Brutality followed and this era was referred to in Lesotho as "sephetho". This incident led to military intervention by SADC countries, such as South Africa, Botswana and Zimbabwe. They were welcomed by the government of Lesotho as the country was in a state of disarray (BTI, 2018).

Shortly after the 1998 elections, a new Mixed-Member Proportional Representation (MMP) system was introduced and the Multiparty Interim Political Authority was appointed to ensure that all political parties were represented in parliament. The elections that were held in 2002, 2007 and 2012 were peaceful, fair and free and it should be noted that was the first time (MMP) model was implemented after elections results were announced from 2002 until the present era. However, Lesotho's democracy has always been unstable and this became clear in 2012 when the country first experienced a coalition government (BTI, 2018:5).

The political environment in Lesotho is characterised by instability because the ruling political parties are not able to reach consensus on policy orientation since independence. The citizens are not well informed and organised to fully exercise their

civic rights (CPS, 2017:12). According to the BTI (2018:32), the major challenge of the Lesotho government is the coordination of policies, more especially policy formulation, as it is regarded as a major component of the politics of a country. Moreover, the office of the prime minister is unable to coordinate policies; this is the result of a lack of leadership from politicians and bureaucrats. Furthermore, the office of the prime minister does not have experts who can provide guidance to the prime minister and other government ministries. In August 2014, because of the political instability in Lesotho, the military endeavoured to take over the government, but without success because SADC intervened. Another early election was called and elections were held in February 2015, which resulted in a coalition government, which was headed by the Democratic Congress (DC) (UNICEF, 2017:14).

The prime minister, as head of the executive, is capacitated with the executive powers to appoint and reshuffle Cabinet members. As mentioned before, Lesotho's democracy is unstable; thus, it is risky to reshuffle Cabinet ministers as this is done on the discretion of the prime minister. Cabinet members can be removed, even if they serve the nation well, if they do not get along with the prime minister. In most cases, a Cabinet reshuffle occurs to get rid of Cabinet members who no longer support the prime minister (Mohloboli, 13 August 2018).

In 2015, recommendations were made for the government of Lesotho to deepen its democratic governance. When Dr Pakalitha Mosisili became the prime minister in 2015, his coalition government promised the introduction of constitutional reforms and institutional reforms. However, the country saw the opposite of what was promised and the military took control of Lesotho because the government could not hold the soldiers who killed high-ranking soldiers accountable for their deeds. Instead, the alleged killers were defended and promoted to higher ranks (BTI, 2018:34).

On 1 March 2017, the Lesotho Parliament passed a motion of no confidence against Prime Minister Mosisili and Lesotho went to early elections. Thomas Thabane became the next prime minister of a coalition government. After the elections, former Prime

Minister Mosisili handed over power peacefully to Prime Minister Thabane. The electoral observers stated that the elections were free and fair. Although there were concerns regarding members of the Lesotho Defence Force (LDF) who were present at some of the voting stations, there were no reports that the LDF interfered in the electoral processes (Human Rights Report, 2017:11).

Representation of the citizens is at the root of National Assembly. In Lesotho the legislators who are members of parliament act according to their own will even though they still represent the citizens, (Likoti 2008:4). Understanding democracy may be connected to gender, education, age and employment. Despite Lesotho's oft-troubled political environment, it can be said that the citizens' understanding of democracy has increased since 2000 when political parties' freedoms were broadened and deepened. Civil society also perceives Lesotho as a democratic country because it is involved in the election processes with the aim of observing the electoral procedures and providing education to the citizens throughout the country (Gay & Green, 2004:5).

4.8   Democratic institutions

Democracy is a process which requires the establishment of institutions to ensure its consistent and effective practice (Gberevbie, 2014:140). These institutions are created to ensure that the elected representatives give account to the citizens and they are considered imperative for the success of democracy in societies (Beetham, 1994:24). Democratic institutions must be accountable and responsive to the needs of the citizens. In 2015 and 2017, democratic institutions in Lesotho faced enormous challenges.

4.8.1 Independent media

An independent media as an institution of democracy is used mainly to convey information and promote communication between people; it includes newspapers, radio stations, television stations, the internet which includes Facebook and WhatsApp, magazines and books (Nisbet, 2008:454). Access to information in Lesotho is a major

challenge even though it is regarded as a fundamental human right. Nonetheless, the media is free from direct government interference. After the democratic transition of 1993, various independent media emerged and played an important role in the dissemination of information to Basotho citizens; this assisted in the extension of freedom of expression (Kapa, 2013:15).

Sedition Proclamation No. 44 of 1938 vetoed particular forms of criticism against the government and would charge whoever criticised the government. This Sedition Proclamation remained part of Lesotho's statutes, even after the 1993 democratic elections until the present day. Civil society was opposed to this statute because it was considered an oppressive law. The access to information can encourage the government fully allow decision making process and enact legislation that provide access to public information, (Reality of Aid Africa Network and Hand in Hand Lesotho, 2014).

According to the Lesotho Human Rights Report (2017:8), the Constitution provides for the right to freedom of speech, but does not openly state freedom of the press. This could be the reason why Lesotho has experienced deterioration in media freedom and the intimidation of journalists; in one incident radio stations were closed by the ruling party in 2016. The closure of the radio stations related to the fact that they relied on government infrastructure to broadcast to their audience, which made it easier for the government to interfere with the operations of these private radio stations (BTI, 2018:10).

The government of Lesotho also endeavoured to impede freedom of expression in 2016 when the Minister of Communication, Science and Technology asked the Lesotho Communications Authority (LCA) to shut down social media in Lesotho (BTI, 2018:10). It was speculated that the anticipated shutting down of social media by the LCA was politically motivated to escape accountability. The Media Institute of Southern Africa (MISA) advised the government of Lesotho to consider social media as something positive and to adopt it as a tool that could strengthen the government structures. This

incident occurred because there is no legislation in Lesotho on access to information and public information, which is considered secret, and which can only be published if the stewards felt the need to make the information public (MISA, 2013:47).

An example of this was when whereby the journalist managed to find the public information the police threaten the journalist to give up their sources and this happened when journalist Mohloboli who is the editor of the *Lesotho Times,* and the editor of the *Sunday Express,* were forced by the police to disclose their sources after reporting on constant discussions between the Army's commander and the government. This led to one editor being shot by unknown hitmen on 1 July 2016 and the other having to flee the country (BTI, 2017:10).

The independent media in Lesotho played an important role in promoting democracy, where citizens were able to voice their concerns; but, on the other hand, the media also exploited the platform by providing information that resulted in instability in the country (Selinyane, 2008:168). Additionally, some radio stations in Lesotho are controlled by politicians; this became evident when these radio stations advocated for and aired issues that advanced specific political agendas (MISA, 2015:32).

The government of Lesotho also has the tendency to deny the media information on government matters. Over the years, the media have fought for freedom of information legislation, but to no avail (Kapa, 2013:45).

4.8.2 Political parties

In democratic governance, a political party is the organisation in which people who share the same interests and goals come together to exercise their political power and to create a healthy democracy (Cross & Katz, 2013:1). Political parties in Lesotho in 2012, 2015 and 2017 depended on each other to form a coalition government.

The country experienced excessive lobbying in government institutions where politically connected individuals are employed. Moreover, the country's political structures are extremely weak because they do not have ability to protect national resources and to

hold the leaders of political parties accountable when they abuse state resources that benefit their inner circle. An example of this is that former Prime Minister Pakalitha Mosisili appointed his close relatives as principal secretaries and ambassadors, while others were appointed to senior positions within the civil service (BTI, 2018:15). In addition, the appointment and dismissal of civil servants are influenced by political parties.

Political parties in Lesotho have witnessed many fractures in major party politics, more especially in 2016, when Monyane Moleleki withdrew his support from government as the minister of police and accused Mosisili's administration of being corrupt because it failed to implement constitutional, security and parliamentary reforms. At this time, four ministers from the Democratic Congress (DC) resigned from government. Moleleki left the DC to form a new party, called the Alliance of Democrats (AD), and then he formed a new coalition government with Dr Thomas Thabane, the leader of the All Basotho Convention (ABC). In January 2017, a new political party was formed by the Secretary-General of the LCD Mr Mochoboroane, known as the Movement for Economic Change (MEC). The division of these major political parties impacted badly on the government, making it extremely weak. In 2017, there were 27 political parties registered with the Independent Electoral Commission (IEC) (Lesotho Commonwealth Observer Group, 2017:2).

Lesotho political parties have been working collaboratively with the Commonwealth since the elections in 2012. Civil society in Lesotho has also been involved in the election process to provide voter education on the democratic processes. As democracy matured in Lesotho, the citizens became aware of the significance of voting and how the electoral system worked, and they gained the confidence to question political parties' candidates so that they could choose which party to support (Commonwealth, 2014:3).

4.8.3 The Independent Electoral Commission (IEC)

In a democracy, elections determine which political party will rule the country; therefore, it is important for the electoral process to be fair and unbiased. An independent electoral commission is needed in every democratic country to be able to ensure that the election processes are free and fair and that they are a reflection of the legitimate votes of the citizens (Roberts, Gordon & Struwig, 2016:2). In Lesotho, before 1997, the elections were managed by the Chief Electoral Officer who was an officer within the Ministry of Law. After Africa-wide discussion that was made by Africa-wide learning of electoral reform, Lesotho adopted and established the Independent Electoral Commission (IEC) to assist with the process of the National Assembly and Local Government Elections. The IEC has a mandate to submit election reports, annual financial statements and referendum reports to the Parliament of Lesotho, by the Minister of Law and Constitutional Affairs, who is capacitated with the authority to speak on behalf of the IEC in the Parliament (Beale, 2013:15).

The role of the IEC is to win the citizens' confidence by ensuring free and fair elections. This is done by demonstrating clear road mapping for hold the elections to avoid extortion and violence. It is the mandate of the IEC to ensure that the voters' registration roll is updated annually and avail the roll for voters to cross check their names to ensure that they the right to participate in an election. After each election, the IEC must review its performance and ensure that the electoral laws are adhered so that they improve where they failed, (Khiba, 2010:6).

Lesotho's IEC was established based on Section 66(1) of the Constitution and clearly stipulates the regulatory framework for conducting and administering elections. The functions of the IEC in terms of the Constitution include to "demarcate the constituency and electoral division; to compile a voters' registration and National Elections Register; to manage and oversee the election process; to ensure the elections policies are being taken into consideration; and to announce and certify the elections results (Lesotho Commonwealth Observer Group, 2017:13).

Civil society assists the IEC with voter education before the elections, and on election day. In 2015, the LCN deployed 320 observers in the country, who were part of member organisations who participated in the Democracy and Human Rights Commission. The observers were given training prior to deployment to expedite their function of observing the elections. A checklist was used to ensure that acceptable standards of democratic elections, as well as considering Lesotho's local laws, SADC principles and international convention relating to elections, were observed and achieved before the elections (LCN Interim Statement, 2015:2). The citizens of Lesotho perceive the IEC as an entity which assists them to vote and provides the results after voting. According to the citizens, the IEC also assists during the election period for the electoral process to be successful. Once Lesotho had established an IEC, it was recognised as a democratic country because elections would be conducted in a free and fair manner by an organ not affiliated to any political party.

4.8.4 The Ombudsman

The role of the ombudsman is of relevance as it was created by the legislature to monitor and administer the executive government's activities and act as public protector. The main objective of the ombudsman office is to ensure that all citizens are treated fairly in the public and private sectors, and that all citizens are protected against maladministration (Fowlie, 2008:17). In Lesotho, the office of the Ombudsman was established in terms of Section 134 of the Constitution and the Ombudsman Act No. 9 of 1996. In addition, the government of Lesotho also published Legal Notice No. 8 of 2016 with the aim of strengthening policies on anti-corruption. The ombudsman is appointed for a period of four years by the king acting on the advice of the prime minister. The main function of the ombudsman is to investigate and make recommendations by remedying the actions and complaints that relate to maladministration, corruption, human rights violations, and the misuse of funds by government officials. Although the office of the ombudsman was established mainly to implement the country's anti-corruption policies it lacks the expertise, skills and budget

to function optimally. The government of Lesotho published Legal Notice Number 8 of 2016 in order to strengthen the anti-corruption policy (BTI, 2018:17).

Furthermore, according to the Human Rights Report (2017:13), the office of the ombudsman in Lesotho functions without political and government interference, even though it is constrained by the fact that the public is not aware of it. Moreover, its operations are limited as it is based only in the Maseru District. Another pertinent factor here is that although the National Assembly approved legislation that created a platform for a human rights commission, the constitutional court of Lesotho dismissed the case claiming that the Senate and civil society were not consulted on the legislation (Human Rights Report, 2017:13).

According to the Lesotho Ombudsman's Annual Report (2014/2015:9), the lack of human resources in the ombudsman's office led to the hiring of investigators who already work in other offices, making their workload too heavy. Thus, the Complaints Intake Unit could not measure the progress being made in cases. Another challenge faced by the ombudsman's office was that the Investigation Procedure Manual was not user-friendly, meaning that the Complaint Intake Unit could not understand and interpret the Manual (Lesotho Ombudsman Annual Report, 2014/2015:9).

The facilities of the office of the ombudsman are utilised mostly by public servant officials who know that such an office exists in Lesotho. The office has dealt with a number of cases pertaining to grassroots citizens where it intervened to provide assistance. However, the majority of the citizens do not know about the office of the ombudsman even though it was established in 1993.

Civil society organisations are also aware of the role the ombudsman plays. They are aware that the ombudsman's office must use its constitutional authority to investigate cases and decide how the investigations will be conducted (Sebusi, 2018). The citizens of Lesotho will have faith in the office of the ombudsman only when they are made

aware of its existence through an education campaign, which should be provided by the government of Lesotho as well as civil society organisations.

4.8.5 Legislative, executive and judiciary branches

This section will discuss the legislative, executive and judiciary branches of government as democratic institutions which civil society organisations must ensure do not abuse their powers and violate the rights of the citizens. The three branches of government are there to represent and respond to the needs of the citizens while civil society is present in democratic governance to ensure that the government does not abuse its powers and violate the democratic rights of citizens. The division of power in democratic governance is a way to prevent the abuse of power (Persson, Roland & Tabellini, 2003:15).

All three branches of government have their own precise duties that are enshrined in the Constitution. The legislature is responsible for making the laws of the country, scrutinising and authorising expenditure and revenue, and ensuring that the lives of citizens are improved (Fashagba, 2012:21).

Lesotho embraced the Westminster System of government after independence where the king is the head of state and performs only a ceremonial role. He has no executive and legislative powers that can mandate him to interfere with the functioning of democratically elected representatives. The prime minister is elected and is the head of the government and the executive, according to the Constitution of Lesotho (UNICEF, 2017:15).

Lesotho's three branches of government are partially separated. The head of the government leads the executive branch, which includes the prime minister and cabinet ministers. The prime minister's role after elections is to appoint new ministers who serve according to his preference. The executive branch accounts to parliament and senate, where policies are made and implemented, and resources are allocated and reserved. The executive branch is often affected by political factors that hinder its effective performance (UNICEF, 2017:15).

The legislature's ability to liberate its constitutional responsibilities is hindered by the political instability in the country – in particular, the coalition governments since 2012 and the snap elections in 2017. This shows the failure of Lesotho political scenery. Coalition governments are generally delicate and in most cases the agreement between the parties is extremely weak because each party wants to maximise its own benefits. Lesotho's 2012 coalition government collapsed because the political parties that formed it were no longer happy and wanted more than they were receiving. It has been noted that new political parties form a coalition each time government fails. Moroever, MPs were allowed to cross the floor in parliament without losing their seats. This is usually done to dissolve parliament, which is a catalyst for early elections (UNICEF, 2017:16).

In Lesotho, experiences the obstacle because the members of the executive are also MPs. Politicians can only qualify to be ministers or deputy ministers if they are MPs or Senators. The parliament of Lesotho lacks resources – financial and human – which hinders it from fulfilling its oversight and law-making roles. In addition, it relies on the Public Service Commission to regulate and recruit personnel for parliament. This means that the staff are civil servants who do not have the expert knowledge and skills needed to carry out the tasks of parliament (BTI, 2018:14).

Regarding Lesotho's judiciary system, the court of appeal is the highest court in the country. The judiciary should be an independent branch of government. In the case of Lesotho, the judiciary system's independence is questionable because the prime minister is responsible for the appointment of the chief justice of the High Court and most members of the Judicial Service Commission. The Judicial Service Commission is responsible for the appointment of other judges (LCN, 2009:2).

The judiciary system lacks financial and human resources. This is evident because there are serious challenges involved in appointing judges for the High Court. At present, there are not enough judges to hear cases. One particular incident in recent

years involved a judge from the Labour Court who felt that he was not being paid enough by the government and resigned to go and work at the Central Bank of Lesotho.

Moreover, the judiciary has been criticised for lacking independence and not hearing cases fast enough (i.e. incompetence) (UNICEF, 2017:17). This mean that citizens who are arrested are kept in prison cells for a long time without being appearing in court. This might lead to the rights of the citizens being violated. Civil society can fulfil its mediation role by ensuring that citizen's rights are not violated by the government.

4.9   Barriers to democracy

Democracy in African countries has been described as "hollow and ambiguous" (Diamond, 2003:28). Edigheji (2005:2) states that democracy is achieved when voters casts their vote in elections to choose their representatives who will be part of the government. This section will discuss corruption, military threats, and controlled civil society in the context of Lesotho.

4.9.1 Corruption

Defining corruption is problematic because the concept does not have an exact definition. Haller and Shore (2005:8) state that the concept is "slippery and protean". Farrales (2005:16) is of the opinion that public office definition of corruption is the misuse of public office authority in exchange for private gain between the two parties involved.

There is also something called "grand corruption", where high-ranking public officials are involved in the misuse of public resources and privileges for personal gain (Kyambalesa, 2006:103). Olaniyan (2014:19) labels this kind of corruption as "corruption of greed". Corruption may be caused by various factors, such as poor governance, political instability, and fragile legislative and judicial structures in democratic governance (Kyambalesa, 2006:108).

The government of Lesotho has promised to rid its ranks of corruption. According to the Afro Barometer (2015:1), the country has witnessed an increase in corruption, especially among police personnel and business administrators, in recent years.

According Mohloboli (2018), former Prime Minister Pakalitha Mosisili accused the current prime minister, Thomas Thabane, of maladministration after one year in power. Mosisili stated that Thabane had accused his (Mosisili's) administration of corruption, but Thabane's administration could be perceived as "worse" in terms of corruption. Mosisili said that the tender for catering for the 55th birthday of His Majesty, King Letsie III, amounted to M2 070 per person and there were 200 guests, which meant that the tender awarded was M414 000. Mosisili told the *Lesotho Times* that this was a clear example of corruption and he had never witnessed such corruption in his life.

In 2016, the government, led by former Prime Minister, made the corrupt decision to sell a three-year-old Mercedes-Benz E-class for M4 000. This only benefitted cabinet ministers and senior public servants, who already were wealthy.

Also in 2016, the former minister of finance, Mamphono Khaketla, allegedly solicited a M4-million bribe. This was a bribe from a South African company, Bidvest. Khaketla awarded a no-bid multimillion dollar contract to Bidvest to administer Lesotho's government vehicle fleet. She was charged with soliciting a bribe by the Directorate on Corruption and Economic Offences (DCEO) (Human Rights Report, 2017:12).

In the case where the government sold the secondhand Mercedes-Benz and paid off MPs' loans, citizens and civil society voiced their concerns. Those citizens who were not happy phoned into their local radio stations to comment about these incidents, while the civil society organisations confronted the government and published reports regarding the incidents.

4.9.2 Military threat

The military in Africa has the propensity to capture governments, which hinders the practice of democracy in African countries. This is a major challenge to democracy because of the violence and conflict that arises from this. In Lesotho, the violence caused by opposition parties after the 1998 elections, when they were dissatisfied with the election results, led to military intervention. The government of Lesotho was helpless in the face of the violence instigated by the opposition parties, civil servants stopped working and stayed at home, and the National Assembly was closed. The military's intervention in this political crisis assisted to neutralise the situation (Makoa, 1999:81; Molomo, 1999:133).

Civil society mediates between the government and its citizens, while the military protects the government and its citizens. In Lesotho, there have been incidents where politicians were murders and resources were abused by the government in the knowledge that there would be no penalties because the government was in cahoots with the military (News 24/7, 2017). However, in 2018, the new military commander promised the Lesotho nation that the turmoil caused by the military had ended and under his control there would be transformation in the army. He pledged to protect the interests of the citizens and the nation (Mohloboli, 2018).

4.9.3 Constrained civil society

In democratic countries, civil society plays the role of an advocate in the promotion of democratic practices, such as safeguarding human rights for the citizens by ensuring that the government does not violate them. However, according to the BTI (2018:17), civil society in Lesotho is aligned to political parties. Therefore, they cannot perform their task as they need to do the bidding of the political parties. Moreover, the civil society organisations that are controlled by and are loyal to the political parties find it difficult to be objective and professional when addressing government issues relating to the citizens. In the 1998 political crisis, the civil society organisations attempted to fulfil their role of protecting and advocating for the citizens during the instable and conflict-

ridden situation but they failed because they were members of political parties (both opposition parties and the ruling party). This meant they were biased and could not find common ground on how to handle the situation (Moremoholo, 2005:62).

Another factor which weakens Lesotho's civil society is the fact that they depend on donor funding. Therefore, they fail to play their role of being a watchdog in Lesotho's democratic landscape. Most of the civil society organisations in Lesotho perform activities that are influenced by donor conditions and priorities. They focus mainly on social awareness and do not educate the citizens about democracy (Matlosa, 2003:46). Matlosa (2003:47) further states that civil society ignores vital issues relating to political values and the principles of democracy when educating citizens. Instead, they only provide education about democracy prior to the elections to enable the citizens to be familiar with the voting procedure.

Lesotho's civil society has failed to add value to democratic governance and to exercise its influence on the government – which could be considerable if done wisely. It has also failed to engage the citizens of Lesotho in critical government processes, such as policy formulation and decision making. Moreover, civil society programmes do not address and prioritise the citizens' needs. The only major success of civil society in Lesotho has been in securing a place in government and in donor circles so as to cover their operational costs. Thus, the researcher is of the opinion that they do not to serve the citizens optimally (Monyane, 2009:265).

4.10 Summary

The chapter presented the experiences of civil society organisations in Lesotho's governance, the background to how they were formed, and the role played by them with regards to monitoring and accountability. Since the 1993 elections, civil society organisations have formed and spread rapidly across the country. They are managed under an umbrella body named the Lesotho Council of Non-Governmental Organisations (LCN). Civil society organisations that are politically-oriented have contributed to the advancement of good governance in Lesotho. Good governance

principles have been implemented, with specific reference to participation, the rule of law, and strategic vision. Democracy is a form of government that permits the citizens to be part of the decision-making process in government.

Lesotho's democracy is extremely fragile and the government lacks effective strategies to overcome the problems facing the country, such as poverty, conditions of famine, and a lack of economic diversification. Moreover, political participation through voting has dropped – the voter turnout in 1993 was 70%, while in 2015 it was only 50% (Aerni-Flessner & Rakojoana, 2017).

Democracy, specifically in Lesotho, was discussed as well the country's democratic institutions. Democracy flourishes when a country's constitution allows the separation of powers, enforces the rule of law, and has an independent judiciary. Lastly, the chapter discussed the barriers that prevent democracy from thriving. To overcome the barriers to democracy, the citizens, civil society and political parties must work together in accordance with the Constitution to build the country's democracy. In addition, civil society's role in governance processes must be taken into consideration by the government.

CHAPTER FIVE

Summary of the research, findings, recommendations and conclusion

5.1 Introduction

The previous chapters aimed to interpret the data collected from various sources with regards to the role of civil society in governance in Lesotho. Civil society's participation in government was seen to improve democracy. Civil society impacted the government's decision-making process because it is regarded as a collaborative force between the government and the citizens.

The expectation was there that the government of Lesotho would be responsive to the needs of its citizens and allow their participation. The participation of civil society and citizens in the decision-making process is an element of democracy. The attainment of good governance and democracy strengthens the citizens' confidence in the government with regards to its promoting their interests. In addition, civil society can promote governance by advocating for policy-making processes, regulating and monitoring government activities, and educating citizens about government affairs and how the government acts regarding these specific matters. It is imperative to remember that the traditional functions of civil society are the protection of human rights and freedom, and ensuring that the government does not violate the rights of the citizens and abuse its powers.

This chapter will interpret the research. The secondary data that was captured from the previous chapters will be assessed and evaluated. The researcher made use of the qualitative method, which is exploratory and seeks to explain how and why a certain phenomenon operates the way it does in a particular context (Fox & Bayat, 2013:7). The arguments of the research will be presented from general to more specific so that they can be interpreted using the deductive method.

This chapter will also provide summaries of the previous chapters. Moreover, recommendations flowing from the research will be provided in this chapter, which will highlight how Lesotho can improve in the areas it is lacking. Lastly, the chapter will provide concluding remarks about the research.

5.2 Summary of chapters

Chapter one: Chapter one outlined what motivated the researcher to choose the topic and explained the concepts of civil society, good governance and democracy. The researcher was of the opinion that the societal problems faced by the government of Lesotho needed intervention from private and civil society.

Research questions were formulated for the purpose of the research and this was where the researcher wanted the answers to the questions that were asked. According to Du Plooy, Davis and Bezuidenhout (2014:3), research begins with asking questions and an eagerness to collect information that relates to the questions asked in order to find answers to the questions and solutions to the problems. The main research question was: To what extent does civil society impact on governance in Lesotho?

In this chapter, the researcher presented evidence from a report by Innovations in Civic Participation, which explained that due to a number of economic and socio-political factors, civil society in Lesotho is uncoordinated and works in isolation from the government (Ramsey, 2013). In addition, a World Vision Report (World Vision, 2013:19) indicated that there was a lack of engagement between the government of Lesotho and civil society.

The chapter further stated that democracy is achieved through civil society's participation and engagement in the governance processes. The importance of civil society was emphasised because it is the watchdog that ensures that the rights of citizens are not abused by the government and good governance is achieved.

It was found that in Lesotho, the citizens were not consulted about government issues such as the policy-making process. They are only consulted by the IEC of Lesotho before elections, as well as by political party representatives because the parties need their votes to gain or remain in power. It was evident that some Lesotho citizens did not know about civil society bodies and the ombudsman, as well as why elections are held periodically as they are only consulted during elections. According to Shale (2011), most civil society bodies do not specialise in one problem or issue, and they "are all over the place". This leads to civil society that does not effectively perform its role.

Lesotho faces the challenge of instability, which can be traced back to general elections after independence (EISA, 2007:1). In addition, Lesotho's democratic institutions, such as the legislative, executive and judiciary branches, do not function as they should and politicians interfere with the justice system. The aforementioned factors should motivate civil society to play its role, to advocate and be watchdogs, to ensure that the winning political party makes the constitutional reforms needed and implements the policies that will benefit the citizens of Lesotho at large.

The aims and objective of the study were also stated in Chapter one. The aims assisted the researcher in answering the research question and successfully carrying out the research involved. The major aim of the research was to assess the impact of civil society on governance in Lesotho in order for it to make a contribution to the development of the country.

 The objectives of the research were also pointed out in chapter one. The chapter also dealt with the research methodology as a manner in which the topic could be understood. The researcher discussed how the research would be carried out and how data would be collected by means of different methods and techniques. The researcher employed the qualitative method which helped with the clarification of procedures, people and the issues relating to research scientifically, (Fox & Bayat, 2013:7).

Chapter two: This chapter discussed the literature available on civil society and good governance. The chapter's aim was to evaluate the roles of civil society in the governance of Lesotho. Good governance and civil society were explored, and specific emphasis was placed on the roles played by civil society as agents in good governance through accountability, transparency, the rule of law, equity, and strategic vision.

The chapter further explained that good governance and civil society were not new phenomena as the concepts could be traced back to the 1980s (Alqadhafi, 2007:203). It also explored the roles of civil society, which were detailed by Paffenholz and Spurks (2006:66) as follows: the protection of citizens in times of instability and conflict; monitoring and accountability, which were closely linked to advocacy and public communication where civil society raised awareness about governance and prioritising citizen's needs; socialising, where the people meet and discuss matters concerning their wellbeing; mediation between the citizens and the government; and service delivery where civil society served as a watchdog to ensure that services were delivered effectively to the citizens.

The theories relating to civil society were also discussed in this chapter – the liberal theory, the communitarian theory, the classical theory, the enlightenment theory, the industrial or modern theory, the pluralist theory and the globalisation theory. According to Du Plooy-Cilliers *et al.* (2014:37), theory is regarded as a consistent explanation of the relationships of phenomena, concepts and constructs. The critique of civil society was also discussed which were different from one organization to another but were common civil society predictable problems that they were identified included administrative weaknesses, administrative capacity, effectiveness, basic visibility and sustainability. Moreover, the chapter also discussed the principles of good governance that, according to Albritton and Bureekul (2009:6), are participation, accountability, the rule of law, transparency, equity, strategic vision, effectiveness and efficiency.

The theories relating to governance were discussed in detail. They are governance networks where the policies of government are influenced; collaborative governance,

which is the process of tackling public problems in order to find solutions; and participatory governance where citizens have a platform so that they can be part of the decision-making process in government matters not only when the participate in government when casting their votes to elect their political party representatives who will stand in parliament of the behalf of citizens to address the issues that concern citizens.

Chapter three: This chapter's main aim was to discuss the literature on democracy and civil society because civil society is regarded as an essential element of democracy. The chapter investigated the impact of civil society on democratic governance. Civil society stimulates democratic governance through the promotion of transparency, accountability, the restriction of human rights abuses, and the rule of law (Ikelegbe, 2007:6). In addition, the background to democracy and its relationship with civil society was elucidated. Democracy was defined as "a government by the people, for the people", because democracy is considered to be a form of governance based on the principle of popular sovereignty (Heywood, 2010:68).

Democracy, according to Diamond, Linz and Lipset (1995:6), has three conditions: it allows multiple political parties to compete for votes and one political party will win the election – that winning political party will lead the government; formal, credible, free and fair elections must be held periodically and be conducted by an independent electoral commission; and citizens are permitted to vote on election day, as stipulated by the IEC. In addition, the theories of democracy were discussed in detail. They constitute two schools of thought, namely minimalist and deliberative (Diamond, 2008:20). The minimalist theory to democracy allows for competition between multiple political parties in free and competitive elections where there will be only one winner that will be determined by the citizens through voting. The deliberative theory allows grassroots citizens to participate in the policy-making process and to be involved in matters regarding how they will be governed.

Political participation is the cornerstone of democracy and assists in the understanding of representative democracy, where the citizens elect their representatives who will ensure that the needs of communities are heard by the government. The advocates of participatory democracy make it clear that political participation should not only be elections that are held periodically, but citizens should also be involved in decision making and policy formulation.

Moreover, the chapter highlighted the importance of the principles of democracy, which are citizen participation, popular authorisation, transparency, responsiveness, and the citizens as enshrined in the constitution. The forms of democracy were also described, namely, direct democracy or pure democracy; representative democracy, which is a form of government where the elected representatives of a political party represent their constituency in parliament; and liberal democracy, which is regarded as a form of government where the citizens have the freedom to elect or remove representatives.

A further discussion focused on the elements of democracy. Emphasis was placed on the first element – the separation and balance of power in the three spheres of government – the legislature, the executive, and the judiciary. The second element is adherence to the rule of law, which is about complying with the existing legal system whereby the laws are approved and interpreted in an understandable and simple manner, and equally applied to every citizen – irrespective of class or prestige. The third element is transparency and accountability, which contributes to effective and efficient governance where the citizens are given feedback, and the officials and citizens are given the opportunity to review and evaluate the policies. In order for democracy to flourish, it needs institutions such as civil society, an independent media, political parties, an independent electoral commission, an ombudsman, and the legislative, the executive and the judiciary.

The chapter further discussed democratic rights, which include the basic rights as enshrined in the Constitution of Lesotho. These include political and civil rights and social economic rights.

The link between democracy and civil society was also highlighter. Civil society must be a watchdog that keeps an eye on democratic practices and acts as checks and balances that prohibit the government from oppressing citizens and abusing its power. Lastly, the chapter considered the barriers that prevent democracy from flourishing, namely, corruption, military threats, and controlled civil society.

Chapter four: This chapter dealt with the experiences of civil society in Lesotho's governance. It provided the background to civil society, which is active in Lesotho. The civil society organisations that were active before independence were faith-based. Political parties and other civil society organisations were introduced after the Cold War as policy-makers' strategy to deepen democracy and the development of the country. The services provided by most of the civil society organisations are pro bono and this leads to massive challenges. The roles of civil society were also explained in the context of Lesotho. The applicable legislative framework was discussed in terms of the civil society bodies that are found in Lesotho.

The absence of formal guidelines constrains the role of civil society with regards to engaging in political reform processes and the national development process. Civil society is misinterpreted as "unwelcome watchdogs" and "opposition parties in disguise".

The space for civil society in Lesotho to participate in the political process is limited and this leads to civil society being unable to hold the government accountable for its actions and expose government failings. Furthermore, Lesotho's civil society was accused of not conducting their own research, but relying on consultants to do so.

Even though civil society in Lesotho enjoys constitutional freedom and is free from interference, the consultation in policy and strategic formulation does not have a clear policy structure, and this results in unstructured and fragmented participation. Moreover, civil society in Lesotho does not have adequate access to information on issues of public interest, even though this is legally provided for.

Furthermore, there were complaints on the Lesotho government regarding the selection process of civil society bodies to be part of policy making, as the selection was done by the government and not by civil society itself. In addition, civil society lacked interaction amongst them, which weakened its ability to carry out its roles.

In terms of political participation, the citizens of Lesotho are free to vote for the political party of their choice and to hold party membership, as stipulated in the Bill of Rights of the Constitution. Regarding the rule of law, Lesotho has three branches of government, which are partially separated – the legislature, the executive and the judiciary. Lesotho has practiced electoral democracy since 1993 and it is regarded as a stable democratic constitutional monarchy.

Lesotho has democratic institutions that assist in the promotion and deepening of democracy. These are the independent media, which assists in conveying information and communication; political parties, where people who share the same interests and goals come together to exercise their political power and create a healthy democracy; the independent electoral commission, which assists in regulating which political party will rule the country and ensuring that the electoral process is free and fair and unbiased; the ombudsman, which is an institution that was created by the legislature to monitor and administer the executive government activities; and the legislative, executive and judiciary branches, which are institutions that prevent the abuse of power.

Lastly, the chapter discussed the barriers that prevent democracy from flourishing. They are corruption, military threats, and a constrained civil society who acts as a puppet of the government.

5.3 Interpretation of the research

This section will deal with the interpretation of the data collected for the purpose of understanding to what extent civil society impacts on governance in Lesotho. The section will also assess whether the researcher's aims and intentions for the research were accomplished.

5.3.1 Understanding the roles of civil society

The main aim of the research was to assess the impact of civil society on governance in Lesotho in order to make a contribution to the development of the country. This was done by identifying the roles played by civil society in governance, as identified by Paffenholz and Spurks (2006:66). The first role is the protection of citizen's rights through human rights institutions, as well as civil society, to enable democracy to flourish. The second role is monitoring and accountability, which is closely linked to advocacy and public communication, where civil society holds government accountable for its actions. The third role is advocacy and public communication, which is imperative for governance because this is where civil society raises awareness and provides education to the citizens on government activities and processes. The fourth role is socialisation, where civil society and communities come together to discuss matters that concern their wellbeing. The fifth role is intermediation and facilitation between the citizens and the government. Here, civil society's role is to provide a balance of power and mediate on behalf of the citizens and the government. The sixth role is service delivery, where civil society ensures that the government renders effective and efficient services to the citizens, as well as ensures that the principles of service delivery are implemented in public and private institutions.

Gaps were identified regarding civil society in Lesotho, which need to be filled. The first relates to the fact that most civil society bodies in Lesotho are pro bono; therefore, their operations cannot be sustained for long because they depend on donors for funding. In addition, the civil society bodies have limited capacity in executing their tasks because of their dependence on funding from external donors and funders. As mentioned above,

most civil society bodies in Lesotho provide services that are pro bono, meaning they are free of charge, or at provided at a lower cost to citizens who are underprivileged. This leads to civil society organisations that are unable to recruit qualified experts who have the capability to expand them.

The researcher is of the opinion that the government of Lesotho must strive to provide annual funding to civil society organisations. It must also recognise that civil society is an important aspect of good governance and democracy. Moreover, there is an absence of formal guidelines regarding civil society's participation in the formulation of policies and decision-making processes. This leads to the role of civil society being misinterpreted as unwelcome watchdogs and perceived by the government as opposition parties in disguise.

It should be noted that civil society in Lesotho plays a critical role in the delivery of services, especially those to children. They provide healthcare and education to children, even though they lack the skills and knowledge regarding how to provide effective services to children.

There is a need to provide training to civil society organisations before they execute their tasks. It is evident that civil society has a passion for assisting citizens at grassroots level.

It was also established that civil society organisations lacked skilled employees as the government tended to recruit outstanding individuals and offer them positions as government officials with more benefits. Thus, the researcher is of the opinion that civil society organisations in Lesotho lack the skills and capabilities to monitor government transparency and hold it accountable for its actions. Monitoring government activities and ensuring that government account by the civil societies were extremely weak.

Although civil society in Lesotho was found to be lacking in fulfilling its role during certain government-related incidents, there were some incidents when it managed to

hold the government accountable. An example of this was bad policy of paying off MPs' loans 8 and 9 Parliament. Civil society complained to the government and demanded to know why it had decided on this action when the money could have been used to assist underprivileged citizens. However, subsequently, the Parliament of Lesotho again paid off the loans of MPs and there were no reports that indicated that civil society regarded this as bad policy.

Based on the above, the researcher is of the opinion that civil society organisations in Lesotho favour certain government administrations, based on their leaders. Hence, they choose when and where to fulfil their role, as stipulated in their mission statement and goals. Attorney Mosotho was of opinion that paying off Members of Parliament loans was very wrong no matter who is in power because of the country challenges.

5.3.2 Understanding the impact of civil societies in democracy

This research's aim was to investigate the impact of civil society on democratic governance, as it has the ability to impact positively or negatively on democracy. Civil society impacts positively on a democratic country when they play a critical role in bringing about stability, monitor so as to ensure that free and fair elections were held, act as a watchdog to ensure that the government does not violate human rights, and provide civic education that limits the government's abuse of power and authority.

Civil society is regarded as institutions that bring together the political, social, private and public outside of the government to make sound judgements for improving citizens' wellbeing in urban and rural regions. Hence, civil society institutions may also impact negatively on a democracy if they are controlled by the government as they will not be able to fulfil their roles, as required. The major reason for civil society being controlled by the government was established to be a lack of funding, which led it to become politicised and influenced by political parties. Consequently, civil society becomes incompetent with regards to maintaining democracy at grassroots and national level.

Civil society is regarded as a tool in democracy that ensures that political participation is maintained and democratic values are practiced in a country. Models of participation through civil society were not given priority by the government of Lesotho. This also led to the media not being recognised as a platform where the citizens may voice their concerns. The government of Lesotho could be perceived as having only a partial interest in public participation and consultation processes. This is why civil society's participation was without proper guidelines on how participation should be fostered.

Certain institutions play a critical role in ensuring a country's democracy by holding the government accountable and by being responsive to the needs of the citizens. The first institution is an independent media, which is used to convey the necessary information and to promote communication between citizens, civil society and the government. The second institution is political parties, where people who share the same interests and goals come together to discuss how they will transform the government if they gain power. The third institution is an independent electoral commission, which regulates the electoral processes so as to ensure that the elections are credible, free and fair. The fourth institution is an ombudsman who serves as the public protector and monitors the government's activities. The fifth institution is the legislative, the executive and the judiciary. These three branches represent and respond to the needs of the citizens.

There are certain obstacles that prevent a democracy from flourishing. This research focused on three obstacles, namely, corruption, military threats, and a constrained civil society.

 In Lesotho, corruption usually occurs in the police and business administration, according to Afro Barometer (2015:1). Military intervention brings peace and order in a country, but the military capture of a government brings instability because the military suspends the constitution. One of civil society's roles is to mediate between the government and citizens, while the military's role is to protect citizens and the government.

A constrained civil society is another barrier to democracy. Civil society advocates for the promotion of democratic practices, such as protecting the human rights of citizens and ensuring that the government does not violate these rights. It was unfortunate to witness civil society in Lesotho becomes biased when mediating for the citizens in different government administrations (such as those of Thomas Thabane and Pakalitha Mosisili).

5.3.3 Understanding political participation in democracy

Political participation is regarded as the cornerstone of democracy whereby the citizens take part in the decision-making processes. Political participation is imperative in a well-functioning democratic government because the citizens are given the opportunity to participate in political processes that promote legitimacy, such as electing the leader of their choice.

Political participation in democratic governance has five criteria, namely, effective participation by the citizens in policy making before the policy is adopted by government; citizens can vote once in an election; civic education must be provided to the citizens about the policies and how they will impact on governance; citizens must be involved in the formulation of the political agenda; and democratic decisions must involve the citizens if the decisions are to affect them. Political participation in a democracy is seen as an important tool that mandates political parties to control the political agenda, represent the citizens in parliament, and prevent ruling political parties from abusing their authority to govern.

Democracy makes it possible for political parties to compete for power through elections that are credible, free and fair, and where political party leaders exercise political power in a legal framework that is regulated. The political environment of Lesotho has been characterised by political instability since independence as the country's political parties have been unable to reach consensus regarding policy orientation and the citizens are not educated about exercising their civic rights.

The prime minister, as the head of the executive, is capacitated with the executive powers to appoint and reshuffle members of Cabinet. This poses a threat to Lesotho's democracy because reshuffling has occurred when the Prime Minister became aware that certain ministers no longer sided with him. On 18 January 2018, the Prime Minister of Lesotho, Thomas Thabane, reshuffled his cabinet. He said it was because he wanted to remove "corrupt ministers" who failed to uphold the principles of good governance in his administration. On 9 February 2018, new cabinet ministers were sworn in.

At present (January 2019), there are three ministerial vacancies in Lesotho for a variety of reasons. The first vacancy appeared when Prime Minister Thabane fired his Minister of Tourism, Environment and Culture, Motlohi Maliehe, after he publicly accused the first lady of meddling in the work of ministers. The second vacancy arose when the Minister of Forestry and Land Reclamation, Mamotsie Motsie, resigned due to ill health in August 2018. Lastly, the Minister of Defence and National Security, Sentje Lebona, resigned in September 2018.

Representing the needs of the citizens of Lesotho forms the foundation of the National Assembly. This research established that there were legislators who were also MPs. MPs act according to their own will, forgetting their representative role while they are in parliament. Understanding political participation in Lesotho is imperative for citizens. It is civil society's duty to ensure that the government does not abuse its powers, as well as to ensure that the different needs of the citizens were met.

5.3.4 Understanding the legislative framework of civil society in Lesotho

The constitution is the supreme law of every country and every other law must abide by it. In this regard, the Constitution of Lesotho of 1993 is the supreme law of the country and the Civil Society Act of 1996 must abide by it.

This research only focused on the Constitution and the Civil Society Act. In terms of association and assembly when civil society is formed, the Constitution provides for freedom of assembly, association and expression, which are guaranteed in Chapter two

of Section 14. Freedom of assembly and association also applies to the formation of political parties.

The Civil Society Act of 1996 provides for the registration of civil society organisations/bodies and the dissolving of unlawful organisations/bodies that are not legally registered. The Society Act demonstrated intimidations to the freedom of association as stipulated in the constitution. The researcher is of the opinion that the Act was not drawn up and amended based on the supreme law of Lesotho – the Constitution. The Act further prohibits the registration of a civil society organisation/body whose activities are not meant for order and public morality. In addition, the Act prohibits the right to assembly where a civil society organisation/body operates before its registration.

Even though civil society organisations/bodies in Lesotho exercise their constitutional freedom, they were not provided with clear guidelines on how they are allowed to participate in policy formulation and decision-making processes. This led to the government of Lesotho deciding which civil society bodies could take part in such processes. However, the selection process of the civil society bodies was not transparent and open. Thus, lack of access to government information remains a challenge for civil society bodies even though they are legally allowed to have such access. Lack of information prevents civil society in Lesotho from participating in the national decision-making processes.

The rule of law is a critical aspect of democracy and good governance. Civil society, the citizens and the government must abide by the constitution, which states that no one is above the law. In order for democracy to flourish, the rule of law must be respected by all the citizens of the country. Civil society and citizen participation in government was seen as a major prerequisite for democracy.

5.4 Summary of findings

This section will present the findings that are pertinent to the research questions. The main aim of this research was to assess the impact of civil society on governance in Lesotho in order for it to make a contribution to the development of the country. The findings were as follows:The findings of the research will be based on the research questions to see if the researcher was able to find the solution to the problems and answers to the questions and the findings were as follows:

- Civil society bodies in Lesotho were found to have played a major role in the management and administration of the elections. They provided the citizens with voting information and education. In addition, the civil society bodies managed election-related conflict and monitored the elections. This can be found in **Chapter 4.4,** where civil society's experiences are explained in the context of Lesotho. Civil society bodies in Lesotho assisted the IEC on election day (see **Chapter 4.8.3)**. Therefore, civil societies perceived Lesotho as democratic governance as they become part of the election processes. There are other roles of civil societies that were discussed in **Chapter 2.2.1.,** as protection of the citizens interests and ensuring that the government do not violates such rights, as monitoring and accountability where civil societies hold the government accountable for its actions, as advocacy and public communication where the civil societies raised awareness to the citizens about government matters, as socialization where democracy was fostered because the citizens meet to discuss matters that concern their wellbeing, as mediator between the citizens and the government by ensuring that power was balanced and empowering civil societies and democratic institutions and as service delivery where the civil societies ensures that the citizens received the services effectively. The civil societies in Lesotho were seen to participate well in the elections simply because IEC provided civil society bodies with funds to educate the voters. Public participation was successful with regards to participating in the elections.

However, public participation in the policy-making and decision-making processes remained a main challenge for the citizens and the civil society.

- Funding is the main problem facing civil society in Lesotho. Most of these bodies rely on funding from external donors and individuals to finance their activities. This means that they are unknown or unheard of by the citizens. They also fail to promote and sustain good governance because of a lack of funding. Most of the civil societies in Lesotho rely on the external funding and individuals who were willing to assist with funding. In **Chapter 4.3**, it came to light that civil society in Lesotho provided pro bono services to citizens. Civil society bodies were also unable to reach other parts of the country where their services were needed. **Chapter 4.4** discussed that the lack of funding to civil society bodies prevented them from executing their tasks and roles. In **Chapter 4.6.1**, the researcher discussed how, even though the civil society bodies did not have adequate funds to carry out their tasks, they were vocal about corruption and raised their concerns to the government of Lesotho. **Chapter 4.9.3** examined how civil society bodies executed their tasks based on their funders' conditions and priorities, and how this kind of behaviour led to civil society becoming inactive.

- Most of the civil society bodies in Lesotho were found to lack qualified experts in specialised fields, as well as the skills to carry out their activities. This led to them not conducting their own research, but instead relying on consultants to do it on their behalf. This resulted in the government of Lesotho realising that civil society cannot properly participate in policy dialogues; therefore they limited their participation, which resulted in non-democratic governance. Recently, it was said that civil society is "unwelcome watchdogs" and "opposition parties in disguise". This stance prevents the citizens' needs from being heard by the government as the participation of civil society is severely curtailed. In **Chapter 4.3**, it was stated that civil society bodies were unable to recruit qualified experts that could assist in the advancement and development of an active and vibrant civil society. In addition, In addition, civil societies were seen to lack skills and knowledge to

succeed, they lack to specialization in specific fields and this was discussed in **Chapter 4.3.1** where the civil societies do not have ability and necessary skills to make their own research and relied on the consultants to perform research on their behalf. Civil societies in Lesotho in **Chapter 4.4,** it was confirmed that civil society lacked financial and human resources; this posed a major challenge with regards to being able to participate effectively in various dialogues.

- Soldiers were tortured and civil society was not vocal enough to protect them and stop the government from violating their human rights. Civil society should have held the government accountable for its actions. The models of participation through civil society were found to be taken for granted by the government because the media platforms on which citizens raised their voices were not recognised. This was discussed in **Chapter 4.4**.

- Lesotho has been regarded as a country practicing democratic governance since the 1993 democratic elections. However, the political environment is characterised by instability because the ruling parties fail to reach consensus about policy orientation. The office of the Prime Minister was found to be incapable of coordinating policies as a result of a lack of leadership. Politicians and comrades were appointed – despite not having the necessary skills and expertise. **Chapter 4.6** discussed in detail how Lesotho attained democracy in 1993. The new electoral reform was adopted after the 1998 elections when Lesotho used mixed-member proportional representation.

- The MPs were found to act according to their own will and not represent the needs of the citizens they represent in Parliament. In **Chapter 4.6**, the researcher discussed how MPs do not report back to their constituencies so as to highlight important aspects that concern the citizens directly.

- Democratic institutions in Lesotho were found to be extremely weak – especially the legislative, executive and judiciary, as well as the media and the office of the ombudsman. There is no clear separation of powers between the three branches of government, which results in a weak government that compromises the rule of law. This in turn leads to politicians that influence the judicial system. The media favours certain political agendas and this means that they are biased. The ombudsman is only familiar to government employees and not to many citizens. **Chapter 4.7** states that in order for democracy to mature, there must be institutions that will ensure that democracy is practiced in the country and those institutions must be accountable and responsive to the different needs of the citizens.

- Civil society's legislative framework was found not to be aligned with the Constitution, which is regarded as the supreme law. This hinders civil society from performing its activities that assist the citizens of Lesotho. **Chapter 4.3** discussed the legislative framework of civil society in Lesotho. The Constitution of Lesotho was regarded as the supreme law of the country and every other law must abide by constitution. The absence of formal guidelines that govern and authorise civil society to participate in the government's decision-making processes hinders it from doing so in an effective manner. The lack of a national policy on civil society in Lesotho also makes it difficult for civil society to facilitate its operations.

- The political environment of Lesotho was found to be uncertain. Increased instability led to poor governance and the abuse of human rights. In addition, the growing tension between the military and the government affected citizens. The political environment in Lesotho also created a public service that was politicised and corrupted by government officials who used state resources for personal gain. This has led to democratic governance that is fragile. In **Chapter 3.4**, political participation was seen to promote stability and strengthen legitimate

democratic systems. In democracy, the citizens and the civil society are capacitated to be able to hold the elected representatives and the government accountable for its actions, as discussed in **Chapter 3.7.3**. Citizen participation was regarded as an important element of democracy and the citizens must be provided with civic education that will equip them to understand democracy and, most importantly, the rule of law. In **Chapter 4.6.1**, it was stated that in Lesotho civic education was not provided to the citizens to make them aware of how the government should conduct its activities and how the citizens will know when their rights were violated.

- Civil society and the government of Lesotho were found to lack a good relationship. This hindered the ability of civil society to bring stability, democracy and peace to the country. In addition, civil society lacked important information about how the government functioned due to the fact that there was no expert knowledge in the running of the daily activities of the civil society bodies. In **Chapter 4.6**, it was found that a major challenge faced by the government was the coordination of policies. The office of the Prime Minister was found to be incompetent with regards to coordinating policies. The government, civil society and the citizens at large lacked a good relationship. This was evident in the fact that the office of the Prime Minister employed unskilled and non-expert comrades who were not capable of running the office effectively and efficiently. Civil society was seen to be silent, instead of advocating for citizens and ensuring that policies were formulated that would benefit the county. Moreover, the citizens appeared to lack knowledge regarding what democracy entailed.

- The civil society culture in Lesotho is characterised by having a tendency to personify individuals, especially political leaders. This led to civil society being seen as biased –favouring the actions of a certain political leader's administration over another. This resulted in civil society being unable to ensure that the government of Lesotho does not abuse its powers. In **Chapter 4.2.3.2**, it was mentioned that civil society, especially the Transformation Resource Centre

(TRC) and the Lesotho Non-Governmental Organisation (LCN) favoured Thabane's administration over Mosisili's administration, hence Mosisili accused the TRC of being a political party under a different name. Civil society was accused of trying to undermine democracy, while its role is to influence policy formulation – not sabotage the government. With the 2015 elections, civil society is alleged to have openly supported the ABC and the BNP by conducting a door-to-door campaign. These parties were both opposition parties. In addition, civil society was accused of boosting the opposition parties by not providing education about the upcoming elections (Ntsukunyane, 03 June 2017).

5.5 Recommendations

This section will present the recommendations of what needs to be done in order to fill the gaps that were identified during the research study.

In order to provide and sustain good governance in Lesotho, civil society needs to be strengthened and repositioned. The strengthening of civil society will lead to proper participation and engagement with the government of Lesotho. There must be a clear participation channel and engagement process between the government and civil society. This can be done through a clear legislative framework that will allow civil society to take part in policy formulation and implementation processes. This can be done by ensuring that the voice of civil society is reflected in the Human Rights Commission Bill. Civil society bodies in Lesotho must be encouraged to inspire political decisions. This can be done by conducting workshops for them so that they understand their role in democratic governance.

The effectiveness of civil society depends on the legal and regulatory framework. There is a need to review and amend the Civil Society Act of Lesotho and create a new act that will meet the needs of civil society bodies by restructuring and promoting their effectiveness. In addition, there must be a national policy on civil society organisations, which will assist in developing and enacting a single law for civil society organisations; thus, eliminating the deficiencies in the current Act. In the new act, the government of

Lesotho must also create a national trust that will be included in the budget to support all registered civil society organisations so that they can carry out their activities. In this national trust, civil society's activities must be funded annually, only if they apply for such funding from government. Applicable policies are required in order for civil society to have an impact on good governance.

It is recommended that the separation of powers between the three branches of government must be clear and present. There are ministers who are also MPs. This makes the legislative branch weak in terms of the roles of overseeing and making laws. Thus, the legislative and executive branches become ineffective in the execution of policies.

In order for Lesotho to become politically stable, there must be reconciliation and strengthening of democratic governance institutions where the citizens and civil society are involved and engaged in dialogues platform, and they are consulted on policy formulations and decision-making processes.

Civil society bodies in Lesotho must be liberated from donor funding dependency by coming up with ways to generate the funds needed to accomplish their activities. They should also consult with citizens and local leaders to determine the needs of the residents so that essential services can be provided.

The participation of civil society and citizens in the government decision-making process must be taken seriously by the government of Lesotho. This participation is imperative because it deepens democracy. Democracy, in turn, allows popular citizen participation in the electoral process and the citizens are able to improve political ideology within them.

5.6 Conclusion

It is the responsibility of the government of Lesotho to engage stakeholders, civil society, and citizens in the decision-making and policy-making processes. The country's future depends on the capacity of the government to make constitutional reforms that will benefit the government and all the citizens of Lesotho. Failure to do this will lead to further tribulations for the country and manipulation of voters. The government must accept and allow participation of civil society so as to be able to realise its contribution and the important role played by it.

Moreover, civil society bodies in Lesotho must distance themselves from suspicions that they are political parties in disguise. They must be as neutral as possible when dealing with the ruling parties in the government of Lesotho. Civil society will be respected in Lesotho only if it is strong, autonomous and represents the citizens in a sincere manner.

Through the investigation and data collected for this research, it is possible to conclude that the civil society sector in Lesotho is not vibrant or vocal enough to be heard by the government. This was evident in a number of incidents where civil society tried to intervene but it was not heard by the government. Examples include the writing-off of MPs' loans and the murder of General Mahao. The government of Lesotho must accept that it needs to work closely with civil society and engage with it in the governing processes. Civil society plays a critical role in ensuring democracy in a country as it represents the needs of the citizens. However, civil society must not have any ulterior motives – it must only focus on improving the lives of citizens at grassroots level. Civil society bodies in Lesotho must strive to be as neutral as possible, regardless of their political affiliation. There has been a tendency for them to favour certain political parties and forgot their obligation to the citizens they represent.

Civil society in Lesotho must also learn not to oppose and attack the government. It needs to strive to work together with the government for the sake of the citizens.

In closing it can be stated that this study was worthy pursuing as the researcher was able to determine that civil society in Lesotho needs to play an advocacy and activism role so as to attract the citizens, and in such a way influence government policies. However, at present, civil society in Lesotho cannot impact governance in any significant manner because of an unclear legal framework, which does not indicate how civil society and the citizens can actively participate in government matters.

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