

**QUALITY OF GOVERNANCE AND ECONOMIC GROWTH: A  
CASE STUDY FOR LESOTHO**

**By**

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## **DECLARATION**

I, Teboho Sekese, declare that this dissertation hereby submitted by me for the degree in Master's Governance and Political Transformation, titled: "**Quality of governance and economic growth: A case study for Lesotho**", at the University of the Free State, is my independent work that I have not previously submitted 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 regarding intellectual property that were 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.

.....

**Teboho Percy Sekese**

**November 2023**

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## LIST OF ACRONYMS

ACC	Anti-Corruption Commission
AIDS	Acquired immunodeficiency syndrome
AMDIN	African Management Development Institutes
ANC	African National Congress
BBC	British Broadcasting Corporation
BCP	Basutoland Congress Party
BDP	Botswana Democratic Party
BCSO	Botswana Civil Society Organisation
BNP	Basotho National Party
BTI	Bertelsmann Transformation Index
CPI	Corruption Perception Index
CPSD	Country Private Sector Diagnostic
COVID-19	Coronavirus Disease-2019
DCEC	Directorate on Corruption and Economic Crime
DCEO	Directorate on Corruption and Economic Offences
DPP	Director of Public Prosecutions
EC	Electoral Commission
FH	Freedom House
GDP	Gross Domestic Product

GNI	Gross National Income
GoL	Government of Lesotho
HIV	Human immunodeficiency virus
HRC	Human Rights Commission
IMF	International Monetary Fund
IEC	Independent Election Commission
IPSS	Institute for Political Security Studies
IIAG	Ibrahim Index of African Governance
JDC	Judicial Service Commission
KoL	Kingdom of Lesotho
LDF	Lesotho Defence Force
LENA	Lesotho News Agency
LGBTQ+	Lesbian, Gay, Bisexual, Transgender, Queer+
LHWP II	Lesotho Highlands Water Project II
LNDC	Lesotho National Development Corporation
MCC	Millennium Challenge Corporation
MDGs	Millennium Development Goals
MODP	Ministry of Development Planning
NDP	National Development Plan
NGOs	Non-Governmental Organisations

NPA	National Prosecuting Authority
NSDP II	National Strategic Development Plan II
OAG	Office of the Auditor General
OECD	Organization for Economic Cooperation and Development
PAC	Public Accounts Committee
PCS	Partial Guarantee Scheme
PEFA	Public Expenditure Financial Accountability
PPP	Purchasing Power Parity
PRS	Poverty Reduction Strategy
SABC	South African Broadcasting Corporation
SADC	Southern African Development Community
SDF	Seychelles Defence Force
SAHRC	South African Human Rights Commission
SHRC	Seychelles Human Rights Commission
SMME	Small, Medium and Micro-enterprises
SOE	State-Owned Enterprises
UN	United Nations
UNCTD	United Nations Conference on Trade and Development
UNDP	United Nations Development Program
UNICEF	United Nations Children's Fund

UN ESCAP	United Nations Economic and Social Commission for Asia and the Pacific
US	United States
USAID	United States Agency for International Development
USD	United States Dollars
WESP	World Economic Situation Prospects
WGIs	Worldwide Governance Indicators

## **ABSTRACT**

Lesotho has been struggling with the challenges related to poor status of governance and economic growth for the past few decades. A consensus among scholars is that good governance sustains economic growth. Therefore, countries that practice good governance have the potential for stronger economic growth.

This research intends to find the relationship between the quality of governance and economic growth in Lesotho in order to recommend good governance practices that could improve the economy of Lesotho in order to better the lives of its citizens. Through a literature review, desktop research and quantitative research methods, the information of the sub-Saharan countries that are applying good governance and have achieved improved economic growth was utilised to develop these recommendations and analyse the official Lesotho government documents.

The study findings revealed that the recommendations from the sub-Saharan countries and analysis of Lesotho government official documents, if adopted, can improve the quality of governance and economic growth in Lesotho to improve citizens' lives.

# CHAPTER 1 : ORIENTATION

## 1.1. MOTIVATION AND BACKGROUND

The correlation between quality of governance and economic growth has been debated among scholars for years. According to Emara and Chiu (2016:127), “[m]any political and economic scholars have confirmed the positive link of improved quality of governance on economic growth”. Applying the elements of good governance is one of the primary factors for economic growth, while those who oppose this view indicate that this correlation is only theoretical as there is no substantive evidence to support it (Pere, 2015; Emara & Chiu, 2016).

However, quality of governance is considered the prerequisite for economic development, specifically in developing countries. Pere (2015:27) states that many scholars indicate that “good governance is seen as a key element in the economic development particularly in the developing countries”. Some studies confirm that under developing countries with poor status of governance led to less economic growth (Emara & Chiu, 2016). The implication is that economic growth helps to reduce poverty only in good governance states in most cases (Asefa & Huang, 2015:136). Countries with bad governance performance slow economic growth and poverty eradication (Mohammadi, Shahnoushi, & Ronaghi, 2017:214).

Those who dispute the link between good governance and economic growth cite countries like China, Vietnam, and Cambodia to have positive economic growth despite the lack of good governance (Stojanović, Ateljević, & Stević, 2016). Hence, the positive relationship between the two variables works for developed countries with resources and not for developing countries. Scholars agree that good governance sustains economic growth, and bad governance harms economic growth and human wellbeing (Quang, 2015; AlAdlani, 2019:2).

Good governance is said to be mostly absent in Africa (Mbaku, 2020). Still, it is applied in countries such as Botswana, Mauritius, Senegal, and Ghana because those nations are effective at providing public services, follow the rule of law, and have inclusive institutions responsive to the needs of citizens (Asefa & Huang, 2015). Asefa and Huang (2015:132) further indicate that countries that practice good governance “are transparent and promote participation as well as show respect for citizens and allow for a free press and overall freedom of expression”. The countries that practice good governance, like Seychelles, Botswana, and South Africa, have achieved relatively strong economic growth over the past ten years (Mo Ibrahim Foundation, 2022).

### **1.1.1. Governance**

Scholars and authors have different understandings of the notion of governance universally. However, The World Bank (2009) states that “governance is the process—by which authority is conferred on rulers, by which they make the rules, and by which those rules are enforced and modified”. Fukuyama (2013:3) explains that governance is “a government's ability to make and enforce rules and to deliver services, regardless of whether that government is democratic”. Therefore, governance is the obligation of the government to make laws and implement those laws on its citizens. This study describes governance as the process by which authority is exercised in managing a country's economic and social resources for development (The World Bank, 1992; Mohammadi, Shahnoushi, & Ronaghi, 2017:211).

### **1.1.2. Good governance**

According to Mira (2018:231), good governance is a group of institutions managed by the government to direct economic policies. It is a competency of administration and institutions that manage existing resources allocated efficiently to deliver public goods and services formally and informally (Kraipornsak, 2018). Therefore, good governance is the government's capability to meet the citizens' needs on time. Good governance is

also defined as the quality control and orientation of development policies, as presumed by many economists, positively influencing economic performance (Mira, 2018:4). According to The World Bank, good governance is assessed by the execution capacity of governance principles of a country, providing a framework for market development and economic growth (Mira & Hammadache, 2017:4).

### **1.1.3. Elements of Good Governance**

Good governance has eight major elements or principles, namely participatory, consensus-oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive (United Nations Economic and Social Commission for Asia and the Pacific, hereafter UN ESCAP, 2009). It abides by the rule of law (UN ESCAP, 2009). Good governance guarantees that corruption is minimized, the opinions of minorities are considered, and that the voices of the most vulnerable in society are heard in decision-making (Gisselquist, 2012:12). It is also responsive to the present and future needs of society (UN ESCAP, 2009). Good governance is an ideal that is challenging to fully realise. However, each country must act towards its achievement to ensure sustainable human development (Rahman & Hd, 2016).

The World Bank (2022a) has published six indicators which gauges the quality of governance in a country, extending from approximately -2.5, which reflects weak governance, to +2.5, where the characteristics of good governance are considered. The indicators are comprised of six headings:

- “Voice and accountability” measures tendencies of the political process, civil liberties, political rights, and media independence. The responsibility is that of citizens who participate in political life through elections and public decisions;
- “Political instability and violence” measure the perception of a possible destabilization of the political regime through elections or violence;

- “Government effectiveness” measures the perception of the quality of public service or public administration. This index assesses the perception of the government’s credibility through the trust given to its administration;
- “Rule of law” measures citizens' perception of the rules that structure society and the degree of compliance with these rules. The indicator measures the perception of the efficiency and fairness of the judicial system and respect for contracts and agreements tied;
- “Quality control” measures perceptions of whether favourable or not for the market economy, including anti-liberal interventionist policies, such as price controls, imports and exports, and the banking system. This index allows us to appreciate the business climate for foreign investors, for example;
- “Control of corruption” measures perceptions of using public power to pursue private gain (Kaufmann, Kraay & Zoido-Lobaton, 1999; 2002).

#### **1.1.4. Governance and Economy of Lesotho**

Lesotho is a monarchy with parliamentary form of government with King Letsie III as head of state. At the same time, the Prime Minister is the executive head of state. (Mlambo, 2021:80). As a developing country, Lesotho is faced with poor economic growth, and its quality of governance is questionable? (poor). According to Mlambo (2021:79), “[s]ince gaining its independence from Britain in 1966, Lesotho has over the last five decades been plagued by persistent political instability that has paved the way for the breakdown of the rule of law, gross human rights violations, underdevelopment and insecurity”. In 1965, one year before its independence Lesotho conducted elections in which the Basotho National Party (BNP) narrowly prevailed, becoming the country's first independent government (UNICEF, 2017; Arkansas Central University, 2023). In the 1970 elections, the results were said to be rigged as unofficial statistics revealed that the Basutoland Congress Party (BCP) had a landslide victory, whereas The BNP leader appointed himself as the Prime Minister of Lesotho (UNICEF, 2017; Arkansas Central University, 2023; BTI, 2020).

For 16 years, it was ruled undemocratically and sometimes violently to quell the opposition (UNICEF, 2017; University of Central Arkansas, 2023).

Between 1986 and 1993, successive military coups further entrenched military rule within the government, which banned party politics and called off all elections (UNICEF, 2017; University of Central Arkansas, 2023). In 1993, the military ceded authority to the democratically elected government. The 1998 election results were said to be rigged by the opposition parties, and they were followed by rolling mass actions which escalated into violence with the Lesotho Defence Force mutiny that forced South African Development Community (SADC) military intervention (UNICEF, 2017; University of Central Arkansas, 2023). Political Settlement was brokered under SADC, which restored Government power (UNICEF, 2017). Between 2002 and 2012, the period was relatively stable politically, with Constitutional and electoral reforms to avoid violence and unrest (UNICEF, 2017; University of Central Arkansas, 2023). In the 2012 elections, no party won a simple majority, leading to the formation of the first coalition that collapsed after three years due to a lack of trust between coalition partners (UNICEF, 2017; University of Central Arkansas, 2023). During this period of political instability, the military attempted to overthrow the government and was prevented from doing so after the SADC intervention. This resulted in the 2015 snap elections with the second coalition government, which survived only for two years due to a no-confidence vote motion by the opposition to the Prime Minister (UNICEF, 2017; University of Central Arkansas, 2023).

The successive snap elections were held in 2017 with a coalition of parties forming a government because there was no single party with outward majority votes to form the government. Renegade soldiers killed the Commander of the Lesotho Defence Force (Reuters, 2017). SADC deployed a contingent of personnel to ensure political stability and a peaceful environment in Lesotho (University of Central Arkansas, 2023). The country has been relatively politically stable since then, with political parties and other stakeholders being involved in formulating the Omnibus Bill that leads the Constitutional

amendments that will reform the Judiciary, Media, Parliament, Security, and Public Sectors envisaged bringing lasting political stability in Lesotho (United Nations Development Program hereafter UNDP, 2023).

Lesotho has a population of about 2.2 million people with a gross domestic product (GDP) per capita of \$1,091 in 2021 (The World Bank, 2023a). Its economy has been sluggish for over 20 years despite being part of the rapidly growing Southern African Development Community (SADC) and the potential of its two greatest resources—its water and its people (Millennium Compact Challenge, hereafter MCC, 2015). Trading Economics (2023) reports that the “GDP Annual Growth Rate in Lesotho averaged 3.00 per cent from 1961 until 2022, reaching an all-time high of 26.40 per cent in the fourth quarter of 1973 and a record low of -16.27 per cent in the second quarter of 2020”. The economic performance has remained weak due to sustained political instability exacerbated by the COVID-19 pandemic in recent years (The World Bank, 2023a). The living conditions for the citizens are dire. The country's most critical socio-economic challenges are high unemployment, HIV prevalence rate and poverty, with 58% of the population living under the poverty line of \$1 per day (Matlosa, 2006; Bertelsmann Stiftung, 2020).

There are also many cases of corruption and mismanagement of government funds with impunity. The government is paralyzed by inefficiency and rampant corruption to the extent that citizens have accepted that to access services; they must pay bribes (Bertelsmann Stiftung, 2020). Anti-corruption institutions cannot address corruption in the country as anti-corruption policies and accountability mechanisms are generally weak (Transparency International, 2014). According to the 2022 Corruption Perception Index (CPI), Lesotho is ranked 99 out of 180 corrupt countries worldwide, at 37% (Transparency International, 2023). The CPI ranks countries on a scale of zero to 100 perceived levels of public sector corruption, with zero being the most corrupt and 100 being the least corrupt (Transparency International, 2023).

## 1.2. PROBLEM STATEMENT

As a developing African country, Lesotho is concerned with improving its economy and, subsequently, the lives of its people. The need to address economic growth, job creation and poverty reduction is outlined in the strategic objectives of the National Vision 2020 and the second National Strategic Development Plan 2018/19-2022/23 (NSDP II) (Ministry of Planning [MOP], 2000; Ministry of Development and Planning [MODP], 2019a). However, the country continues to face challenges related to slow economic growth, persistent poverty, high unemployment rate, HIV and AIDS, corruption, unstable governments, and poor education (MODP, 2019a; Maqutu, 2021).

Since gaining independence, Lesotho has been mired by violence and political instability under different regimes. In 1970, the subsequent first post-independent elections, BCP won the elections. However, the leader of the ruling party, BNP, refused to relinquish power. Instead, he dissolved Parliament and suspended the Constitution (Lehobo, 2017). Letshele (2019:11) further states that “[s]ome members of the opposition were arrested, and the King exiled to the Netherlands. Lesotho would be turned into a one-party dictatorship”.

The military deposed the ruling government from power in 1986 following economic sanctions by the apartheid government in South Africa for harbouring African National Congress (ANC) liberation fighters in Lesotho (Lehobo, 2017; Letshele, 2019). The intra-military power struggle and mounting pressure from the international community forced the military regime to return the country to a multiparty democracy (Letshele, 2019). The 1993 elections were marred by post-election violence, which led to a military crisis following the claim by opposition parties that elections were rigged after a landslide victory by the Basutoland Congress Party (BCP) (Letshele, 2019; Matlosa, 2006). The political instability situation has worsened since the formation of the coalition government in 2012, which did not serve its five-year term because of mistrust between coalition partners.

The political instability in 2014, which culminated in an attempted coup by the military, led to early elections in 2015 because of the lost trust between the coalition parties (Banerjee & Rich, 2017:2). Lesotho held yet another general election in 2017, which was the third in five years as an indicator of political instability. The 2017 coalition government is the only one that lasted for five years. However, different coalition groups formed governments interchangeably in that period without forcing the country to go for snap elections.

The ever-contested election results have tainted the country's democratic practises and weak governance institutions like the electoral system, significantly producing persistent and perverse political conflicts (Letshele, 2019; Mwangi, 2016). The recurrent political tensions harm the country's economy, cause loss of lives and damage the country's image internationally (Gebremichael, Feyissa & Kidane, 2019).

Socioeconomic challenges such as high levels of inequality, poverty, unemployment, and HIV/AIDS prevent the country from achieving political stability and economic growth (Letshela, 2019; Gebremichael, Feyissa & Kidane, 2019). The government is the main employer. As a result, prospects for employment need a political connection to the ruling government. As a result, job opportunities open only to those linked with the ruling government (Phungula, 2020).

Based on the preceding, Lesotho has undergone bad governance and poor economic growth. The country is mired in corruption, political instability, and violence, which lead to human rights violations that undermine the rule of law and may symbolize poor governance. Poor governance can cause the economy not to reach its potential, whereas good governance can help the economy to operate more efficiently (Kraipornsak, 2018). On the other hand, high unemployment and poverty are signs of poor economic growth.

Some scholars argue that good governance is a primary factor for economic growth. In contrast, others insist that no clear evidence supports a positive correlation between good governance and economic growth. The study attempts to examine the correlation between the quality of governance and economic growth in Lesotho to identify aspects of good governance that need to be improved to revive economic growth and improve the living standards of its citizens.

### **1.3. AIMS OF THE STUDY AND THE OBJECTIVES**

Lesotho faces political instability and violence, high corruption, poor quality of public service and poor economic growth. The study aims to investigate the correlation between quality governance and economic growth in Lesotho to encourage good governance practices and suggest ways to improve economic growth to improve the lives of the citizens.

#### **1.3.1. Main Objectives**

- Examine the quality of governance and the state of economic growth in Lesotho;
- Determine the quality of governance and the state of economic growth in sub-Saharan countries to identify good practices that can be applied to Lesotho;
- Interpret the implications of quality of governance on economic growth in Lesotho;
- Provide recommendations to improve the quality of governance and economic growth in Lesotho.

#### **1.3.2. Key questions informing the study include the following:**

- ❖ What is the quality of governance and economic growth status in Lesotho?
- ❖ What is the quality of governance and economic growth in sub-Saharan countries to identify good practices that can be applied in Lesotho?

- ❖ What are the implications of the quality of governance on the economic growth in Lesotho?
- ❖ What recommendations can be made to improve the quality of governance and economic growth in Lesotho?

## **1.4. THEORETICAL FRAMEWORK**

### **1.4.1. Good governance theory**

Good governance theory concerns cooperation between the government and the citizens to meet their needs. According to Rahman and Hd (2016:45), good governance is the process that “ensures that the citizens, especially the poorest, have the basic needs and have a life with dignity”. Since it is concerned with the welfare of the citizens, it has become a central component of every country's social and economic development (Rahman & Hd, 2016). The key principles of good governance are legitimacy, transparency, accountability, rule of law, responsiveness and effectiveness (Keping, 2018). That is, the state should be the only authority recognised by the people (legitimacy), the activities of the state should be communicated to citizens (transparency), the government should be responsible for its actions towards the citizens (accountability), and government officials and citizens should observe the rule of law, the government should respond the demands of the citizens effectively (Keping, 2018).

Critics of good governance theory state that its principles, such as transparency, accountability, the rule of law and others, are desirable; however, they do not address challenges facing developing countries, such as poverty, famine, HIV/AIDS, terrorism, and overpopulation (Adejumo-Ayibiowu, 2015). The opponents of good governance theory further argue that implementing good governance in African countries has never stimulated the desired improved governance and growth (Adejumo-Ayibiowu, 2015). Therefore, good governance principles must be tailor-made to address the challenges of developing countries.

This study is informed by the principles of good governance, which put pressure on the government to work towards achieving the country's socioeconomic development. The quality of governance must bear principles of accountability, effectiveness and transparency and carry out economic development activities to fulfil the needs of its citizens.

## **1.5. RESEARCH DESIGN**

### **1.5.1. Research methodology**

To establish the correlation between governance and economic growth in Lesotho, the research needs to apply a specific research methodology to be valid and reliable. Research methodology describes and explains the procedure by which the researcher collects and analyses data (Nieuwenhuis, 2016). This study will utilise literature review, desktop research and quantitative methods of data collection.

### **1.5.2. Research Methods**

#### ***1.5.2.1. Literature Review***

A literature review will be conducted to get insight into the theoretical framework and conceptualisation of the quality of governance and economic growth. A literature review is conducted to get a clear understanding of the nature and meaning of the problem and make new findings that can fit into the knowledge gap from the previous studies on the same topic (Fouché & Delport, 2005). A literature review involves scrutinising all relevant primary and secondary sources of information (Fouché & Delport, 2005:27). In this study, various primary and secondary sources on the quality of governance and economic growth in general and in Lesotho will be conducted.

### ***1.5.2.2. Desktop study***

This study will consist of desktop research for critically evaluating and analysing published secondary data and existing literature such as textbooks, journals, articles, and research reports (Zhou & Nunes, 2016). The purpose of desktop study, or secondary research, involves document analysis to review previous research findings on the same topic to gain a broad understanding of the field (Travis, 2016). In this research, the desktop research method will be used to generate and analyse data related to the quality of governance and economic growth in Lesotho, Botswana, Seychelles and the Republic of South Africa, utilising books, articles, the internet, dissertations, and other secondary documents.

### ***1.5.2.3. Quantitative method***

The research method that will also be utilised to generate and analyse data is the quantitative method. In a quantitative method, statistical data is collected and then analysed to describe the trends of a phenomenon (Creswell, 2008). In this study, statistical data will be collected and analysed to describe the relationship between economic growth in Lesotho using the indicators of good governance for Lesotho as estimated by international institutions for a period between 1996 and 2021.

### ***1.5.2.4. Deductive Research Approach***

A deductive research approach will be used to confirm existing theories or test hypotheses to explain causal relationships between concepts and variables using the quantitative method to generalize research findings to a certain extent (Soiferman, 2010). The good governance theory informs the study, which assumes that the government should apply good governance principles for economic growth. The study aims to test the existing good governance theory concerning the quality of governance and economic growth in Lesotho.

Therefore, the study will be mainly qualitative, with limited use of quantitative data in statistics.

## **1.6. SIGNIFICANCE OF THE STUDY**

There are studies on civil society's impact on governance in Lesotho (cf. Rakhare, 2019), the relationship between the rule of law and control of corruption in Lesotho (cf. Lehobo, 2017) and the effectiveness of development aid in Lesotho for good governance and political transformation (cf. Nko, 2017) concerning governance. However, no study is currently related to the quality of governance and economic growth in Lesotho. This study has the potential to contribute to an improved understanding of the current debates on the relevance of quality of governance on economic growth in the context of promoting good governance and economic growth. This study will be useful to the Lesotho government to implement and practice quality governance that will improve the economy of the whole country. The researcher hopes that the study may form a basis for further research on the contribution of the quality of governance on economic growth in Lesotho. The findings of this study may also be useful to Lesotho leaders, policymakers, and academics to use the study's findings to assess their governance practices and make necessary adjustments that can bring significant economic growth and development to Lesotho.

## **1.7. LIMITATIONS OF THE STUDY**

The study is intended to investigate the governance growth nexus in Lesotho between 1996 and 2021. The data for growth indices can easily be accessed through the World Bank website, whereas the data on the quality of governance is available only from the beginning of 1996 to 2021. The lack of data on governance indices for previous years led the researcher to limit the study according to the available data.

GDP per capita is the main determinant of economic growth. Still, many other determinants are not covered in the scope of this study, such as investment or human capital.

## **1.8. ETHICAL CONSIDERATION**

I will apply for ethical clearance from the Ethics Committee (Faculty of Humanities, UFS) for this study. I will adhere to the ethical principles of honesty and integrity as they are essential. For example, I intend to be neutral in obtaining and reviewing my data. Therefore, I will refrain from amending, altering, or fabricating data and take extra care in describing the research methodology and the steps I took to obtain the data (Parveen & Showkat, 2017; Leavy, 2017).

To prevent plagiarism, I will acknowledge authors' intellectual property as in-text references and in a comprehensive reference list (Parveen & Showkat, 2017). I will also submit my work regularly to software such as Turnitin to ensure that I do not unintentionally plagiarise.

## **1.9. RESEARCH OUTLINE**

**The investigation will be divided into five chapters.**

**Chapter 1** provides the motivation and background of the study. It provides an overview of governance and economic growth in Lesotho. It states the aim and objectives of the study and determines a methodological approach.

**Chapter 2** discusses the literature review on the theoretical framework and conceptualization of governance and economic growth. The chapter will also conduct a literature review to deduce the governance and economic growth quality in Lesotho

based on the above theoretical framework and conceptualise the governance growth nexus.

**Chapter 3** discusses the literature review on the governance-growth nexus and focuses on the quality of governance and economic growth in sub-Saharan countries. This literature review will inform the study on the good practices that can be applied to improve the quality of governance and economic growth in Lesotho.

**Chapter 4** The sub-Saharan information that relates to governance and economic growth will be used to analyse the official government documents related to governance and economic growth in Lesotho. The analysis is meant to shed more light on the quality of governance and economic growth in Lesotho.

**Chapter 5** Will summarise the research findings and provide the reader with recommendations based on the outcomes of the analysis. It provides a general overview of the assessment, evaluation, and summation of the quality of governance and economic growth development in Lesotho. Moreover, it provides recommendations for quality of governance that will bring about sustainable economic growth in Lesotho.

# **CHAPTER 2 : THEORETICAL FRAMEWORK AND CONCEPTUALISATION OF GOVERNANCE AND ECONOMIC GROWTH**

## **2.1. INTRODUCTION**

The previous chapter provided an overview of Lesotho's governance and economic challenges that motivated the study. The research aims to find the relationship between the quality of governance and economic growth in Lesotho to recommend good governance practices that may boost economic growth to improve the lives of the citizens. This chapter will discuss the literature review on the theoretical framework and conceptualization of governance and economic growth to determine the quality of governance and economic growth in Lesotho. To achieve this goal, the theoretical framework on quality of governance and economic growth will be expanded into related concepts.

## **2.2. THEORETICAL FRAMEWORK**

### **2.2.1. History of governance**

Governance gained momentum during the decolonization period after the United Nations (UN) formation in 1945, when the formerly colonized territories were granted self-governance or independence (Ashiku & Krypa, 2016:156). The term was later used widely in political developments to describe the political status of post-colonial and developing countries following what the World Bank termed "governance crisis" to describe what was happening in Africa in 1989 (Keping, 2018:2). The debates on governance resurfaced again in the early 1990s with political and economic dimensions (Ashiku and Krypa, 2016; Keping, 2018:1-2). It has been debated because of the emergence of different global, regional and governance frameworks and the increasing complexity of governance (Ashiku & Krypa, 2016).

Governance is derived from the Latin and ancient Greek words, which means control, guidance, and manipulation, but it has long been associated with the word government. It has been used primarily to refer to administrative and political activities related to national public policy (Keping, 2018). With growing literature on globalization, the term “governance” came to be used deliberately in a dissuasive way against the government (Fukuyama, 2013). Governance appeared to introduce a new role of government.

In exploring the different definitions of governance, Shah and Huther (1999:2) say, “[g]overnance is a multi-faceted concept encompassing all aspects of the exercise of authority through formal and informal institutions in the management of the resource endowment of a state”. Fukuyama (2013:3) defines “governance as a government’s ability to make and enforce rules and to deliver services, regardless of whether that government is democratic”. Finally, Keefer (2009:439) describes governance as linked to “economic development with secure property rights, voice and accountability, and the performance of the bureaucracy”. Despite the lack of consensus on the definition of governance, it is an action by a body of authority like the government that enforces rules and manages the state's resources for economic development.

### **2.2.2. History of good governance**

During the 1980s, economic reforms with emphasis on governing sustainable development by donor organizations such as the World Bank, International Monetary Fund (IMF), the UN and its agencies derived the term good governance (Tripathi, 2017:16968). These bodies pre-conditioned that for developing countries to qualify for foreign aid or loans, their governments should practice good governance principles in their administration (Ashiku & Krypa, 2016; Bevir, 2009:157). According to Rothstein (2021:16), “good governance” was introduced as a barrier to corruption and promote economic development in developing countries.

The term good governance is said to be extremely elusive. Generally, it means different things to different people (Norris, 2011:84). Good governance means reducing corruption and improving transparency to some people, while to others, it means solving policy problems. It may also mean several other political dimensions (Norris, 2011:84).

Proponents of the good governance agenda say it is a worthy goal that impacts economic growth and development except in poorly governed countries where corrupt bureaucrats and politicians hinder developments by stealing aid contributions or misdirecting them to unproductive activities (Gisselquist, 2012:1). Opponents of the good governance agenda argue that donor agencies and donor countries donate foreign aid with political conditionality that imposes Western liberal models of democracy on aid recipient countries (Adejumo-Ayibiowu, 2015; Gisselquist, 2012). In addition, Adejumo-Ayibiowu (2015) writes that the opponents of good governance argue that the good governance agenda has turned many African democratic leaders corrupt and selfish despite good governance reforms in Sub-Saharan Africa just to meet external donors' demands.

Good governance pre-conditions for developing countries to qualify for aid are still based on their quality of governance to date. Developing countries must implement the key elements of good governance to qualify for aid.

### **2.2.3. Elements of good governance**

According to UN ESCAP (2009), good governance has eight elements and/or characteristics, namely, participatory, consensus-oriented, accountable, transparent, responsive, effective and efficient, equitable, inclusive, and the rule of law (cf.1.1.2), which are elaborated on below:

- **Participation**

Public participation is an accessible, responsible process through which individuals and groups within a typical geographical area exchange views and influence decision-making (Odhiambo & Opiyo, 2017). It is one of the cornerstones of democracy and good governance, where information is shared, and people are free to express their opinions (Napier, 2008:166). Society and citizens' participation in decision-making processes enhances transparency and accountability. If public participation is not being enforced or incorporated, it may affect the state's legitimacy (Cole, 2008:207). Public participation can be enhanced through public hearings, town hall forums, referenda, polls, and committee representatives (Bevir, 2009: 29).

- **Rule of Law**

The rule of law means that no one is above the law, and the law is the principle that protects fundamental rights, and justice is accessible to all (UN ESCAP, 2009; Keping, 2018:5-6). “The immediate goal of the rule of law is to regulate citizens’ behaviour, manage social affairs and maintain a normal order in social life, while its ultimate goal is to protect citizens’ basic political rights, including freedom and equality” (Keping, 2018:5-6). It is a basic requirement of good governance, without which respect for the laws or social order would be impossible (Keping, 2018:5-6). Good governance prevails when there is a rule of law.

- **Consensus Oriented**

It means decision-making occurs whereby all the interest groups can voice their opinion and all parties reach a common understanding. Consensus-oriented decision-making ensures that even if everyone does not achieve what they want to the fullest, everyone can achieve a common minimum that will not harm anyone (UN ESCAP, 2009). Good governance requires mediation of the different interests in society to reach a broad consensus on what is in the best interest of the whole community and how this can be achieved. This can only result from understanding a given society or community's historical, cultural and social contexts (UN ESCAP, 2009).

- **Equity and Inclusiveness**

A society's well-being depends on ensuring that all its members feel that they have a stake in it and do not feel excluded from the mainstream of society. This requires all groups, but particularly the most vulnerable, to have opportunities to improve or maintain their well-being (UN ESCAP, 2009). Therefore, good governance assures an equitable society.

- **Effectiveness and Efficiency**

According to Keping (2018: 6), "effectiveness refers to the management efficiency of the administrative structure using procedures and activities that minimize administrative costs". The processes and institutions should use resources effectively for maximum output to meet the community's needs (UN ESCAP, 2009). Ineffective or inefficient administrative activities are out of tune with good governance since the higher the level of good governance is, the higher the effectiveness of administration will be (Keping, 2018:6).

- **Accountability**

Accountability means holding everyone responsible for their actions. In public administration, it means carrying out particular duties with corresponding obligations appropriately (Keping, 2018: 5). Accountability means that governmental institutions, private sectors, and civil society organizations and administrative bodies must fulfil their functions and obligations of the positions they hold without fail, or they will be held accountable for their failure (Keping, 2018; UN ESCAP, 2009). The government must be accountable to its people for good governance to prevail. "In this regard, good governance requires the employment of law and ethics to enhance the accountability of individuals and institutions" (Keping, 2018:5).

- **Transparency**

“[T]ransparency simply means absolute openness in every area of activities...in governance, it implies creating an avenue for the citizens to have concrete knowledge of how a particular action is taken by political leaders in power through complete openness” (Obasa, 2019:11). This means that the citizens must have free access to political information related to their interest such as legislative activities, policymaking, legal provisions, administrative budget, and public expenditure (Keping, 2018). Transparency requires that the aforementioned political information be duly communicated to citizens through various media vehicles so that they can participate in public policymaking and effectively supervise the process of public administration. The higher the degree of transparency, the higher the level of good governance will be (Keping, 2019).

- **Responsiveness**

Responsiveness means being sensitive to the needs of the people and accommodating their views. A responsive institution satisfies stakeholders' needs, demands, grievances and aspirations within a reasonable time frame (Mkhonta, 2007:245; United Nations, 2020). It means that public administrators and administrative bodies must respond to the demands of citizens in a timely and responsible manner and that it is forbidden to make delays without cause or leave any issue unresolved without response Keping (2018:6). Therefore, the greater the level of responsiveness is, the higher the level of good governance will be (Keping, 2018).

Each country's performance can be measured on the extent to which the elements mentioned above are being implemented in their governance. Due to the global governance standards, citizens can demand better performance of their country's government (Bevir, 2009:99).

#### 2.2.4. Measurement of quality of governance

Quality of governance measures how well an organization performs in governance dimensions: control of corruption, government effectiveness, political stability and absence of violence/terrorism, regulatory quality, rule of law, and voice and accountability (Ates, 2021). Poor performance in governance implies bad governance, while good performance means good governance.

According to Norris (2011:188), “many available indicators of good governance are based on perceptual assessments, using small expert surveys and subjective judgments which may prove unreliable due possible bias towards more favourable evaluations of countries with good economic outcomes”. However, due to “the absence of other reliable indicators covering a wide range of nation-states, such as representative surveys of public opinion, these measures provide some of the best available gauges of good governance” (Norris, 2011:188).

The measurement of quality of governance includes:

- **Kaufmann–Kraay indicators** ‘measures of ‘good governance’ (KK good governance);
- **The Corruption Perception Index (CPI)** measures corruption as misuse of public power for private benefit, bribing, procurement and embezzlement (Norris, 2011; Quibria, 2014). The CPI annually ranks 176 countries according to the extent to which corruption is believed to exist, as determined by expert assessments and opinion surveys on a scale of 100 (very clean) to 0 (highly corrupt) (Quibria, 2014).
- **Cingranelli-Richards** measures human rights such as civil liberties, women’s rights and state repression, and the right not to be tortured, executed, or imprisoned for political beliefs and freedoms (Norris, 2011:189);

- **Freedom House: Liberal Democracy** uses Gastil index of civil liberties and political rights to monitor the existence of political rights in terms of electoral processes, political pluralism, the functioning of government and the civil liberties that include freedom of speech and association, the rule of law and personal rights (Norris, 2011:186). The index also measures the checks and balances on the executive and legislative as well as the independent judiciary implementation and the rule of law, the reasonable self-determination and participation by minorities and the presence of free and fair election law (Norris, 2011:186).

The measurements of good governance are being used for citizens to hold their government accountable for not putting governance principles in place. The commonly used good governance indicators are The Worldwide Governance Indicators which measure the quality of six dimensions of governance:

#### **2.2.4.1. Worldwide Governance Indicators (WGIs)**

##### **a) Voice and accountability**

The term voice refers to the expression of opinions and views freely, especially by the citizens towards the government through a variety of citizens or civil society-led actions or formally through media (Menocal & Sharma, 2008:5). Accountability refers to the relationship between two parties where one party set or controls the application and implementation of the rules. In contrast, the other party is subject to those rules (Menocal & Sharma, 2008:5). Therefore, voice and accountability means the interaction between the state and the citizens where the citizens' opinions are considered. It measures the extent to which a country's citizens can participate in selecting their government, as well as freedom of expression, freedom of association and free media (The World Bank, 2022b). A higher degree of voice and accountability can be indicated by the state doing the people's will, providing them with public goods. The citizens can vote out such a government where the state does not respect the people's will (Lahouij, 2017:57).

***b) Political stability and absence of violence:***

“Political stability can be defined as the absence or a low level of death because of political violence, military coup, the violence of groups in the society, or revolt in the country” (Gaberli, Gaberli & Güler, 2022). It investigates the possibility of the sitting government being destabilized or toppled by unconditional means or violence. This indicator measures the likelihood that a country's governance quality may be compromised by a change of government through violence, which undermines the citizens' right to choose a government of their choice (Kaufmann & Zoido-Lobaton, 2002.).

***c) Government effectiveness***

Government effectiveness is a concept relevant to public policy as a means by which governments implement their political visions to deliver desired changes (Duho, Amankwa & Musah-Surugu, 2020). The indicator measures the perceptions of the quality of public service, the quality of the civil service, the degree of its independence from political pressures, and the quality of policy formulation and implementation (The World Bank, 2022b). The credibility of the government's commitment to such policies' depends on political pressures, the quality of policy formulation and implementation, and the credibility of the government's commitment to such policies (The World Bank, 2022b). In essence, this indicator seeks to assess the inputs required for the government to produce and implement good policies and deliver public goods (Igue, 2018).

***d) Regulatory quality***

Regulatory quality is a set of measures designed or developed to strengthen the regulatory and institutional environment, including regulatory institutions, policies and processes (Organization for Economic Cooperation and Development (OECD), 2011). It represents the perception of the ability of the government to formulate and implement sound policies and regulations that permit and promote private sector development (The World Bank, 2022b). The government should have good quality and enforcement power to make the business environment thrive for economic development.

### ***e) Rule of law***

According to the United Nations (2023), the UN Secretary-General in 2004 defined the rule of law as “a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards”. It seeks to capture the extent to which agents have confidence in and abide by the rules of society and, in particular, the quality of contract enforcement, property rights, the police and courts, as well as the likelihood of crime and violence (Igue, 2018:19). The rule of law counters corruption, punishes and deters crime, and makes human rights actionable, enforceable, and realizable for all members of society (United State Agency for International Development, hereafter USAID, 2023:4).

### ***f) Control of corruption***

It captures the extent to which public power is exercised for private gain, including petty and grand forms of corruption, as well as the capture of the state by elites and private individuals (World Bank, 2022b). Control of Corruption” measures perceptions of corruption, conventionally defined as exercising public power for private gain (Rothstein & Holmberg, 2019:3).

The dimensions mentioned above of governance are not to be understood in silos as they complement each other. They are popular among many social scientists, and the Millennium Challenge Corporation of the US government uses this dataset for its aid allocation purposes (Quibria, 2014: 9). Because of their scope and availability of time-series data, the WGIs probably remain the most widely used aggregate indicators (Fukuyama, 2016: 97).

### **2.2.5. Criticism of good governance measurement**

The critics of the WGI state that these measures aggregate over a wide variety of data sources and, thus, are likely to be subject to significant measurement errors (Grabowski

& Self, 2021). One of the most heard criticisms is that these measures do not provide conclusions about what policies should improve governance institutions' quality (Grabowski & Self, 2021: 2069). Fukuyama (2016) argues that the WGIs are said to measure government quality. Still, they are not informed by any good governance theory, and the criterion for selecting the indicators is flawed as some measured indicators seem to overlap. The opposers of the WGI question why regulatory quality is not a subset of government effectiveness and that voice and accountability could be understood as media freedom and democracy as they are considered intrinsic aspects of good governance (Andrews, 2008; Fukuyama, 2013).

While these criticisms have some merit, these World Bank measures have been widely utilized in the literature and, at this point, are the best measures available (Grabowsky & Self, 2021). The proponents of WGI purport that government indicators positively impact developing countries' economic growth. The WGI will be complemented by the Gastil index of civil liberties and liberal rights to determine the quality of governance in Lesotho.

## **2.2.6. Measurement of quality of governance in Lesotho**

### **2.2.6.1. *Worldwide Governance Indicators (WGIs)***

The WGIs, which measure the quality of governance as discussed above (cf. 2.2.4), will be used to determine the quality of governance in Lesotho. The WGI estimates give the country's score on the aggregate indicator in units of a standard normal distribution ranging from approximately -2.5 to 2.5 (The World Bank, 2022b). The indicators provide data for Lesotho from 1996 to 2021, with average values (The World Bank, 2022b).

#### ***a) Political Stability and Absence of Violence or Terrorism***

Lesotho has a history of political intolerance that dates back to 1970 during one-party authoritarian rule with a limited role for opposition voices (Banerjee & Rich, 2017). The authoritarian rule lasted 16 years, using violence to quell the opposition (UNICEF, 2017; University of Central Arkansas, 2023). In 1986, the military toppled the authoritarian

rule, and between 1986 and 1993, successive military coups entrenched military rule until the 1993 democratic elections (UNICEF, 2017; University of Central Arkansas, 2023). The 1998 democratic elections were said to be rigged and led to political violence with the Lesotho Defence Force mutiny, which led to SADC military intervention that restored government power (UNICEF, 2017). Between 2002 and 2012, the period was relatively stable politically, with political, constitutional and electoral reforms to avoid violence and unrest (UNICEF, 2017; University of Central Arkansas, 2023).

The first coalition government was formed after the 2012 elections and was short-lived due to corruption and lack of trust between the coalition partners, which ushered the country to early elections in 2015 (BTI, 2016). The political instability and attempted military coup in 2014, prevented by SADC intervention, ended that coalition government (Banerjee & Rich, 2017; BTI, 2016). The 2015 elections brought into power the second coalition government that collapsed after two years due to the successful passing of a vote of no confidence to the sitting Prime Minister and the Government by the opposition in Parliament.

The successive 2017 and 2022 elections brought coalition governments in power with relative political stability and on-going formulation of the Omnibus Bill that will amend the Constitution that intends to reform the Judiciary, Media, Parliament Security and Public Sector to bring lasting political stability in Lesotho (University of Central Arkansas, 2023; UNDP, 2023).

For a measure of Political Instability and Absence of Violence or Terrorism indicator from 1996 to 2021, the average value was -0.22 points with a minimum of -0.42 points in 2019 and a maximum of 0.46 points in 2010, the latest value from 2021 is -0.22

points (The Global economy.com, 2023b). The negative results indicate the country's effectiveness in maintaining political stability and the absence of violence or terrorism is low.

### ***b) Voice and Accountability***

The Parliamentary elections have been declared free and fair by all the observers since the inception of democratic dispensation in 1993, except for a few incidences. Since its formation after the 1998 elections, the Independent Election Commission (IEC) has been able to run successful elections which have been declared free and fair by both domestic and international observers (Likoti, 2010:7). From 1993, Lesotho has had six free elections with five of them being followed by episodes of coercive regional diplomacy or military intervention to maintain order or sustain the elected government (Weisfelder, 2015:50). There have been peaceful transfers of power since 1993 democratic elections; however, defeated parties strongly challenged the results of 1993, 1998, and 2007 elections after Lesotho returned to constitutional civilian rule (Weisfelder, 2015:50). Therefore, the citizens can go and vote for the parties of their choice freely without any intimidation during the elections period despite protests by the opposition parties after the elections.

For a measure of the Voice and Accountability indicator, the average value for Lesotho during the period from 1996 to 2021 was -0.06 points, with a minimum of -0.48 points in 1996 and a maximum of 0.18 points in 2006, the latest value from 2021 is -0.02 points (The Global economy.com, 2023b). The negative results indicate that the country's effectiveness on the voice and accountability indicator is low.

### ***c) Government Effectiveness***

There has been an outcry of poor government service delivery from different sectors of society. “[T]he citizens are dissatisfied and have completely lost confidence in the public agencies due to poor quality of services extended to them, manifested by long queues and lack of professionalism in the delivery of such services”, said the former Minister of

Public Service Mr Keketso Sello at the African Management Development Institutes' Network (AMDIN) seminar held on 18 October 2021 in Maseru Lesotho (African Union, 2021).

For the measure of the Government Effectiveness indicator, the average value for Lesotho from 1996 to 2021 period was -0.48 points with a minimum of -0.95 points in 2020 and a maximum of 0.05 points in 2003, the latest value from 2021 is -0.91 points (The Global economy.com, 2023b). The negative results show that government effectiveness in improving service delivery is low.

#### ***d) Rule of law***

The Lesotho Constitution protects judicial independence as stipulated in Chapter Constitution (cf. the Kingdom of Lesotho, hereafter KoL, 1993). The Constitution protects judicial independence, but the Judiciary lacks resources and faces a shortage of judicial officers (Freedom House, 2023a). The Legislature remains weak, the Executive struggles with capacity deficits and an inefficient criminal justice system characterized by weak enforcement, and the Judiciary struggles with extensive case backlogs that compromise the rule of law (BTI, 2016). The SADC and the government decided 2018 to engage foreign judges on high-profile and politically sensitive cases; however, the judicial appointment process lacks transparency, and members of the Judiciary Service Commission sometimes act without proper oversight (Freedom House, 2023a). Therefore, the rule of law appears to be compromised in Lesotho.

For the Rule of Law indicator, the average value for Lesotho from 1996 to 2021 was -0.19 points, with a minimum of -0.47 points in 2020 and a maximum of 0.17 points in 1998, and the latest value from 2021 is -0.41 points (The Global economy.com, 2023b). The negative results indicate the country's effectiveness in upholding the rule of law is low.

### ***e) Control of corruption***

Resistance to anti-corruption initiatives by some politically exposed people, such as Ministers and Directors in government departments within the coalition government, resulted in the collapse of the government in 2014 (Lehobo, 2017). Corruption is perpetuated by government officials who accept bribes to offer government services. The foreigners who apply for citizenship must qualify after five years; however, government officials are bribed to shorten the waiting period (BTI, 2020). The senior government officials suspected of corrupt dealings are never tried due to their political connections, and the main anticorruption agency, the Directorate on Corruption and Economic Offence (DCEO), lacks full prosecutorial powers and faces capacity and funding challenges (Freedom House, 2023a). Therefore, corruption is rife in Lesotho.

For the Control of Corruption indicator, the average value for Lesotho from 1996 to 2021 period was -0 points, with a minimum of -0.32 points in 2021 and a maximum of 0.28 points in 2013, and the latest value from 2021 is -0.32 points (The Global economy.com, 2023b). The results indicate that the effectiveness of the government in controlling corruption is low.

### ***f) Regulatory Quality***

The country has tried many strategies to address service delivery challenges and implement public sector reform programs to improve efficiency (BTI, 2020). However, the success of such programs remains hampered by significant financial constraints and skills deficits as the National Strategic Development Plan (NSDP II), a five-year plan, failed to take off (BTI, 2020). Lesotho is now implementing NSDP II, which is not very different from the previous plan, as most developmental targets for both documents remain the same (BTI, 2020). According to NSDP II (MODP, 2019a), the country has inadequate and outdated legal, regulatory and policy frameworks resulting mostly from weaknesses in national governance.

For the Regulatory Quality indicator, the average value for Lesotho from 1996 to 2021 period was -0.53 points, with a minimum of -0.74 points in 2021 and a maximum of -0.16 points in 2000, and the latest value from 2021 is -0.74 points (The Global economy.com, 2023b). The negative results indicate the country's attempts to deliver quality public service through policies have proven inadequate.

The values from the indicators that measure the quality of governance are negative, indicating that the quality of governance is poor in Lesotho, as supported by the literature above.

#### **2.2.6.2. Freedom House (FH) ratings**

The Freedom House ratings will be used in this study to compliment the WGI ratings to reduce the biases of using a single method of measuring the quality of governance. Freedom House reports countries' political rights and civil liberties or their levels of democracy each year using ratings on a seven-point scale and overall assessment of free, partly free or not free (Bush, 2017). In *Freedom in the World*, most free countries could be considered liberal democracies, while some Partly Free countries might qualify as electoral, but not liberal, democracies (Freedom House, 2023a).

The United States of America uses Freedom House ratings to determine whether countries qualify for economic aid via the Millennium Challenge Corp (Bush, 2017). The critics note that the ratings limitation is that, although they are scientific, they are also subjective as democracy is definition as taken from the US foreign policy definition. However, the ratings are prominent because countries aligned with US foreign policy tend to receive better scores (Bush, 2017).

## **A. Political Rights**

### **(i) Electoral process**

- The country scored 15/16 points overall because the current head of government and the Members of Parliament were elected through free and fair elections by impartial IEC;
- The challenge was that IEC lacked resources and incorrectly allocated Parliamentary seats following the 2022 polls (Freedom House, 2023b).

### **(ii) Political pluralism and participation**

- Lesotho scored 13/16 points because more parties contested elections in 2020, with the new party winning elections to form a coalition government with the two other parties;
- The people's political choices are said to have been influenced by the principal chiefs and 'Famo' Music gangs to a certain extent;
- Women's political interests were limited by societal norms that discouraged women from occupying leadership positions, and people living with disabilities were not elected to political leadership positions (Freedom House, 2023b).

### **(iii) Functioning of government**

- The overall score was 6/12 points because the government and Parliament took some policy decisions that were later contested in the courts of law, where they lost the case because those decisions were unconstitutional;
- The government was also not effective in fighting corruption, as official corruption and impunity remain a challenge despite having an anticorruption body and legal framework;
- The government does not operate openly and transparently due to limited access to government information laws (Freedom House, 2023b).

## **B. Civil liberties**

### **(i) Freedom of expression and belief**

- Lesotho scored 12/16 points since there is no freedom of expression and press law, and the journalists are subjected to threats and intimidation from authorities and private citizens;
- Religious and academic freedoms are generally respected, except that the government sometimes interfere with the administration of institution of higher learning;
- This right to freedom of expression is enshrined in the constitution but was violated by recent political violence, and the criminal defamation law is yet to be passed (Freedom House, 2023b).

### **(ii) Freedom of association and organization right**

- The country scored 7/16 points because, despite the freedom of association being enshrined in the constitution, the protesters still face torture, killings and arrests by the police;
- The NGOs generally operate without restrictions, but they have to be cautious when dealing with potentially sensitive issues related to government;
- Freedom of trade unions is constitutionally guaranteed. However, the unions have no unity and fail to advance workers' rights (Freedom House, 2023b).

### **(iii) Rule of law**

- The overall score is 8/16 points because although the constitution protects the judiciary independence, due process is limited by lack of funds and infrastructural despair;
- The constitution protects people against torture, but allegations of torture have been levelled against the security forces;
- The laws, policies and practices do not guarantee equal treatment of various segments of society because customary laws discriminate against women holding

leadership positions; no laws prevent discrimination based on sexual orientation while students with disabilities lack facilities in schools (Freedom House, 2023b).

#### **(iv) Personal autonomy and individual rights**

- The overall performance of the country under these rights was 7/12 points because despite the constitution protecting freedom of movement, high incidences of rape limit the free movement of women;
- The constitution also protects property rights, but women's rights are restricted in areas such as property and inheritances, including chieftainship, which is inherited by men (Freedom House, 2023b).

Lesotho scored 30/40 for political rights and 36/60 for liberty rights in 2022, and the overall Freedom House rating for Lesotho was 66/100, which implies that the country is partly free (Freedom House, 2023a). Partly free means the country qualifies as an electoral democracy, as *Freedom in the World* assigns "electoral democracy" to countries with certain minimum standards for political rights and civil liberties (Freedom House, 2023b).

#### **2.2.7. Findings on the quality of governance in Lesotho through WGI and FH ratings**

- Political stability and absence of violence have been undermined by military coups and coalition governments that fail to complete five-year terms because of corruption and mistrust among coalition partners;
- Under voice and accountability, the country has been holding free and fair elections, with the current government and Members of Parliament elected under impartial IEC which operated under limited financial and human resources.
- Freedom of expression and press is limited by the lack of legal framework for opinion of the citizen and media to be considered;

- Freedom of association is respected as more parties contested in the 2022 elections, and a new party wins elections to form a coalition government with the other two parties;
- The rights of minority groups are not fully protected as some laws that protect them are not yet enacted;
- The customary laws limit women from holding leadership positions, and there is no legal framework that ensures that people with disabilities can hold leadership positions;
- The government has not been effective in providing quality public service delivery, makes poor policy decisions, does not operate in openness and transparency due to lack of information laws;
- The judiciary independence is challenged by a lack of financial and human resources, leading to weak enforcement and extensive case backlog, which compromises due process;
- The country has failed to control corruption as politically exposed people (Ministers, Directors and some government officials) who are involved corruption are not prosecuted;
- Police brutality that goes unpunished is also a problem;
- The anti-corruption body lacks full prosecutorial powers and faces capacity and funding challenges.
- 

## **2.3. ECONOMIC GROWTH**

Economic growth is an increase in the inflation-adjusted market value of the goods and services produced by an economy over time, measured as the per cent rate of increase in the real gross domestic product (GDP) (Fouthe & Ndedi, 2017). The real GDP is the total value of goods and services produced in an economy, adjusted to remove the effects of inflation, while nominal GDP does not account for inflation (Investopedia Team, 2023). The GDP growth rate is the main indicator used in evaluating the economic performance of every country economically (Investopedia Team, 2023). A

high volume of exports, plentiful natural resources, longer life expectancy, and higher investment rates positively impact GDP per capita growth in developing countries (Investopedia Team, 2023).

Rising GDP means the economy is increasing, people spend more and more jobs are created, while falling GDP means no jobs (British Broadcasting Corporation, hereafter BBC, 2023).

### **2.3.1. Economic classification**

Based on basic economic conditions, countries are classified into one of three broad categories: developed economies, economies in transition and developing economies (World Economic Situation Prospects, hereafter WESP, 2022). Gross national income (GNI) is a common way of calculating a country's average wealth of the country or level of development. It is calculated by adding the total values of all the goods and services produced by the people within the country to the income earned from investments that its business and people have made from other countries (Investopedia Team, 2023). It is based on the gross domestic product (GDP), the value of all goods and services produced within the country's physical territory (worldpopulationreview.com, 2023). GNI per capita is the dollar value of a country's final income calculated by dividing the GNI by population size using the Atlas Methodology or Purchasing Power Parity (PPP) (WESP, 2022).

The World Bank's classification of the world's economies is based on estimates of gross national income (GNI) per capita (Gbadamosi, 2023).

For the current 2024 fiscal year, the World Bank Income classifications by GNI per capita (updated July 1 of every year) are as follows:

- low-income economies: \$1,135 or less in 2022;
- lower-middle-income economies: \$1,136 and \$4,465;
- upper-middle-income economies: \$4,466 and \$13,845;

- high-income economies: \$13,845 or more (The World Bank, 2023c).

Low-income countries have the weakest economies when evaluated by the World Bank (worldpopulationreview.com, 2023). They are often synonymous with underdeveloped countries, also known as developing countries, emerging markets, or newly industrialized countries (worldpopulationreview.com, 2023).

### **2.3.2. The Economy of Lesotho**

The economy of Lesotho is based on agriculture, manufacturing, and workers' remittances from the Republic of South Africa and revenue from the Southern African Customs Union (SACU) (UNDP, 2020). Agriculture has been the economic drive for the past two decades but has declined recently due to climate change (MODP, 2019a). The economy has slowed down recently due to the COVID-19 pandemic, low remittances because of retrenched mine workers and declining revenue from SACU due to intense competition with exports from Asian producers to the United States of markets (MODP, 2019a). The challenging global environment characterized by the war in Ukraine, rising global geopolitical tensions and political instability has also contributed to Lesotho's weak economic performance (The World Bank, 2023a).

In 2022, Lesotho's GDP was estimated at \$2 55 Billion, GDP per capita at \$1,045.9, with a GDP growth rate of 4.6% (MODP, 2023; The World Bank, 2023a). The available statistics for GNI per capita for 2021 was **\$1,210**, a **5.22 per cent increase** from 2020, whose figure was at **\$1,150**, a **9.4 per cent decline** from 2019 (Macrotrends, 2023a).

Based on the value mentioned above, the economy of Lesotho qualifies the country to be in a group of lower-middle-income economies. These groups of countries struggle to address challenges such as unemployment and poverty, as the country is not producing enough resources to boost the economy.

## **2.4. CONCLUSION**

This chapter aimed to outline a theoretical framework for this study and conceptualize relevant concepts. This theoretical framework and conceptualization will apply nexus

from the literature review to indicate the quality of governance and state of economic growth in Lesotho. The quality of governance in Lesotho was determined using Lesotho literature on governance dimensions and WGI measures from 1996 to 2021 (cf. 2.2.4). The measurements of good governance were applied to Lesotho and revealed that there is the poor quality of governance in Lesotho as indicated by the negative values of WGI as complemented by literature on governance dimensions.

The Freedom House ratings complement the WGI indicators on the quality of governance in Lesotho. The results revealed that Lesotho was partly free in democratic status based on its lower civil and liberty rights scores (30/40 civil rights and 36/60 liberty rights). The low economic growth revealed by the GNI per capita classifies Lesotho as a lower-middle-income economy. The next chapter will use the theoretical framework and conceptualization of governance nexus growth to determine the quality of governance in other Sub-Saharan countries and identify good practices that can be applied in Lesotho.

# **CHAPTER 3 : GOVERNANCE-GROWTH NEXUS IN SEYCHELLES, BOTSWANA AND SOUTH AFRICA**

## **3.1. INTRODUCTION**

In the previous chapter, the theoretical framework and related concepts of good governance and economic growth were applied. They revealed the apparent poor quality of governance and economic growth in Lesotho. The study aims to recommend good practices from other countries that may improve the quality of governance and economic growth in Lesotho (cf. 1.3). In line with that aim, this chapter intends to conduct a literature review complemented by the theoretical framework and governance economic growth nexus to inform this study on the good practices from other Sub-Saharan countries to improve the quality of governance and economic growth in Lesotho.

Seychelles, Botswana and South Africa have emerged among the top-performing countries in overall governance, achieving relatively strong economic growth in sub-Saharan Africa between 2012 and 2021 (Mo Ibrahim Foundation, 2022). According to the 2022 Ibrahim Index of African Governance (IIAG) Index Report, in 2021, the overall governance score for Seychelles was 73.4, ranking 2<sup>nd</sup> with a GDP per capita of 14,861.5 US Dollars. Botswana's overall governance score was 68.1, ranking 5<sup>th</sup>, while South Africa scored 67.7 on overall governance, ranking 6<sup>th</sup> with a GDP per capita of 6,986.2 US Dollars (Mo Ibrahim Foundation, 2022).

The three countries were selected based on their overall governance quality and economic growth, which may inform Lesotho on improving her governance and economy. In the next section, a literature review and theoretical frame on governance and economic growth with related governance concepts will be used to determine the quality of governance and economic growth in Seychelles. The WGI measures for the

quality of governance (cf. 2.2.4) will be used to determine the quality of governance in Seychelles.

### **3.1.1. Measurement of quality of governance in Seychelles**

#### **3.1.1.1. Worldwide Governance Indicators (WGIs)**

##### **a) Political stability and absence of violence or terrorism**

Seychelles experienced a coup d'état in 1977, just a year after independence, which brought to power a one-party socialist government. Later, in 2023, the multiparty democracy was restored after adopting a new Constitution (United States (US) Department of State, 2023a; The World Bank, 2023c). A civilian authority has maintained effective control over the security forces, and the country has been stable politically with well-established democratic institutions (The World Bank, 2023c; US Department of States, 2016). There is no immediate threat to national security or the people of Seychelles in or outside the country.

For this indicator, the average value for Seychelles from 1996 to 2021 period was 0.8 points, with a minimum of 0.36 points in 2014 and a maximum of 1.28 points in 2000, and the latest value from 2021 is 0.76 points (The Global economy.com, 2023c). The results indicate that the country's effectiveness in maintaining political stability appears to have declined.

##### **b) Voice and Accountability**

The country holds national elections regularly, which observers declare free and fair. However, there are reports alleging misuse of state resources by the party in government (Freedom House, 2023b). The Electoral Commission (EC) has faced criticism from opposition parties and others for enforcing its mandates inconsistently during elections (Freedom House, 2023c).

There is freedom of speech and press, but the government is accused of intimidating and harassing independent journalists and monopolising national media (US Department of States, 2016). The government passed the Freedom of Information Act in 2018, which provisions how citizens may access government information that is not classified as sensitive for security and defence reasons (US Department of State, 2023a). Since the passing of the Act, the government is said to be operating with openness and transparency (Freedom House, 2023c).

Auditor General Audit reports on public spending by the Executive in Parliament are open to the public and media and are published on the Parliament's website to enhance accountability (Public Expenditure Financial Accountability (PEFA), 2017). For this indicator, the average value for Seychelles from 1996 to 2021 period was 0.15 points, with a minimum of -0.05 points in 2014 and a maximum of 0.64 points in 2021, and the latest value from 2021 is 0.64 points (The Global economy.com, 2023c).

### **c) Government Effectiveness**

The head of government and national legislative representatives can determine policy, though widespread corruption has influenced some policymaking decisions (Freedom House, 2023b). Over the past few years, the government has implemented a series of reforms to address public sector governance, including (i) modernizing the public sector and improving the alignment of institutions with policy and service delivery mandates (The World Bank, 2014:4).

Seychelles is reported to enforce regulations according to good governance practices, protected by law and independent judiciary, which minimize opportunities for discretionary treatment and corruption (Simmard & Viseth, 2022:60). However, tourism is said to suffer from a lack of regulation and standard with potentially large negative externalities (Simmard & Viseth, 2022:61).

For this indicator, the average value for Seychelles from 1996 to 2021 period was 0.62 points, with a minimum of 0.46 points in 2005 and a maximum of 0.94 points in 2021, and the latest value from 2021 is 0.94 points (The Global economy.com, 2023c).

#### **d) Rule of Law**

Human rights problems included police brutality, harassment of opposition politicians, arbitrary detention and other abuses (US Department of State, 2016). The incidences of theft are fairly high, but crime of a more violent nature is rare (US Department of State, 2016). The judiciary is generally independent, but judges sometimes face interference in cases involving major commercial or political interests (US Department of State, 2016).

In June 2022, the Parliament voted in favour of a 10th amendment to the constitution, giving the Seychelles Defence Forces (SDF) the right to enforce domestic law, and this was challenged by the country's Ombudsman, the Seychelles Human Rights Commission (SHRC), and the Bar Association of Seychelles for possible undermining of the due process by the amendment (Freedom House, 2023c).

For that indicator, the average value for Seychelles from 1996 to 2021 period was 0.34 points, with a minimum of -0 points in 2021 and a maximum of 0.76 points in 2003, and the latest value from 2021 is 0.34 points (The Global economy.com, 2023c). The results indicate that the country has improved in upholding the rule of law.

#### **e) Control of corruption**

The law provides criminal penalties for conviction of official corruption. Still, the government has not always implemented the law effectively, and officials sometimes engage in corrupt practices with impunity (US Department of State, 2017). Concerns over government corruption have focused on a lack of transparency in privatising and allocating government-owned land and Seychelles' facilitation of international financial transactions (US Department of State, 2023a).

The government has taken several measures to combat corruption and nepotism:

- Establishing the Anti-Corruption Commission;
- Frequently publishing special audits by the Auditor General's Office of questionable government transactions;
- Suing the members of the previous government for allegedly misappropriating funds;
- Amending the anticorruption law to increase the number of Anti-Corruption Commission (ACC) commissioners, clarify its strength, and explicitly give it investigative powers (The World Bank, 2023c, Freedom House, 2023c).

For this indicator, the average value for Seychelles from 1996 to 2021 period was 0.75 points, with a minimum of 0.33 points in 2006 and a maximum of 1.63 points in 2021, and the latest value from 2021 is 1.63 points (The Global economy.com, 2023c). The results indicate that the country has improved in the control of corruption.

#### **f) Regulatory quality**

In March 2007, the Government of Seychelles presented its National Development Plan - Seychelles Strategy 2017 - with the overarching objective of reducing the commercial activities of the State and stimulating private sector development (African Development Bank, 2009:1). The intentions were to accelerate privatization by improving a business climate by review of legal and regulatory framework (African Development Bank, 2009). In 2017, the Government commenced efforts to establish the national private sector development strategy, including the COVID-19 recovery support measures to build the resilience of businesses, the digitalization agenda to enhance the ease of doing business, and efforts to involve the private sector in planning processes (UNDP, 2021; United Nations Conference on Trade and Development, UNCTD, 2023).

In 2018, the government secured a donor loan for a grant accessible to government entities, the private sector and civil society to implement marine protected area management, sustainable fisheries and climate change adaptation (UNDP, 2021; UNCTD, 2023). The Government of Seychelles has implemented a series of reforms to address public sector governance, including the rolling back of the government's role in commercial activities by reducing the large number of parastatals and introducing a new wage bill together with the private sector (The World Bank, 2023c:4)

For this indicator, the average value for Seychelles from 1996 to 2021 period was 0.09 points, with a minimum of -0.27 points in 2014 and a maximum of 0.68 points in 2003, and the latest value from 2021 is 0.02 points (The Global economy.com, 2023c). The results indicate that the effectiveness of government in regulatory quality is low.

## ***Freedom House (FH) Ratings***

### **A) Political Rights**

#### **(i) Electoral Process**

- Seychelles scored 12/12 points on the electoral because the government and Members of Parliament were elected free and fairly by impartially relevant IEC (Freedom House, 2023c).

#### **(ii) Political pluralism and participation**

- The country scored 11/12 points since there were no restrictions on the right to organise political parties, with the current alliance of parties forming a government following the 2020 presidential elections;
- There were no signs of outside political influence on people's political choices despite some reports of vote buying and political intimidation by other political parties;
- The constitution allows equal suffrage for adult citizens and people with disabilities with an opportunity to vote early;
- However, people from abroad were not given the same opportunity to vote, and traditional beliefs were used to prevent women from holding senior political positions (Freedom House, 2023c).

#### **(iii) Functioning of government**

- Seychelles scored 9/12 points because the head of government and Parliament were not able to determine government policies fully due to existing corruption in the public sector;
- The government has strengthened the anticorruption body with laws that allow the body to have investigative powers and enhance law enforcement (Freedom House, 2023c);
- The laws that allow access to government information have been passed, although they are said to be inconsistently applied;

- The government operates with openness and transparency due to the availability of laws allowing the public to access government information easily (Freedom House, 2023c).

## **B) Civil liberties**

### **(i) Freedom of expression**

- The country scored 14/16 points due to being effective concerning religion and academic freedoms, and individuals are free to express their political views except to criticize the government (Freedom House, 2023c).

### **(ii) Association and organisational rights**

- Seychelles scored 9/12 points since freedom of assembly is protected by the constitution and enabling legal framework;
- The only restriction is that the protesters have to give the police five days' notice before convening for assembly;
- Human rights activists and NGOs operate freely without restrictions despite lacking funding to operate effectively;
- The trade unions are permitted to operate. However, only a small percentage of workers are unionised and go on strike only when all arbitration procedures have been exhausted (Freedom House, 2023c).

### **(iii) Rule of law**

- The judiciary is not independent due to facing interference in cases involving major commercial or political interests;
- The judiciary is also faced with the challenge of limited human and financial resources, which prolong pre-trial detention and negatively affect due process;
- The security forces occasionally use excessive force with impunity;
- The laws, policies and practices guarantee equal treatment of various population segments (Freedom House, 2023c).

#### **(iv) Personal Autonomy and Individual rights**

- The country scored 11/16 points because the freedom of movement is not restricted domestically, although passports may be denied based on national interests;
- Individuals are also allowed to exercise their right to own property and establish private businesses without undue interference from state or non-state actors;
- Inheritance laws do not discriminate against women, and the government does not impose explicit restrictions on personal social freedoms;
- The government has made only some progress in preventing or prosecuting instances of human trafficking and labour exploitation;
- Worker rights in the Seychelles are protected (Freedom House, 2023c).

Seychelles scored 34/40 in political rights and 45/60 in civil liberties, with an overall score of 79/100 and the country is classified as a free democratic state or liberal democracy (Freedom House, 2023c).

#### **3.1.2. Findings on quality of governance in Seychelles from WGI and FH ratings**

- Under **Political stability and violence**, the country has well-established democratic institutions with a civilian authority that has maintained effective control over the security forces.
- In **Voice and Accountability**, Seychelles holds regular free and fair elections, although there were reports alleging misuse of state resources;
- The electoral process is free and fair as the head of government and Members of Parliament are elected through free and fair elections by an impartial electoral body;
- There were no restrictions to organise political parties as the current alliance of parties has formed government during the 2020 presidential elections;
- There is freedom of speech and press, and the Parliament has passed laws that allow access to government information;

- As a result, the government is said to be operating with openness and transparency.
- In **Governance Effectiveness**, Seychelles government and legislative representatives can determine policy;
- The country can enforce regulations protected by law and an independent judiciary.
- In **the Rule of Law**, the judiciary is generally independent, although it faces external influences from commercial and political interests;
- It has challenges of limited resources that affect due process;
- There is freedom of assembly protected by the constitution and enabling legal framework. However, protesters have to give five days prior notice;
- The security forces use excessive force with impunity;
- The laws, policies and practices guarantee equal treatment of various population segments, such as women, people living with disabilities and the LGBTQI+ community.
- For **Control of Corruption** the government has taken several steps to combat corruption, such as establishing Anti-corruption Commission with investigative powers;
- Publishing Auditor General reports to the Public Accounts Committee in Parliament for questionable government transactions, suing government officials for misappropriation of public funds;
- Human rights organisations, civil society organisations and trade unions operate freely.
- For **Regulatory quality**, the government has formulated plans that permit the private sector to thrive, such as securing grants for easy access by the private sector to improve the business environment.

### **3.1.3. The economy of Seychelles**

With a GDP of 1.45 billion US Dollars in 2021, Seychelles has the highest GDP per capita in Africa at 14,653 US Dollars (US Department of State, 2023a). Her main economic activities are tourism and fishing, and the country aspires to be a financial hub (US Department of State, 2023a). Seychelles had a gross national income (GNI) per capita of 14,340 US Dollars (2022), which ranks it as a high-income country (The World Bank, 2023c).

The quality of governance and economic growth are good in Seychelles based on the abovementioned findings.

### **3.1.4. Measurement of quality of governance in Botswana**

Good governance is rare in Africa except in countries such as Botswana, with the best-managed economy (Asefa, 2015). Botswana is generally acclaimed as a model country in good governance in Africa (Sebudubudu, 2012).

#### ***3.1.4.1. Worldwide Governance Indicators (WGIs)***

##### **a) Political stability and absence of violence or terrorism**

Botswana's military is not politically relevant as the major issues threatening the country's stability are social risks such as poverty, inequality, unemployment and HIV/AIDS (BTI, 2022a). Therefore, there is no sign that the army is a threat to overthrow the democratically elected government in Botswana. For this indicator, the average value for Botswana from 1996 to 2021 period was 1.02 points, with a minimum of 0.87 points in 2002 and a maximum of 1.1 points in 2019, and the latest value from 2021 is 0.98 points (The Global economy.com, 2023a).

##### **b) Voice and accountability**

Botswana regularly holds free and fair elections with multiparty participation, and relatively high popular participation has been the hallmark of the country's stability and peace since independence (Sebedubedu, 2013). The Independent Electoral

Commission (IEC) in Botswana falls under the Office of the President, compromises its independence, and due to its limited resources, the IEC is only visible when preparing for elections without voter education to all citizens (South African Institute of International Affairs, SAIIA, 2021).

The BCSO report to the African Review Peer Mechanism (APRM) indicate that the First Past the Post electoral system of winner 'takes all' marginalizes smaller political parties and has led to the underrepresentation of women and youth in Parliament (SAIIA, 2021; Sebedubedu, 2013). As a result, Botswana lacks full citizens' political participation due to the First Past the Post electoral system, which marginalizes smaller parties (SAIIA, 2021; Molteni, 2020).

The system does not account for margins of victory and voter turnout, which allows the Botswana Democratic Party (BDP) to remain in power even if with only limited popular support (Molteni, 2020). Therefore, it has been argued that the Constitution vests too much power in the Presidency when the office holder is not popularly elected (Mbao & Komboni, 2008).

The long-term dominance of one political party has led to the concentration of political power, increasing government abuse and corruption, and attempts to limit free media (SAIIA, 2021). Due to her political stability, Botswana remains a destination for investment (Makwinja, 2021). Lack of political party funding has disadvantaged opposition parties, while the ruling party allegedly uses state resources for their political campaigns (Mbao & Komboni, 2008).

Most Botswana contend that public institutions' lack of access to information and transparency limits full participation in political processes (SAIIA, 2021). The state-owned media is usually viewed as biased towards the government, and the absence of community radio stations means people in remote areas cannot access media (SAIIA,

2021). Botswana has no outright censorship, but the government is said to tightly control the public media (such as Radio Botswana, Botswana Television, and the *Daily News* newspaper) (Molteni, 2020). The absence of the Right to Information Act has forced some journalists to obtain information through underhand tactics, resulting in their arrest (SAIIA, 2021).

For this indicator, the average value for Botswana from 1996 to 2021 period was 0.54 points, with a minimum of 0.39 points in 2017 and a maximum of 0.86 points in 1996, and the latest value from 2021 is 0.46 points (The Global economy.com, 2023a).

### **c) Government Effectiveness**

The deteriorating quality of public service in Botswana resulted in the implementation of performance management systems (PMS) in 1999 to restore the public's confidence in the ability of the public service to deliver quality service (Bester & Hofisi, 2020). According to Bester and Hofisi (2020), this has not yielded the required results as service provision continues to decline. A Revised National Health Policy of 2010 ensures that all Botswana have equal access to health care. However, the health system is considered inefficient because of the poor quality of services and a shortage of human resources (SAIIA, 2021). Poor service delivery, poor implementation of projects and programmes, low productivity levels, and resource constraints are major weaknesses of Botswana's public service (Sebedubedu, 2013).

For this indicator, the average value for Botswana from 1996 to 2021 period was 0.44 points, with a minimum of 0.2 points in 2020 and a maximum of 0.62 points in 2003, and the latest value from 2021 is 0.35 points (The World Bank, 2021; The Global economy.com, 2023a).

### **d) Rule of law**

There has not been any evident disregard for the rule of law by the Executive, even under President Khama, who is considered in some quarters as the worst President in

the country's history (BTI, 2022a). President Masisi has demonstrated intolerance toward the opposition, and his commitment to the rule of law is doubtful (BTI, 2022a).

Confidence in the Judiciary has remained strong despite the apprehensions over judiciary independence, as some quarters of the society have consistently described the judges as favouring the Executive since the judges and the magistrate are appointed by the President (BTI, 2022a). There is a view that the judiciary's independence is weakened by the influence of external actors, mainly the excessive power granted to the executive and the President (Molteni, 2020).

Civil rights are generally protected and respected as provided for in the country's constitution. Whenever the residents challenge violations of their rights, the courts have demonstrated a willingness to intervene and protect civil rights (BTI, 2022a). Although the country has been widely accredited for upholding the rule of law and protecting civil rights, it has yet to establish a human rights commission (BTI, 2022a).

The Ombudsman, whose duty is to receive and investigate valid complaints of injustice and maladministration in the public service and make recommendations to the appropriate authority for compliance, is appointed by the President in consultation with the leader of the Opposition in Parliament (Mbao & Komboni, 2010). The international best practice sees the Ombudsman who reports to Parliament annually. In contrast, in Botswana, the Ombudsman reports to Parliament through the President and none of his or her reports are debated in the National Assembly (Mbao & Komboni, 2010).

For this indicator, the average value for Botswana from 1996 to 2021 period was 0.53 points, with a minimum of 0.38 points in 2017 and a maximum of 0.67 points in 2003, and the latest value from 2021 is 0.48 points (The World Bank, 2021; The Global economy.com, 2023a).

### **e) Control of corruption**

In response to an increase in the number of corruption cases involving senior government officials and politicians in the early 1990s, the Corruption and Economic Crime Act was passed in 1994 and established an anti-corruption agency, the Directorate on Corruption and Economic Crime (DCEC), whose main responsibility is to prevent corruption and sensitize citizens about its dangers (SAIIA, 2021). The DCEC is not autonomous like anti-corruption units in other countries with their budget, and it does not have the power to prosecute corruption suspects since those powers are vested to the Director of Public Prosecutions (DPP) (SAIIA, 2021). The head of DCEC is not provided for in the Constitution, and its incumbent, whom the President of Botswana appoints, may be relieved from his or her duties at any time (BTI, 2022a; SAIIA, 2021).

Botswana's corruption perceptions index has declined in recent years. In contrast, it tended to increase through the 2001 - 2020 period due to pending corruption cases of senior government officials, politicians, judges and businesspeople in the misappropriation of the National Petroleum Fund, and more still needs to be done to eradicate corruption (SAIIA, 2021; Makwinja, 2021). Private media outlets have continued reporting on corruption and wrongdoing cases involving politicians and senior public officials that slipped through political, legal and technical loopholes. The DCEC has been accused of focusing mainly on petty corruption (BTI, 2022a).

Parliamentary oversight committee hearings such as the Public Accounts Committee that ensure accountability and transparency on the part of the government in the utilization of public funds have been made public for the media and the public to access the information (SAIIA, 2021; Makwinja, 2021).

For this indicator, the average value for Botswana from 1996 to 2021 period was 0.87 points, with a minimum of 0.62 points in 2002 and a maximum of 1.24 points in 2003,

and the latest value from 2021 is 0.69 points (The World Bank, 2021; The Global economy.com, 2023a).

#### **f) Regulatory Quality**

Botswana formulated and adopted Nation Vision 2016 in 1998, which intended to maintain Botswana's democratic tradition, eradicate poverty and continue to grow and diversify economically, among others (Sebudubudu, 2013). Together, the implementation of the Millennium Development Goals (MDGs) in 2000 and the Poverty Strategy (PRS) in 2003 indicated the government's intentions to eradicate poverty, which has resulted in reducing poverty to an estimated 30% and unemployment of 17.6% after ten years of MDGs and Six years of PRS (Sebudubudu, 2013). The key problem in Botswana regarding poverty reduction is that policies largely subsidise the rich and do not help the poor (Sebudubudu, 2013).

The Botswana Country Private Sector Diagnostic (CPSD) policy, which highlights opportunities for investment and growth in Botswana and ways the country can achieve a more sustainable economy through regulatory improvements and diversification (The World Bank, 2022b). Although the country stands out among African countries for its successful development policy, there is still room for improvement to boost human capital indicators, create jobs and reduce inequality (The World Bank, 2022b).

For this indicator, the average value for Botswana from 1996 to 2021 period was 0.67 points, with a minimum of 0.51 points in 2019 and a maximum of 0.9 points in 2002, and the latest value from 2021 is 0.61 points (The World Bank, 2021; The Global economy.com, 2023a).

### **3.1.4.2. Freedom House (FH) ratings for Botswana**

#### **A) Political Rights**

##### **(i) Electoral Process**

- The country scored 10/12 points on the electoral process because the head of government and Members of Parliament were elected under free and fair polls with an impartial electoral body;
- IEC had a challenge of budgetary constraints and a shortage of staff (Freedom House, 2023a).

##### **(ii) Political pluralism and participation**

- Botswana scored 10/16 points because the right for political parties to form and operate is respected, except that the opposition complained that the ruling party used state resources for political campaigns;
- The opposition parties do not have public financing for their political campaigns;
- There is no realistic opportunity for opposition parties to become government due to mistrust and fragmentation in their camp that allows the ruling party to dominate the political landscape;
- The political choices are largely free despite reports of the possible influence from the tribal chiefs and foreign donors of political parties (Freedom House, 2023a).

##### **(iii) Functioning of government**

- The country scored 8/12 points because the elected officials can determine government policies, but the opposition complained that the executive influenced Parliament to rush the legislation without proper consultation with relevant stakeholders;
- The country has a comprehensive anti-corruption legislative framework limited by lack of funding;

- Lack of freedom of information laws limits government transparency and openness (Freedom House, 2023a).

## **B) Civil liberties**

### **(i) Freedom of Expression and Belief**

- Botswana scored 12/16 points because although the freedom of expression is guaranteed, there are certain provisions of the law that suppress critical press;
- The government dominates state-run media and has banned private media advertising;
- Religion and academic freedoms are generally accepted, although academics that criticize the government may face reprisal;
- Freedom of expression is limited by self-censorship not to criticize the government or insult the President, which is a punishable fine (Freedom House, 2023a).

### **(ii) Association and organization rights**

- The country scored 10/12 points because of freedom of expression that is constitutionally guaranteed, with human rights groups and NGOs operating freely;
- The freedom to form a trade union is also guaranteed, but the provisions of other laws restrict who can strike, and the government often declares many strikes illegal (Freedom House, 2023a).

### **(iii) Rule of law**

- The country scored 11/16 because the freedom of the judiciary is limited by a lack of human and financial resources, which limits due process and increases case backlogs;
- The citizens are protected against the use of physical force with restrictions as the law provides for corporal and capital punishments;

- Customary laws discriminate against women. Indigenous groups are economically marginalised, while same-sex relations are decriminalised without laws that legalise same-sex marriages (Freedom House, 2023a).

**(iv) Personal Autonomy and Individual rights**

- The country scored 11/16 points because most citizens enjoy freedom of movement except for refugees and asylum seekers;
- The San people have been restricted from visiting their relatives living in the Central Kalahari game reserves;
- Botswana generally has sound legal protection for property rights for women and children (Freedom House, 2023a).
- Gender-based violence and customary laws restrict women from enjoying their freedoms, and the perpetrators of gender-based violence are rarely prosecuted;
- Workers enjoy protection against exploitation labour practices, but due to a lack of a strong regulatory framework, workers are abused in some sectors;
- Human trafficking and child labour remain challenging (Freedom House, 2023a).

Botswana scored 28/40 for political rights and 44/60 for liberty rights in 2022, and the overall Freedom House rating is 72/100. This score implies the country is a free democracy (Freedom House, 2023a).

**3.1.5. Findings on the quality of governance in Botswana from WGI and FH ratings**

- For **Political stability and the absence of violence**, there is limited involvement of the army in party politics to cause political instability.
- In **Voice and Accountability**, the country holds regular free and fair elections with the head of government and Members of Parliament elected under impartial IEC.
- The IEC's independence is compromised by being subject to the Office of the President and lacking resources to carry out its mandate effectively.

- There is a lack of public funding for opposition parties to hold political campaigns, while the ruling party is accused of allegedly using state resources for political campaigns.
- The First Past the Post electoral system marginalizes smaller parties and has led to underrepresentation of women and youth in Parliament.
- The political rights of minority groups such as ethnic and tribal groups, people with disabilities and the LGBTQ+ community are not fully recognised.
- There is no realistic opportunity for opposition parties to rule the country due to the First Past the Post Electoral Model and the mistrust and fragmentation in the opposition camp, allowing the ruling party to dominate the political landscape.
- Lack of access to information law limits government transparency and openness.
- The Constitution guarantees freedom of expression, but certain law provisions limit freedom of the press.
- Freedom of the press is limited by the government's tight control of public media, while the state media is accused of being biased towards the state.

For **Government effectiveness**, there is poor service delivery due to resource constraints and poor implementation of the programs;

- The Executive and Parliament can determine government policies, and the opposition accused the Executive of influencing the Parliament to rush bills without proper consultation.

In **the Rule of law**, judiciary independence is said to be weakened by the influence of the Executive since the appointment of judges and magistrates made by the President;

- The country has yet to establish a human rights commission, although it is hailed for upholding the rule of law by protecting civil rights;
- The President appoints the ombudsman in consultation with the opposition leader in Parliament, whereas best practices demand that the officeholder be accountable to the Parliament.

For **Control of corruption**, the anticorruption body lacks human and financial resources, has the President appoints limited prosecution powers and its head;

- The senior government officials and politicians accused of corruption have not been prosecuted.

In **Regulatory quality**, the country has successfully implemented developmental policies but has yet to improve job creation and reduce economic inequality.

### **3.1.6. The economy of Botswana**

Much of the country's economic growth since independence has been a result of diamond revenues (SAIIA, 2021:47). The GDP grew by an estimated 4.1% in 2022, mainly driven by diamond exports and domestic demand (tradeclub.standardbank.com, 2023). Other natural resources and ecotourism in its extensive nature preserves are helping to diversify the economy (Index of Economic Freedom, 2023).

The government's priority is to diversify the economy, relying more on agriculture, services, manufacturing and mining (tradeclub.standardbank.com, 2023). In 2021, the GDP for Botswana was estimated at 18 77 Billion USD, with a GDP per Capital of 7,235 Billion USD (tradeclub.standardbank.com, 2023). Botswana's GNI per capita for 2021 was **\$6,430**, a **6.99% increase** from 2020 (Macrotrends, 2023b). As a result, Botswana is classified as an upper-middle-income economy (The World Bank, 2023a). Botswana suffer from economic exclusion from the countries as many live below the poverty line despite the country's significant economic growth over the years (SAIIA, 2021; Molteni, 2020).

Based on the findings mentioned above, the quality of governance in Botswana has decreased while economically the country is stable.

### **3.1.7. Measurement of quality of governance in South Africa**

#### **3.1.7.1. Worldwide Governance Indicators (WGIs)**

##### **a) Political stability and absence of violence or terrorism**

South Africa is a constitutional democracy that has been regarded globally as a proponent of human rights since the end of apartheid in 1994 (Freedom House, 2023d). Its progressive democracy allows citizens' protests but may become political violence (Freedom House, 2023d). In July 2021, the country suffered the worst political violence since the end of apartheid in several provinces due to prolonged economic instability and the imprisonment of former president Jacob Zuma (Kendall, 2021). The rioters focused their ire on business homes and government infrastructure, resulting in more than 300 deaths and 1 billion US Dollars in damage (Kendall, 2021). The military generally stays out of politics.

For this indicator, the average value for South Africa from 1996 to 2021 period was -0.18 points, with a minimum of -0.71 points in 2021 and a maximum of 0.22 points in 2007, and the latest value from 2021 is -0.71 points (The Global economy.com, 2023d).

##### **b) Voice and accountability**

Elections are generally regarded as free and fair, as there are clear rules for participation; parties are allowed to oversee the tallying of results, with the Electoral Commission of South Africa (IEC) seen as an independent and effective authority (BTI, 2022b:8). In 2021, the new Political Party Funding Act came into force to make political party financing more transparent (BTI, 2022b:8; Freedom House, 2023d).

The political environment is generally free from formal constraints, and opposition parties, including newer political groups, have gained ground in recent elections (Freedom House, 2023d). Sporadic violent incidents exist in some parts of the country while choosing candidates for national or municipal elections (Freedom House, 2023d).

South Africa's electoral system has produced one-party dominance in governance since 1994, leaving other parties competing for minority votes (Harvey, 2021). Unintended consequences are that a party majority in Parliament implies that the Executive desires are rubber-stamped by the majority in the two chambers (Harvey, 2021).

Section 16 of the constitution states that everyone has the right to freedom of expression, freedom of the press and the freedom to receive or impart information (BTI, 2022b). Freedom of expression in South Africa is not absolute, and the right does not extend to propaganda for war, incitement of violence or advocacy of hatred (Freedom House, 2023d). These rights have facilitated a free and politically independent media landscape where journalists can question and criticize political leaders without fear of sanction or reprisal (Freedom House, 2023d). The South African Broadcasting Corporation (SABC), the national radio and television broadcaster, has recently overcome (sure?) (taken directly from the source as it is) isolated instances of political interference (BTI, 2022b:10).

The President appoints judges for each court on the recommendation of the Judicial Service Commission (JSC), except for the Magistrates Courts, where the Magistrates Commission is responsible for appointments. JSC membership is determined by parties represented in parliament and is composed of judges, advocates, the minister for justice, and several members of parliament (BTI, 2022b).

For this indicator, the average value for South Africa from 1996 to 2021 period was 0.66 points, with a minimum of 0.57 points in 2009 and a maximum of 0.85 points in 1998, and the latest value from 2021 is 0.79 points (The Global economy.com, 2023d).

### **c) Government Effectiveness**

Numerous demonstrations and protests, often violent, result from poor service delivery by the local government (Nkomo, 2017; Cilliers & Aucon, 2016). Bad policy choices and inconsistent governance exacerbate economic decline, thereby increasing conditions for social instability (Nkomo, 2017).

The government passed laws such as the Municipal Systems Act (2000), Municipal Structures Act (Act No. 117 of 1998), Municipal Finance Management (2003) and Municipal Property Rates Act (2004) to ensure that the citizens have basic services such as health, water, electricity and sanitation (Masiya, Davids & Mangai, 2019:22). The rise in service delivery protests in South Africa can be attributed to organisational failure to provide satisfactory basic services because many communities remain un-serviced (Masiya, Davids & Mangai, 2019:20).

For this indicator, the average value for South Africa from 1996 to 2021 period was 0.33 points, with a minimum of -0.02 points in 2021 and a maximum of 1.85 points in 1996, and the latest value from 2021 is -0.02 points (The Global economy.com, 2023d).

### **d) Rule of law**

South Africa has several important post-apartheid institutions, such as its independent constitutional court, public protector and free media, but corruption and patronage have compromised the strength of many institutions and resulted in declining international confidence in the country's potential (Cilliers & Aucon, 2016).

The constitution guarantees judicial independence, courts operate with substantial autonomy in practice, and the courts have ruled against the government in several high-profile cases (Freedom House, 2023d; Harvey, 2021). However, prosecutorial independence in South Africa has been undermined recently, with the National

Prosecuting Authority (NPA) experiencing a string of politically motivated appointments and ousters (Freedom House, 2023d). Vigilantism, service delivery protests and xenophobic attacks are common in South Africa, resulting in property damage and loss of lives (Cilliers & Aucon, 2016).

In recent years, particularly when evidence emerged of improper executive authority under former President Zuma, the legislature has failed to hold the executive accountable, and the judiciary has too often become involved in reminding the legislature to exercise its right and responsibility to provide oversight over the executive (BTI, 2022b:10).

For this indicator, the average value for South Africa from 1996 to 2021 period was 0.04 points, with a minimum of -0.2 points in 2018 and a maximum of 0.18 points in 2006, and the latest value from 2021 is 0.13 points (The Global economy.com, 2023d).

#### **e) Control of corruption**

Pervasive corruption and apparent interference by non-elected actors have hampered the proper functioning of government, particularly during the Zuma administration. In 2018, Zuma was forced by the High Court to appoint a Judicial Commission of Inquiry into state capture (Freedom House, 2023d).

The anti-corruption legislation in South Africa has not successfully fought corruption due to weak application of the law, and the ethics and morality of anti-corruption agencies not to find themselves involved at the centre of corruption scandals is questionable (Lekubu, 2019:5).

There is widespread corruption within the ANC; party officials have been accused of buying delegates' votes to the party conference and paying bribes to influence political appointments (Freedom House, 2023d). For this indicator, the average value for South Africa from 1996 to 2021 period was 0.16 points, with a minimum of -0.18 points in 2012 and a maximum of 0.73 points in 1996, and the latest value from 2021 is -0.03 points (The Global economy.com, 2023d).

#### **f) Regulatory Quality**

The South African government's National Development Plan (NDP) has identified small businesses as important to economic promotion and unemployment reduction. Since the adoption of NDP in 2012 by parliament, there has been minimal progress in terms of promoting small, medium, and micro-enterprises (SMMEs) (Tshuma, 2022:1). The regulatory burdens and insufficient government funding were identified as critical barriers to the growth and sustenance of SMMEs (Tshuma, 2022:1). According to the International Monetary Fund IMF (2023), "[O]n the policy front, the government has made important headway on domestic revenue mobilization, removed licensing requirements for embedded power generation, announced a plan to create a mechanism for private sector participation in transmission infrastructure".

For this indicator, the average value for South Africa from 1996 to 2021 period was 0.14 points, with a minimum of -0.07 points in 2021 and a maximum of 0.82 points in 2003, and the latest value from 2021 is -0.07 points (The Global economy.com, 2023d).

### **3.1.7.2. Freedom House (FH) ratings for South Africa**

#### **A) Political Rights**

##### **(i) Electoral Process**

- The country scored 12/12 points because the head of government and Members of Parliament were elected through free and fair elections by an impartial electoral body applying a fair legal electoral framework (Freedom House 2023d).

## **(ii) Political Pluralism and Participation**

- The country scored 14/16 points because the political environment is generally free from formal constraints;
- Opposition parties, including newer political groups, have gained ground in recent elections;
- The opportunity for opposition parties to be in government has increased since the performance of the ruling party has declined in national and municipal elections;
- People's political choices are largely free from domination by external actors, and the military generally stays out of politics;
- The Constitution prohibits discrimination and provides full political rights for all;
- Women are well represented in government, and the legal framework is liberal for LGBT+ people (Freedom House, 2023d).

## **(iii) Functioning of Government**

- The country scored 8/12 points because of the alleged state capture by the external forces to influence policy decisions of the government during President Zuma administration era, which were later overturned during President Ramaphosa administration era in 2018;
- Comprehensive anti-corruption laws and several agencies tasked with combating corruption exist, but enforcement has historically been inadequate;
- Several former and current government officials accused of corruption have not been prosecuted;
- Access to information rights from state and private entities is constitutionally guaranteed with an enabling legal framework to ensure that the government operates with openness and transparency;
- However, in practice, the procedure of accessing information is laborious and bureaucratic;
- A lack of transparency and competitive bidding has affected the awarding of government contracts.

## **B) Civil Liberties**

### **(i) Freedom of Expression and Belief**

- The country scored 15/16 points because freedom of expression and press are constitutionally protected with a legal framework to enable journalists to work in a conducive environment;
- The journalists face harassment for critical reporting and occasional attacks, with ruling and opposition parties exerting pressure on both state-run and independent outlets;
- Academic and religious freedoms are constitutionally guaranteed and actively protected by the government. South Africans are generally free to engage in private conversations of a political nature without harassment.

### **(ii) Associational and Organizational Rights**

- South Africa scored 12/12 points because the freedom of assembly is constitutionally guaranteed and generally respected;
- Demonstrators must notify police of events ahead of time but are rarely prohibited from gathering;
- South Africa hosts a vibrant civil society. Nongovernmental organizations (NGOs) can register and operate freely, and lawmakers regularly accept input from NGOs on pending legislation;
- South African workers are generally free to form, join, and participate in independent trade unions, and the country's labour laws offer unionized workers a litany of protections (Freedom House, 2023d).

### **(iii) Rule of Law**

- South Africa scored 9/16 points because the constitution guarantees judicial independence, and courts operate with substantial autonomy in practice;
- Courts have ruled against the government in several high-profile cases. Shortages of judicial staff and a lack of financial resources undermine

defendants' due process rights, including the right to a timely trial and state-funded legal counsel;

- Prosecutorial independence in South Africa has been undermined in recent years, with the National Prosecuting Authority (NPA) experiencing a string of politically motivated appointments and ousters;
- Despite constitutional prohibitions, police torture and use of excessive force during arrest, interrogation, and detentions are commonly reported;
- The Constitution prohibits discrimination based on various categories, including race, sexual orientation, and culture. State bodies such as the South African Human Rights Commission (SAHRC) and the Office of the Public Protector are empowered to investigate and prosecute discrimination cases;
- The Khoikhoi and Khomani San peoples suffer from social and legal discrimination;
- The constitution guarantees equal rights for women, which the Commission on Gender Equality actively promotes on Gender Equality;
- Nevertheless, women are subject to wage discrimination in the workplace and are poorly represented in top management positions;
- Xenophobic violence against immigrants from other African countries has broken out in recent years (Freedom House, 2023d).]

**(iv) Personal autonomy and Individual rights**

- The country scored 10/16 points because while there are no official restrictions on housing, employment, or freedom of movement for most South Africans, travel and some other personal freedoms are inhibited by the country's high crime rate;
- For many foreigners, the threat of xenophobic violence impedes freedom of movement as well;
- The state generally protects citizens from arbitrary deprivation of property;
- However, the incidents of looting in July 2021 suggest that authorities cannot protect private property from violent responses to tense political moments.

- Despite a robust legal framework criminalizing domestic violence and rape, gender-based violence remains a grave challenge in South Africa.
- There are frequent reports of physical attacks against LGBT+ people, including instances of so-called corrective rape, in which men rape lesbians, claiming that the action can change the victim's sexual orientation;
- Sexual harassment is common, and reports of forced marriages persist;
- Femicide is also a severe problem (Freedom House, 2023d).

South Africa scored 33/40 for political rights and 46/60 for liberty rights in 2022, and the overall Freedom House rating is 79/100. This score implies the country is a free democracy (Freedom House, 2023d).

### **3.1.8. Findings for quality of governance in South Africa through WGI and FH ratings**

In **Political stability and absence of violence**, there is no political violence because the military generally stays out of politics;

- Citizens' protests may turn into political violence.

For **Voice and accountability**, the elections are generally regarded as free and fair;

- head of government and Members of Parliament are elected through free and fair elections by the impartial electoral body using a fair legal electoral framework that allows funding of political parties;
- The political environment is generally free from formal constraints. opposition parties, including newer political groups, have gained ground in recent elections;
- The opportunity for opposition parties to be in government has increased since the performance of the ruling party has declined in national and municipal elections in recent years;
- Freedom of expression and press are constitutionally protected with a legal framework to enable journalists to work in a conducive environment;

- Freedom of expression in South Africa is not absolute, and the right does not extend to propaganda for war, incitement of violence or advocacy of hatred;
- The South African constitution provides for everyone to have a right to access information from the state and private with a legal framework to ensure that the government operate with openness and transparency;
- People's political choices are largely free from domination by external actors;
- The Constitution prohibits discrimination and provides full political rights for all. Women are well represented in government, and the legal framework is liberal for LGBT+ people;
- The freedom of assembly is constitutionally guaranteed and generally respected by civil society, Non-governmental organizations (NGOs) and Trade Unions rights are protected by law.

For **Government Effectiveness**, there are numerous demonstrations and protests, often violent, as a result of poor service delivery by the local government;

- Bad policy choices and inconsistent governance exacerbate economic decline, thereby increasing conditions for social instability.

For **the Rule of law**, the President appoints judges for each court on the recommendation of the Judicial Service Commission (JSC), except for the Magistrates Courts, where the Magistrates Commission is responsible for appointments. JSC membership is determined by parties represented in parliament;

- Independent constitutional court, public protector and a free media, but corruption and patronage have compromised the strength of many institutions;
- The Constitution guarantees judicial independence, and courts operate with substantial autonomy in practice; the courts have ruled against the government in several high-profile cases;
- prosecutorial independence in South Africa has been undermined in recent years, with the National Prosecuting Authority (NPA) experiencing a string of politically motivated appointments and ousters;

- Despite constitutional prohibitions, police torture and use of excessive force during arrest, interrogation, and detentions are commonly reported. There are reports of where security forces;
- The Constitution prohibits discrimination based on a range of categories, including race, sexual orientation, and culture;
- The Constitution prohibits discrimination based on various categories, including race, sexual orientation, and culture. State bodies such as the South African Human Rights Commission (SAHRC) and the Office of the Public Protector are empowered to investigate and prosecute discrimination cases;
- The constitution guarantees equal rights for women, which the Commission actively promotes on Gender Equality;
- Nevertheless, women are subject to wage discrimination in the workplace and are poorly represented in top management positions;
- Xenophobic violence against immigrants from other African countries has recently occurred.

Comprehensive anti-corruption laws exist to control corruption, and several agencies tasked with combating corruption exist. Still, enforcement has historically been inadequate, as several former and current government officials accused of corruption have not been prosecuted.

In **Regulatory quality**, the regulatory burdens and insufficient government funding were identified as critical barriers to the growth and sustenance of SMMEs.

### **3.1.9. The economy of South Africa**

The manufacturing and finance industries were major contributors to the economy lifted by imports, with a GDP per capita of 6 776.5 US Dollars or 405.87 billion USD in 2022 for the whole country (Statistics South Africa (Stats SA), 2023; The World Bank, 2023b).

South Africa is ranked as an upper-middle-income economy with a GNI per capita of 6,530 US Dollars (The World Bank, 2023b).

Based on the above findings, South Africa's governance quality appears weak in most areas, while the economy is good.

### **3.1.10. Summary of quality of governance practices drawn from the three sub-Saharan Countries**

For **Political stability and violence**, these countries have well-established democratic institutions with a civilian authority that has maintained effective control over the security forces.

In **Voice and Accountability**, they hold regular, free and fair elections, although there were reports alleging misuse of state resources;

- Their electoral process is free and fair as their head of government and Members of Parliament are elected through free and fair elections by an impartial electoral body;
- Freedom of association or political rights for all is guaranteed in some countries, as some political parties could form alliances and become new governments in 2020.
- There is freedom of speech and press,
- Some laws allow access to government information by the public for government openness and transparency.
- Freedom of assembly is guaranteed.

For **Governance Effectiveness**, the government and legislative representatives can determine policy;

- The countries can enforce regulations protected by law and have an independent judiciary.

In **the Rule of Law**, the judiciary is generally independent, although it faces external influences from commercial and political interests;

- Limited resources can affect due process;
- There is freedom of assembly protected by the constitution and enabling legal framework. However, protesters have to give five days prior notice;
- The laws, policies and practices guarantee equal treatment of various population segments, such as women, people with disabilities and LGBTQTI+.
- The Constitution prohibits discrimination based on a range of categories, including race, sexual orientation, and culture;
- The Human Rights Commission (HRC) and the Office of the Public Protector are empowered to investigate and prosecute criminal cases;
- The Ombudsman is accountable to Parliament.

For **Control of Corruption**, their governments have established Anti-Corruption Commissions with investigative powers;

- Auditor General reports publicised to the public through the Public Accounts Committee in Parliament for questionable government transactions, prosecuting government officials who misused public funds;
- Human rights organisations, civil society organisations and trade unions operate freely.

In **Regulatory quality**, their governments have formulated plans that permit the private sector to thrive by securing grants easily to support their businesses. There is an implementation of developmental policies.

### **3.1.11. Economy of Seychelles, Botswana and South Africa**

Their economies are thriving due to several economic activities in those countries.

## **3.2. CONCLUSION**

This chapter highlighted the quality of governance practises and economic growth for Seychelles, South Africa and Botswana through the literature review complimented by the theoretical framework for governance and economic growth. Each country has experienced good governance in some dimensions and bad governance in others. The quality of governance dimensions from each country will be used in the next chapter to analyse the Lesotho government documents related to governance and economic growth in Lesotho. The sub-Saharan information on governance and economic growth will be used to analyse the government documents related to governance and economic growth in Lesotho.

# **CHAPTER 4 : ANALYSIS OF LESOTHO DOCUMENTS ON GOVERNANCE AND ECONOMIC GROWTH**

## **4.1. INTRODUCTION**

In the preceding chapter, the quality of governance and economic growth of Seychelles, Botswana and South Africa were deduced through a literature review utilising the set-theoretical framework to identify good practices that may improve the quality of governance and economic growth for Lesotho. This information revealed that these countries performed well in most good governance dimensions to improve their economic situation. To further shed more light on the quality of governance and economic growth in Lesotho, the sub-Saharan country's good governance and economic growth information will be used to analyse the Lesotho government documents related to governance and economic growth.

According to Indeed Editorial Team (2023), document analysis “involves evaluating electronic and physical documents to interpret them, understand their meaning and develop upon the information they provide”. In this chapter, the Lesotho Constitution 1993, the National Strategic Development Plan II (NSDP II) 2018/19-2022/23 and the Omnibus Bill 2022 will be analysed to make recommendations out of the analysis, on best practices to improve Lesotho’s quality of governance and economic growth.

### **4.1.1. Lesotho Official Documents**

#### **4.1.1.1. *The Constitution of Lesotho***

The Constitution of Lesotho (hereafter Lesotho Constitution) was enacted in 1993 as “the supreme law of Lesotho, and if any other law is inconsistent with this Constitution, that other law shall, to the extent of the inconsistency, be void” (KoL, 1993: Chapter 1,

Section 2). For all policies to be legal documents, they must align with the Lesotho Constitution.

The Lesotho Constitution does not stipulate the role of government in providing quality public service or quality of policy formulation and implementation. Still, it guarantees the citizens access, on general terms, to equality, public service, and protection of health and education, which are basic services the government must provide (KoL, 1993: Chapter 3, Sections 20 (c), 27 and 28).

#### ***4.1.1.2. The Nation Strategic Development Plan II (NSDP II) 2018/19-2022/2023/***

NSDP II is a five-year plan of the Government of Lesotho (GoL) aimed to achieve inclusive growth and reduction of poverty through private sector-led employment creation (Lesotho News Agency (LENA), 25 July 2023). The Deputy Principal Secretary (DPS) at the Ministry of Finance and Development Planning (MFDP), Mrs Teboho Malisebo Mokela, said the implementation stage of the NSDP II failed to commence due to COVID-19 pandemic challenges (*Harvest FM*, 2023). Therefore, the Government of Lesotho has decided to extend the NSDP II for the next five years (2023/24-2027/28) to ensure the effective implementation of policies and actions set out therein (MODP, 2023:2). As part of realizing the NSDP II review, all government ministries have held strategic meetings sessions to ensure that ministerial plans are in line with NSDP II (LENA, 25 July 2023).

#### **a) Control of Corruption**

The Government of Lesotho (GoL) has also enacted the Audit Act of 2016 to strengthen audit functions, which provides full autonomy of the Office of Auditor General in line with the constitution (MODP, 2019a:142). However, the Office of the Auditor General does not have the power to present audit findings directly to Parliament and must do so via the Ministry of Finance (MODP, 2019a:142).

Government accountability is limited by the lack of a legal framework that provides unrestricted access to information (such as the Information Bill) (MODPa, 2019:144). Civil society organisations and the private sector in Lesotho are not empowered and have little capacity to engage the GoL to learn more about interventions aimed at enhancing public sector efficiency and effectiveness (MODP, 2019a:144).

#### **b) Regulatory quality**

According to the NSDP II, the GoL's failure to implement programmes, contracts, and laws that support private sector growth results from weak institutions and weak governance, leading to poor programme implementation and a lack of enforcement of laws (MODP, 2019a).

#### **4.1.1.3. The draft Eleventh Amendment to the Constitution Draft Bill (Omnibus Bill) 2022**

The draft Eleventh Amendment to the Constitution Bill (Omnibus Bill) 2022 is the culmination of Lesotho's 2018-19 national dialogue on reform instituted by the Southern African Development Community (SADC) following the political turmoil in the country dating back to nearly ten years ago (Constitutionnet, 2023). Associate Professor 'Nyane (Nyane, 2023) indicates that the draft Omnibus Bill was meant "to arrest some longstanding constitutional problems. These include the excessive powers of the prime minister, a judiciary that the executive controls, politicized security agencies and a weak parliament". Therefore, the draft Omnibus Bill 2022 aims to steer the Kingdom of Lesotho towards peace and stability by improving the judiciary, security forces, economy, media, public service, Parliament, and constitution (UNDP, 2023).

The draft Bill enactment in 2022 has been stalled by the disagreements over aspects of the bill, notably between the two Houses of Parliament (Senate and National Assembly) concerning the public inputs to the formation of the draft Bill that have been cut out (Louw-Vaudran, 2022; LENA, 2023d). According to Political Analyst Professor Motlamelle Kapa, the contention was on the clauses "that have been expunged from the

11th Amendment to the Constitution Bill (Omnibus Bill)” (Latela, 2022). The then-Prime Minister Moeketsi Majoro called for the State of Emergency to recall Parliament so that it could enact the draft Omnibus Bill before the previous Parliament ended in July 2022 and the courts rejected that action and Lesotho held elections in October 2022 without passing the crucial reform measure (constitutionnet, 2023).

During a consensus-building workshop in 2023 regarding the reinstatement and passage of the Omnibus Bill, the current Prime Minister Ntsokoane Matekane said that “the never-ending political divisions and security instability have negatively affected the economic development of the country and tainted Lesotho’s image internationally due to the gloomy cloud of division as a result of divergent political views” (Informative Newspaper, 10 July 2023). The reforms were designed to stabilise the country by depoliticising the military, police and wider bureaucracy and stabilising Parliament, among other measures (Constituionnet, 2023). The current government is resuscitating and enacting the draft Bill in consultation with all the stakeholders.

#### **a) Political stability and absence of violence or terrorism**

During the National Reforms Authority (NRA) Indaba in 2022, the former NRA Chairperson Chief Pelele Letsoela commented that Lesotho had a long history of political instability and security challenges, including the politicization of security agencies and that it was precisely because of the instability in the security sector that Lesotho was now embarking on the national reforms to stabilise the country (Africa Press, 2022). When officially opening a three-day workshop on the formulation of the roadmap for the development of the National Security Policy and Strategy of the Kingdom of Lesotho in 2022, the former Deputy Prime Minister (LENA, 2021) reiterated that it is “common knowledge that reviewing, and reforming the national security agencies is seen by most of Basotho as key to the achievement of lasting peace, democracy and stable political, security and social environment”. In the same event the acting Representative of the European Union (EU), Mr David Healy concurred “that amongst the urgent reforms is clarification of the mandate of security intuitions under of the lines of command” (LENA, 2021).

To maintain political stability and depoliticise the security agencies of Lesotho, the Lesotho Constitution specifies that the role of the Lesotho Defence Force (LDF) is to maintain the internal security and the defence of Lesotho (KoL, 1993: Ch. 13, Sec. 146). In the same vein, the NSDP II document indicates that the government has a plan for constitutional and security reforms to achieve political and economic stability (MODP, 2019a:19). In line with the plan, the draft Omnibus Bill proposes that the Minister responsible for defence and shall be the channel through which the Lesotho Defence Force shall be answerable to Parliament. The command of the Lesotho Defence Force shall be vested in the Chief of Defence Staff or the King (Ministry of Law, Justice and Parliamentary Affairs, 2022).

To oversee the security of the country, the draft Omnibus Bill proposes the establishment of the apex body called the National Security Council, which shall guard against the politicisation of the National Security Agencies and report to Parliament through the Prime Minister regularly (Ministry of Law, Justice and Parliamentary Affairs, 2022). Currently, the Prime Minister appoints heads of security agencies on behalf of the King with the advice of the State Council, which has a potential for politicization of security agencies.

The draft Omnibus Bill also suggests the establishment of an Independent Security Sector Oversight, Inspectorate and Complaints Authority which shall carry out inspections and investigate complaints from members of the public concerning the conduct of the members of the security agencies which shall be prescribed by an Act of Parliament (Ministry of Law, Justice and Parliamentary Affairs, 2022). The public can hold the police accountable for their behaviour or performance through the Police Complaints Authority and a Directorate of Police, which are currently underperforming.

During the Lesotho Police Inspectorate two-day outreach workshop for media representatives and civil society organizations, the UNDP Security Reform Expert, Mr John Symons (Lesotho Tribune, 2023), raised a concern that many people are unaware

of the bodies such as the Police Complaints Authority and a Directorate of Police leading people “to think nothing is being done to hold the police accountable for their behaviour or their performance”. In the same workshop, Mr Motlepu Makhakhe, speaking on behalf of the Police Inspectorate, indicated these bodies are facing a lot of challenges, such as a lack of resources, lack of direct operational and administrative links and conflict of interest as the police inspectorate and the Lesotho Mounted Police (LMPS) report to the same police authority (Lesotho Tribune, 2022).

### **b) Voice and Accountability**

The right to participate in government by voting or standing for elections at periodic elections is protected under the Lesotho Constitution (KoL, 1993: Ch. 2: Sec. 20(b)). To empower the current IEC in Lesotho, the draft Omnibus Bill proposes an amendment to Section 66 of the Lesotho Constitution to establish the Independent Electoral Commission, which shall:

- (a) be an autonomous and independent body;
- (b) be accountable to Parliament, and whereby the recruitment process shall be carried out by a selection panel recommended by the political parties (Ministry of Law, Justice & Parliamentary Affairs, 2022).

The freedom of expression is enshrined in the Lesotho Constitution (KoL, 1993: Ch. 2, Sec. 14), while the freedom of the press is not mentioned in the Lesotho Constitution. The Lesotho Media Handbook-Lesotho (Limpitlaw, 2021) argues that although the Lesotho Constitution does not specifically mention the freedom of the press or media, that right is protected by Section 14 (1), which specifies that the right to freedom of expression includes the freedom to communicate ideas and information without interference which implies that communicating information and ideas to the public, which is done by the press and the media (Limpitlaw, 2021). The Media Committee Chairperson, Mr Nkoale Oetsi Tsóana, expressed that freedom of expression does not include propaganda when presenting a media sector report to the members of a body overseeing the National Reforms in Lesotho called National Reforms Authority (NRA) (LENA, 2022b).

To strive to professionalize the Lesotho Media, the NSDP II indicated that there was media policy in the pipeline that would result in the establishment of relevant institutional infrastructure and legal framework to address issues related to professionalism, ethics and conduct of journalists (MODP, 2019a:156). The Lesotho Chapter of the Media Institute of Southern Africa (MISA-Lesotho) expressed their satisfaction following the adoption of the National Media Policy by the National Assembly that would represent the best interests of free media in 2021 and which is yet to be enacted into law (MISA Lesotho, 2021).

When Presenting the Media Sector report for consideration by the National Reforms Authority (NRA), the Media Committee Chairperson, Mr Nkoale Oetsi Tsóana (LENA, 2022), said that “under the Media Council of Lesotho, the council will strive for professionalism in the industry and that there will be seven members with expertise in the areas of journalism, legal, labour matters, resolution mechanisms, civil society, human rights and one from the Ministry of Communications”. To further regulate media freedom, the draft Omnibus Bill further proposes the establishment of a Media Council of Lesotho, which shall be an independent body that regulates the entire media industry, and its powers and functions shall be prescribed by an Act of Parliament (Ministry of Law, Justice and Parliamentary Affairs, 2022).

The NSDP II highlights the limitation of Government accountability as lacking a legal framework that provides unrestricted access to information (such as the Information Bill) (MODP, 2019a:144). According to MISA-Lesotho, the Access and Receipt of Information Bill of 2000 is yet to be enacted into law (MISA-Lesotho, 2021). NSDP II also indicates that civil society organisations and the private sector in Lesotho are not empowered and cannot engage the GoL to learn more about interventions to enhance public sector efficiency and effectiveness (MODP, 2019a:144).

### **c) Governance Effectiveness**

The Lesotho Constitution does not stipulate the role of government in providing quality public service or quality of policy formulation and implementation. However, it guarantees the citizens access, in general terms of equality, to public service, health protection and education, which are basic services the government has to provide (KoL, 1993: Ch. 3, Sec. 20 (c) 27 & 28).

The former Minister of Public Service, Keketso Sello, said, “The citizens have lost confidence in the public service owing to poor service delivery and lack of professionalism” during the official opening of the Capacity-building Seminar for States Parties to the African Charter on the Values and Principles of Public Service and Administration on the State Parties Assessment in 2021 (Africa Press, 2021). He said the “citizens are dissatisfied and have completely lost confidence in our Public agencies due to poor quality of services extended to them, manifested by long queues and lack of professionalism in delivering such services” (Africa Press, 2021).

The NSDP II document indicated the GoL plans to decentralise service provision from the central government to the local government by capacitating local structures with financial and human resources to implement policies and programmes (MODP, 2019a:145). It further states the GoL plans to reform the civil service to a merit-based revolution and improve performance management systems to improve service delivery (Ministry of Finance and Development Planning (MFDP), 2023). The NSDP II (MFDP, 2023:8) states that for effective service delivery, “the government has already adopted the prudent and accountable methodology that is result driven and performance-oriented called The Big Fast Results (BFR) Methodology”.

The methodology is said to have sufficient intermediate indicators which deliver quick feedback on results that can continually be improved through decision-making and learning (MFDP, 2023:8). The former Minister of Development Planning, Dr Tlohelang Aumane confirmed that the Ministry has engaged the BFR Methodology experts to develop implementation programmes that will help to realize private investments,

improve service delivery and create jobs for all of Basotho during the Jobs and Investment summit in 2019 in Maseru (MODP, 2019b). The BFR methodology implementation requires frequent monitoring, evaluation, and reporting to track the progress of service delivery (MFDP, 2023:8).

To improve public service at a local level, the draft Omnibus Bill proposes an insertion of new sections in the Lesotho Constitution, which stipulates that the Central government should devolve its powers to the Local Government shall have reliable resources and have powers to generate its revenue that will enable it to govern and deliver services effectively (Ministry of Law, Justice and Parliamentary Affairs, 2022). To monitor the performance of the Local Government, the draft Omnibus Bill suggests that the “National Government shall have oversight powers over Local Government and shall intervene where the Local Government fails to perform its functions under this Constitution and any other Laws” (Ministry of Law, Justice and Parliamentary Affairs, 2022:21).

To guarantee that the Local Government will have the funds to deliver public service, the draft Bill indicates that a Local Government shall have reliable resources and powers to generate its revenue and that the Parliament shall, from the Consolidated Fund, allocate to the Local Government an annual budget prescribed by an Act Parliament (Ministry of Law, Justice and Parliamentary Affairs, 2022:21-22).

#### **d) Rule of Law**

The Lesotho Constitution (1993: Ch. 11, Sec. 2) stipulates that “[t]he courts shall, in the performance of their functions under this Constitution or any other law, be independent and free from interference and subject only to this Constitution and any other law”. Therefore, the Lesotho Constitution guarantees the independence of the Judiciary. To improve access to justice in the judicial system, the NSDP II states that the Judiciary plans to develop alternative dispute resolution mechanisms to reduce a backlog of cases in higher courts, facilitate the effectiveness of small claims court and harmonize laws (e.g., customary law and civil law (MODP, 2019a:150). At the opening of the High

Court of Lesotho in 2023, Chief Justice Sakoane Sakoane revealed improvements in service delivery, such as the appointment of new judges and decentralising services across the country by opening the High Court in Northern region of the country and another court at Ha Mohale to serve the rural population (LENA, 1 February 2023). The Chief Justice mentioned that “the Judiciary is in the process of upgrading Children’s Courts to internationally accepted child-friendly standards” (LENA, 1 February 2023).

The NSDP II document proposes the capacitation of the oversight institutions to enhance the rule of law. The NSDP II indicates that the GoL shall support the Office of the Ombudsman in development frameworks for human rights protection, in particular, the domesticating international conventions such as the Convention Against Torture; the Convention on Civil and Political Rights (MODP, 2019a:148).

The NSDP II document highlights the plan of the GoL to empower the Office of the Ombudsman such that it has binding recommendations and decisions (MFDP, 2023:16). Currently, the Office of the Ombudsman can only request the Parliament to enforce the guilty party to abide by its recommendations. The limitations of powers of the Ombudsman appeared in a case whereby the Ministry of Agriculture had demolished a house for one Nonotse Memane without her consent or compensation 20 years ago (The Post Newspaper, 16 May 2023). The Ombudsman Advocate Tlotliso Polaki had to request the Parliament to direct the Minister of Agriculture, Thabo Mofosi, to abide by the Ombudsman’s findings and compensate the woman (The Post Newspaper, 16 May 2023). Therefore, it is prudent to empower the Office of the Ombudsman to have binding recommendations and decisions.

To empower the Office of the Ombudsman, the draft Omnibus Bill also proposes that the Office of the Ombudsman be changed into the Office of the Public Protector to:

- be autonomous and independent in executing its functions and exercising its powers under this Constitution or an Act of Parliament;
- be accountable to Parliament and

- Make decisions that shall be binding and acted upon by the party against whom action has been taken unless set aside by courts of law on review (Ministry of Law, Justice & Parliamentary Affairs, 2022).

The Lesotho Constitution guarantees freedom from inhuman treatment, freedom of assembly, and equal treatment of various population segments before the law (Lesotho Constitution, 1993: Ch 2, Sec 8, 17 & 19). The NSDP II indicated that the GoL plans to promote gender equality and protect the interests of children and youth, people with disabilities, the elderly and other disadvantaged groups (MODP, 2023:7). To ensure further the protection of the rights of these marginalised groups, the draft Omnibus Bill proposes that Section 20 of the Lesotho Constitution be amended to include the clause that state that:

- (1) Notwithstanding anything in this Constitution, the State shall take affirmative action in favour of groups marginalised based on gender, age, disability or any other reason created by history or law for redressing imbalances which exist against them;
- (2) Parliament may make laws to give effect to this section (Ministry of Justice, Law & Parliamentary Affairs, 2022).

To protect human rights in Lesotho, the NSDP II states that in 2016, the Human Rights Commission Act was enacted to establish the Human Rights Commission responsible for investigating human rights violations and abuses, amongst other topics (MODP, 2019a:145). The GoL has yet to operationalize the National Human Rights Commission to promote, protect, and monitor human rights. At the two-day workshop on International Covenant, Civil and Political Rights (ICCPR) officiated by the Deputy Prime Minister (DPM) and Minister of Justice, Law and Parliamentary Affairs, Justice Nthomeng Majara, the United Nations Resident Coordinator in Lesotho, Ms. Amanda Khozi Mukwashi called for establishment of the National Human Rights Commission as another mechanism that can help towards the promotion of human rights issues (LENA, 13 September 2023).

The draft Eleventh Amendment to the Constitution Bill 2022 proposes the establishment of the Human Rights Commission that shall be:

1. independent and free from interference from anyone;
2. impartial and shall exercise its powers and perform its functions without fear, favour, and
3. accountable to Parliament (Ministry of Law, Justice and Parliamentary Affairs, 2022).

To improve transparency in the appointments of members of the Commission, the draft Omnibus Bill 2022 recommends that members of the Human Rights Commission be appointed by the King acting following the advice of the Prime Minister from the list of three names selected and submitted to him or her by the National Assembly through a fair, competitive, merit-based and transparent selection process to be determined by an Act of Parliament (Ministry of Law, Justice and Parliamentary Affairs, 2022).

#### **e) Control of corruption**

To combat corruption effectively, the draft Omnibus Bill proposes that the Office of the Directorate on Corruption and Economic Offences (DCEO) shall be known as the Lesotho Anticorruption and Ethics Commission, whose powers shall be independent and free from interference from any person or any authority, impartial and exercise its powers and perform its functions without fear, favour or prejudice and accountable to Parliament (Ministry of Law, Justice and Parliamentary Affairs, 2023). The Anti-Corruption and Ethics Commission shall prevent, detect, investigate, arrest and prosecute cases of corruption and economic crime, employ staff, including the Director-General and report on the performance of its functions to the Parliament at least once a year (Ministry of Law, Justice and Parliamentary Affairs, 2023).

The Lesotho Constitution provides for establishing the Office of the Auditor General (OAG), who the King shall appoint on the advice of the Prime Minister whose powers shall be prescribed by an Act of Parliament (KoL, 1993: Chapter 13, Section 142). To operationalize the OAG, the GoL has also enacted the Audit Act of 2016 to strengthen audit functions, which provides full autonomy of the Office of the Auditor General (OAG) in line with the constitution (MODP, 2019:142). The NSDP II document indicates that

the Parliament, through the Public Accounts Committee (PAC), has been effective in exerting an oversight role by publicizing proceedings on public sector accountability and recommended public fund misappropriation offenders for prosecution (MODP, 2019:144). However, the Office of the Auditor General does not have the power to present audit findings directly to Parliament and must do so via the Ministry of Finance (MODP, 2019:142).

According to the *Newsday* (3 July 2023) interview, the newly appointed Auditor General 'Mathabo Makenete, stated that "the challenges hampering the OAG from fully undertaking its mandate are that it is still in transition to full autonomy, lack of financial independence to properly plan for its audits which is yet not achieved". The Auditor General recommended that for OAG to be effective, her Office should be granted financial autonomy to plan and execute its work to the best of its ability and for the Parliament to be legally armed to enforce recommendations by the OAG on those accountable for misappropriation of public funds (*Newsday July 3, 2023*).

The NSDP II document indicates that the GoL has a plan to strengthen the oversight institutions such as the Office of the Auditor General, Directorate on Corruption and Economic Offences and Office of the Ombudsman by promoting their independence financially, legally, and operationally (MODP, 2019:144). The draft Eleventh Amendment to the Constitution Bill 2022 proposed an insertion of Section 152 that establishes an Auditor General Office that shall have the supreme audit authority on public finance, independent and free from interference from any person or any authority, impartial and operate without fear, favour or prejudice and be accountable to Parliament (Ministry of Law, Justice and Parliamentary Affairs, 2022).

The draft Omnibus Bill further proposes that the Auditor- General shall, within twelve months after the end of each financial year, audit and report, in respect of each financial year, on

- (i) the accounts of
  - the national government;

- local authorities;
  - the judiciary;
  - the Commissions, authorities and independent offices established under this Constitution or any other law;
  - the National Assembly and Senate;
  - political parties funded by public funds;
  - any entity funded by public funds and
  - any entity that legislation requires the Auditor-General to audit;
- (ii) the public debt (Ministry of Law, Justice and Parliamentary Affairs, 2022:27-28).

#### **f) Regulatory quality**

The Lesotho Constitution and The draft Omnibus Bill (2022) were silent ability of the government to formulate sound policies and regulations that permit and promote economic development. The NSDP II indicates that the GoL's failure to implement programmes, contracts, and laws that support private sector growth results from weak institutions and weak governance, leading to poor programme implementation and a lack of enforcement of laws (MODP, 2019a).

According to NSDP II, the GoL intends to improve the policy of credit guidance for all financial institutions that offer credit to make sure that credit is extended to support broad-based and sustainable sectorial economic growth (MODP, 2023:17). To encourage and stimulate domestic investment, growth, and job creation as well as to prevent capital flight out of Lesotho, the GoL plans to implement regulations that will direct banking institutions to grant greater business credit. (MODP, 2023:17). On behalf of the Minister of Trade and Industry, Dr Francis Sefali commended the Lesotho National Development Cooperation (LNDC) and the commercial banks for establishing the Partial Credit Guarantee (PGC) scheme that can provide entrepreneurs with a credit guarantee of up 75 per cent to boost their businesses during LNDC annual PGC forum (LENA, 22 March 2022a). The GoL intends to provide public goods and services that support private sector investment and growth to anchor economic growth (MODP, 2023:52). Finally, the GoL wishes to review and enhance the regulatory framework to

ensure an ethical and corruption-free culture by implementing public office bearers' declaration and disclosure of assets and other interests annually (MODP, 2023:15).

#### **4.1.2. Improving the economy of Lesotho**

To improve the economy of Lesotho, the NSDP II plans to transform Lesotho's economy from a consumer-based economy to a producer- and export-driven economy by emphasizing private sector development and people-centred development (MFDP, 2023). The NDSP II (MODP, 2019a) recommends that "the country must maintain political stability and effectively apply technology and innovation to meet societal needs to ensure a successful transition to a more developed economy". Agriculture, manufacturing, tourism, the creative industries, technology and innovation, mining, and the Lesotho Highlands Water Project Phase II are among the areas that NSDP II highlights as being anchored to boost economic growth (MODP, 2019a:68; MFDP, 2023:44).

According to the NSDP II, to achieve sustainable economic growth, the GoL will provide fundamental public goods and services, such as infrastructure, rules, and a political environment that encourages private sector economic growth (MODP, 2019a:55). Lesotho intends to strengthen human capital through interventions including development of skills to bolster investment and economic growth (MODP, 2019a:107). With the help of the World Bank and Climate Investment Fund, a sizable investment initiative will work to create sustainable energy mini-grids and expand the grid to economic growth zones during the implementation of NSDP II (MODP, 2019a:127).

## **4.2. CONCLUSION**

The analysis of the Lesotho official documents on governance and economic growth revealed robust GoL plans to improve governance and economic growth quality. The analysis revealed the GoL plans can potentially improve the quality of governance and economic growth in Lesotho if implemented effectively. In the next chapter, the

summation of the research findings with recommendations for quality of governance that may bring about sustainable economic growth in Lesotho shall be provided.

# **CHAPTER 5 FINDINGS, CONCLUSIONS AND RECOMMENDATIONS**

## **5.1. INTRODUCTION**

### **5.1.1. Findings, conclusions and recommendations**

The previous chapter presented the analysis of the Lesotho government's official documents - the Lesotho Constitution 1993, the National Strategic Development Plan II (NSDP II) 2018/19-2022/23, and the Omnibus Bill 2022 on quality of governance and economic growth to further shed the good practices that may improve the status of quality of governance and economic growth in Lesotho. This last chapter of the study focuses on the recommendations and conclusions of this study based on the objectives set out in Chapter 1.

### **5.1.2. Summary of the study**

The study aimed to investigate the correlation between quality governance and economic growth in Lesotho to encourage good governance practices and suggest ways to improve economic growth to better the lives of its citizens. This research was motivated by the challenges Lesotho faces related to poor governance and economic growth, such as political instability, persistent poverty, high unemployment rate, corruption, and unstable governments. The country has been battling political instability and military coups since gaining independence in 1966 under different regimes, which slowed economic growth and promoted corruption, violation of human rights, political violence, and poor service delivery.

The study argues that the challenges mentioned above result from poor quality of governance and economic growth because poor governance can lead to poor economic

growth. In contrast, good quality of governance can potentially improve a country's economy (cf. Kraipornsak, 2018). As a result, determining the correlation between the quality of governance in Lesotho and economic growth in Lesotho has the potential to deduce the aspects of good governance that may need to be improved to revitalize economic growth and upgrade living standards for Basotho. Measuring the quality of governance using WGI and FH ratings assisted in determining the extent to which the six elements of governance, including civil and liberty rights, have been applied in Lesotho to boost economic growth in Lesotho. Hence, the study assessed the quality of good governance in Lesotho published by the WGI, and FH reports to determine their correlation with the economic growth in Lesotho.

**Chapter One** introduced the study by presenting the motivation and background of the study, the research problem, research questions, objectives, theoretical framework, and the study's research design. This chapter developed the following research objectives to guide the study:

- Examine the quality of governance and the state of economic growth in Lesotho;
- Determine the quality of governance and the state of economic growth in sub-Saharan countries to identify good practices that can be applied to Lesotho;
- Interpret the implications of quality of governance on economic growth in Lesotho;
- Provide recommendations to improve the quality of governance and economic growth in Lesotho.

**Chapter Two** discussed the theoretical framework and conceptualization of governance and economic growth. The chapter highlighted the history of the concepts of governance and good governance and the counterarguments on the impact of good governance on economic growth. It was revealed that good governance can be determined by the country's capacity to implement governance principles that provide

the framework for economic growth. The chapter further discussed elements of good governance and the instruments that can be used to determine the quality of governance, with the most used tool being Kaufmann-Kray indicators (WGIs). The quality of governance for Lesotho was determined using WGIs complemented by FH ratings, which revealed the poor quality of governance in Lesotho. The general factors affecting economic growth and specific factors affecting economic growth in Lesotho were discussed. The chapter revealed that there was poor quality of governance and economic growth in Lesotho.

**Chapter Three** discussed the literature review related to the quality of governance and economic growth for the three best-performing countries in governance and economic growth in sub-Saharan Africa, namely Seychelles, Botswana, and South Africa. These countries' governance quality was determined using WGIs and FH ratings, and factors determining their economic growth were also discussed. The chapter revealed that although these countries have high economic growth, they failed to perform well in other governance dimensions when evaluated using WGI and FH ratings. The good practices for improving the quality of governance and economic growth in Lesotho were underlined.

**Chapter Four** analysed the government's official documents related to governance and economic growth using data from the best-performing sub-Saharan countries in governance and economic growth to further determine the quality of governance and economic growth in Lesotho. The chapter highlighted the results of the analysis of the Lesotho Constitution 1993, Omnibus Bill 2022, and the Lesotho National Strategic Plan II (NSDP II) that the country intended to implement to improve the quality of governance and economic growth in Lesotho. It sheds light on the country's planned strategies to capacitate the judiciary and government oversight institutions with the legal framework that empowers them, if implemented correctly, may bring about the improved quality of governance and economic growth in the country.

This chapter aims to provide a general overview of the assessment, evaluation, and summation of the quality of governance and economic growth development in Lesotho. The contention is that the outcomes of the analysis from each chapter shall provide recommendations for improved quality of governance that will translate into sustainable economic growth in Lesotho).

## **5.2. FINDINGS AND RECOMMENDATIONS**

### **5.2.1. Findings**

This section will present the findings that are pertinent to the research questions. The main aim of this research was to investigate the correlation between quality of governance and economic growth to encourage good governance practices and suggest ways to improve economic growth to improve the lives of Basotho. The findings will be based on the research questions to see if the researcher was able to find solutions to the problems and answers to the questions as indicated below:

#### ***5.2.1.1. Quality of governance and state of economic growth in Lesotho***

To determine the quality of governance and economic growth status in Lesotho, it was important to determine the factors influencing the quality of governance and economic growth for each of the best-performing sub-Saharan countries. The study explored different definitions of governance and good governance to find the most appropriate meaning to the study, as there was no consensus on the most suitable definitions among scholars. Governance and good governance concepts were interrogated to find their most suitable definitions for the study, which concluded that governance is managing countries' economic and social resources by the government. In contrast, good governance is the implementation of governance principles to manage those resources to achieve sustainable economic growth. The principles of good governance listed and discussed are participatory, consensus-oriented, accountable, transparent, responsive, effective, efficient, equitable, inclusive, and the rule of law. Based on these

discussions, the findings revealed that good governance was an ideal that was difficult to achieve because it was challenging to implement all these principles effectively in governance.

The study described the tools that were used to gauge the quality of governance for each country and found the most suitable tools for the study to determine the quality of governance to be WGI and FH ratings as they complement in providing some of the best gauges of good governance in the absence of other reliable tools used. The FH ratings were used in this study to compliment the WGI and reduce the biases of using a single method of measuring the quality of governance. The WGI use six governance dimensions, such as political stability and absence of violence, voice and accountability, the rule of law, governance effectiveness, control of corruption and regulatory quality, to determine how each element is implemented in each country's governance. The FH ratings use Freedom House reports on countries' political rights and civil liberties or their levels of democracy each year using ratings on a seven-point scale using Political Rights, Civil liberties, and overall assessment of free, partly free or not free.

#### ***5.2.1.2. Elements of economic growth***

The study findings revealed that the GDP growth rate determined the economic growth of each country as the main indicator used in evaluating each country's performance, economically influenced by exports, natural resources, life expectancy, and investment in developing countries. Based on basic economic conditions, countries are classified into three broad categories: developed economies, economies in transition, and developing economies. Gross national income (GNI) is a common way of calculating a country's average wealth of the country or level of development. The GNI per capita is the dollar value of a country's final income calculated by dividing the GNI by population size using the Atlas Methodology or Purchasing Power Parity (PPP).

### **5.2.1.3. The quality of Governance in Lesotho**

The quality of governance for Lesotho was determined using WGI from 1996 to 2021 and FH ratings. Study findings indicate that Lesotho has underperformed in terms of quality of governance under the six dimensions with scores of -0.22 points in Political Stability and Absence of Violence, -0.02 points in Voices and Accountability, -0.91 points in Governance Effectiveness, -0.41 points in Rule of Law, 0.32 points in Control of Corruption and -0.74 points in Regulatory Quality. The FH ratings revealed that Lesotho scored 30/40 for political rights and 36/60 for liberty rights in 2022, and the overall Freedom House rating for Lesotho was 66/100, which implied that the country was partly free.

These scores were complemented through literature reviewed under Political Stability and Absence of Violence, which indicated that Lesotho had suffered political instability for years caused by military coups and unstable coalition governments due to corruption and mistrust among coalition partners.

Under the Voice and Accountability dimension, the study revealed that Lesotho regularly holds free and fair elections, as declared by international and local observers; however, most of these elected governments stay in power due to coercive diplomacy by SADC or military intervention due to political violence. The study revealed that although the Lesotho IEC is impartial, it is faced with challenges of financial and human resources, leading to irregularities in the election process that cause the opposition parties to protest the election results. The study outcomes indicated that the lack of a legal framework for the opinion of the citizens and media limits the freedom of expression and press. In contrast, the freedom of association is respected as more parties contested in the 2022 elections, and a new party has won elections to form a coalition government with the other two parties.

Under the Rule of Law dimensions, the study revealed that the rights of minority groups are not fully protected as some laws that protect them are not yet enacted. The customary laws limit women to hold leadership positions, and no legal framework ensures that people with disabilities hold leadership positions.

For the Government Effectiveness dimension, it was revealed that the government has not been effective in providing quality public service delivery, made poor policy decisions, as government jobs were politicised, and does not operate in openness and transparency due to lack of information laws.

In the Rule of Law dimension, the study indicated that a lack of financial and human resources challenges Judiciary independence. This leads to weak enforcement and extensive case backlog, compromising due process.

In the Control of Corruption dimension, it was indicated that corruption perpetuated by government officials is rife as they are never tried, especially if they are politically connected with the ruling government. The study findings also revealed that the Lesotho anti-corruption body lacks full prosecutorial powers and faces capacity and funding challenges. Under Quality Control, the study revealed that the country is ineffective in implementing policies or programs that could boost the country's economy or create a conducive business climate for investors.

#### ***5.2.1.4. Economic growth in Lesotho***

The study findings revealed that the economy of Lesotho was based on manufacturing, agriculture, workers remittances and SACU revenue, which have all declined due to the negative impact of the COVID-19 pandemic climate change and war in Ukraine. In 2022, Lesotho's GDP was estimated at \$ 2 55 billion per capita of \$1,045.9, with a GDP growth rate of 1,3% and a GNI of \$ 1,210 (Macrotrends, 2023b). It was indicated that

the economic growth is low, as revealed by the GNI per capita, which classifies Lesotho as a lower-middle-income economy.

Therefore, the study findings have revealed low quality of governance and economic growth.

#### ***5.2.1.5. Quality of governance and state of economic growth in Seychelles, Botswana and South Africa***

The study identified the top performing countries in overall governance and economic growth in sub-Saharan Africa between 2012 and 2021, with Seychelles overall governance in 2021 being 73.4 points ranking 2<sup>nd</sup> with a GDP per capita of 14,861.5 US Dollars, Botswana's overall governance score was 68.1 points, ranking 5<sup>th</sup> while South Africa scored 67.7 points on overall governance and ranking 6<sup>th</sup> with the GDP per capita of 6,986.2 US Dollars (Mo Ibrahim Foundation, 2022). The three countries were selected based on maintaining their overall governance quality and economic growth for at least a decade, which may inform Lesotho on improving her governance and economy.

The literature review and theoretical framework on governance and economic growth of the countries mentioned above were compiled together with their measures of quality of governance using WGI and FH ratings. The study showed that although Seychelles, Botswana and South Africa are considered top-performing in overall governance and economic growth, they performed very low in most governance dimensions. However, their FH ratings were high, with an overall score of 79/100 for Seychelles, 72/100 for Botswana and 79/100 for South Africa, classifying those countries as free democracies. The aim of including these countries was to tap into their governance and economic growth practices to recommend their good practices for improving governance and economic growth in Lesotho.

The key findings from these sub-Saharan countries that could improve the quality of governance practices and economic growth to recommend for Lesotho were that these countries had well-established democratic institutions with a civilian authority was able to maintain effective control over the security forces to realise some degree of **Political stability and Absence of Violence**. To achieve **Voice and Accountability**, the data from sub-Saharan countries indicated that the freedom of speech and press was guaranteed with a legislative framework that allows access to government information by the public for openness and transparency. The study findings revealed that those countries entrenched the freedom of assembly, allowing demonstrators to exercise that right without fear of becoming victims of police brutality.

Under the **Governance Effectiveness** dimension achieved by these sub-Saharan countries, the findings revealed that their governments and legislative representatives could work together to determine the policies and enforce laws with the support of an independent Judiciary. They maintained the **Rule of Law** by guaranteeing freedom of assembly in their constitution, enacting the laws, policies and practices that guarantee equal treatment of various segments of the population, such as women, people living with disabilities and LGBTQI+ and by establishing the Human Rights Commission (HRC) and the Office of the Public Protector that are empowered to investigate and prosecute criminal cases. The Office of the Ombudsman was accountable to Parliament to enforce its recommendations.

To attain **Control of the Corruption** dimension, the study indicated that these sub-Saharan countries governments had established Anti-Corruption Commissions with investigative powers; their Auditor General Reports were publicised to the public through the Public Accounts Committee in Parliament for public officials to account for misappropriation of public funds. In those countries, there was freedom for Human rights organisations, civil society organisations, and trade unions to operate freely.

The study findings showed that some governments of these sub-Saharan countries under the study have formulated plans that permit the private sector to thrive, such as securing grants for easy access by the private sector to support their businesses and implement developmental policies for **Regulatory Quality**.

#### ***5.2.1.6. Analysis of the Lesotho Government's official documents related to governance and economic growth***

The sub-Saharan countries' information was used to analyse the Lesotho Government's official documents - the Lesotho Constitution 1993, the National Strategic Development Plan II (NSDP II) 2018/19-2022/23 and the Omnibus Bill 2022 official Lesotho related to governance and economic growth namely the Lesotho Constitution 1993, the National Strategic Development Plan II (NSDP II) 2018/19-2022/23 and the Omnibus Bill 2022 to shed more light on status of governance and economic growth in Lesotho using their performance under the six governance dimensions including the political and civil liberties rights.

##### **a) Political stability and absence of violence or terrorism**

To address a long history of political instability and security challenges, including the politicization of security agencies, the study findings of the Lesotho Constitution indicated that the army's (LDF) role is to maintain the internal security and the defence of Lesotho. Since no regulatory laws forced the army to stay out of politics, the NSDP II document pre-empted the Lesotho Government's plan to call for constitutional and security reforms to achieve political and economic stability. The plan, manifested in the draft Omnibus Bill, proposed that the Minister responsible for defence shall be the channel through which the Lesotho Defence Force shall be answerable to Parliament, and the command of the Lesotho Defence Force shall be vested in the Chief of Defence Staff who is the King of Lesotho.

The current legal framework allows the Prime Minister to appoint heads of security agencies on behalf of the King with the advice of the State Council, which has the potential for politicization of security agencies. The study also showed that the draft Omnibus Bill proposed the establishment of the apex body called the National Security Council, which shall guard against the politicisation of the National Security Agencies and report to Parliament, through the Prime Minister, the security situation in Lesotho.

#### **b) Voice and Accountability**

To empower the current IEC in Lesotho, the findings indicated that the draft Omnibus Bill proposed an amendment to Section 66 of the Lesotho Constitution that establishes the Independent Electoral Commission, which shall:

- (a) be an autonomous and independent body;
- (b) be accountable to Parliament, whereby the selection panel recommended by the political parties will conduct the recruitment process.

The study findings expressed that although the freedom of expression was enshrined in the Lesotho Constitution (KoL, 1993: Ch. 2, Sec. 14), freedom of the press was not directly stipulated, and there was no legal framework to operationalize the media fraternity in Lesotho. To address this challenge, the findings revealed that the Media Policy was adopted by the Parliament (National Assembly) in 2021 and has yet to be enacted into Law. To further regulate media freedom, the draft Omnibus Bill further proposed the establishment of a Media Council of Lesotho, which shall be an independent body that regulates the entire media industry, and its powers and functions shall be prescribed by an Act of Parliament (Ministry of Law, Justice and Parliamentary Affairs, 2022).

In addressing the lack of a legal framework that provides unrestricted access to GoL information (such as the Information Bill) for government transparency and accountability, the study revealed that there was the Access and Receipt of Information Bill of 2000, which is yet to be enacted into law.

### **c) Governance Effectiveness**

To address the challenge of poor service delivery, the study indicated that the Lesotho Constitution guarantee the citizens have access to public services, protection of health and provision of education, which are basic services that the government must provide (KoL, 1993: Ch. 3, Sec. 20 (c) 27 & 28). To improve public service at a local level, the draft Omnibus Bill proposed an insertion of new sections in the Lesotho Constitution, which stipulates that the Central government should devolve its powers to the Local Government shall have reliable resources and have powers to generate its revenue that will enable it to govern and deliver services effectively.

The analysis of the NSDP II document also shows that the GoL planned to decentralise service provision from the Central Government to the Local Government by capacitating local structures with financial and human resources to implement policies and programmes to reform the civil service to a merit-based revolution and improve performance management systems to improve service delivery. To guarantee that the Local Government will have the funds to deliver public service, the draft Omnibus Bill revealed that a Local Government shall have reliable resources and powers to generate its revenue and that the Parliament shall, from the Consolidated Fund, allocate to the Local Government an annual budget prescribed by an Act Parliament.

To monitor the performance of the Local Government, the draft Omnibus Bill suggested that the National Government shall have oversight powers over Local Government and intervene where the Local Government fails to perform its functions under this Constitution and any other Laws. The Ministry of Finance and Development Planning asserted that the government has already adopted the prudent and accountable methodology that is result-driven and performance-oriented, called The Big Fast Results (BFR) Methodology, which will be monitored and evaluated to ensure improved service delivery to Basotho.

#### **d) The Rule of Law**

To improve the performance of the Police Complaints Authority and the Directorate of Police, whose mandate is to hold the police to account for violation of human rights and police brutality, the study shows that the draft Omnibus Bill suggested the establishment of an Independent Security Sector Oversight, Inspectorate and Complaints Authority. This body will conduct inspections and investigate complaints from members of the public regarding the conduct of the members of the security agencies, which an Act of Parliament shall prescribe.

The findings from the analysis of the Lesotho documents revealed the Lesotho Constitution guarantees Judiciary independence by stipulating that “[t]he courts shall, in the performance of their functions under this Constitution or any other law, be independent and free from interference and subject only to this Constitution and any other law” Lesotho Constitution 1993: Ch. 11, Sec. 2). To improve access to justice in the Lesotho Judiciary, the finding of the study based on analysis of the NSDP II document revealed that the GoL planned to develop alternative dispute resolution mechanisms to reduce a backlog of cases in higher courts, facilitate effectiveness of small claims court and harmonize laws. Chief Justice Sakoane Sakoane of the Lesotho High Court also revealed that the Judiciary has appointed more judges and has opened two more courts in 2023 to address the backlog of cases.

To enhance the rule of law, the NSDP II document proposed capacitation of the oversight institutions such as the Office of the Ombudsman in development frameworks for human rights protection, in particular, the domesticating international conventions such as the Convention Against Torture and the Convention on Civil and Political Rights.

The NSDP II document revealed the GoL had planned for the Office of the Ombudsman to have its recommendations and decisions binding. In line with empowering the Office

of the Ombudsman, the draft Omnibus Bill proposed that the Office of the Ombudsman be changed into the Office of the Public Protector to:

- (1) be autonomous and independent in executing its functions and exercising its powers under this Constitution or an Act of Parliament;
- (2) be accountable to Parliament and
- (3) Make decisions that shall be binding and acted upon by the party against whom action has been taken unless set aside by courts of law on review.

To protect the rights of different segments of society, the findings revealed that the Lesotho Constitution guarantees equal treatment of various population segments before the law (Lesotho Constitution, 1993: Ch. 2, Sec. 8, 17 & 19). The analysis of the NSDP II and Omnibus Bill also revealed that the GoL planned to ensure the protection of the rights of marginalized groups by proposing that Section 20 of the Lesotho Constitution be amended to include the clause that states:

- (1) Notwithstanding anything in this Constitution, the State shall take affirmative action in favour of groups marginalized on the basis of gender, age, disability or any other reason created by history or law for the purpose of redressing imbalances which exist against them;
- (2) Parliament may make laws for the purpose of giving effect to this section.

Concerning protecting human rights in Lesotho, the NSDP II revealed that the Human Rights Commission Act was enacted into law in 2016 to establish the Human Rights Commission responsible for investigating human rights violations and abuses, amongst other topics. To operationalize this, the draft Eleventh Amendment to the Constitution Bill 2022 also proposed the constitutional amendments that will empower the established Human Rights Commission to be:

1. independent and free from interference from anyone;
2. impartial and shall exercise its powers and perform its functions without fear, favour, and

3. accountable to Parliament (Ministry of Law, Justice and Parliamentary Affairs, 2022).

To improve transparency in the appointments of members of the Commission, the draft Omnibus Bill 2022 recommended that members of the Human Rights Commission be appointed by the King acting per the advice of the Prime Minister from the list of three names selected and submitted to him or her by the National Assembly through a fair, competitive, merit-based, and transparent selection process to be determined by an Act of Parliament.

#### **e) Control of corruption**

To combat corruption effectively in Lesotho, the study findings revealed that the draft Omnibus Bill proposed for the Office of the Directorate on Corruption and Economic Offences (DCEO) to be changed to the Lesotho Anti-corruption and Ethics Commission that shall be independent and free from interference from any person or any authority, be impartial and exercise its powers and perform its functions without fear, favour or prejudice and accountable to Parliament. The study revealed that The Anti-Corruption and Ethics Commission should be empowered to prevent, detect, investigate, arrest, and prosecute corruption and economic crime cases, employ all the staff and report on the performance of its functions to the Parliament at least once a year.

The findings revealed that the Office of Auditor General (OAG) was established in the Lesotho Constitution with the Auditor General appointed by the King on the advice of the Prime Minister whose powers were prescribed by an Act of Parliament (KoL, 1993: Ch. 13, Sec. 142). The OAG was operationalized by the Audit Act of 2016 to strengthen audit functions for full autonomy of the Office of the Auditor General (OAG), including publishing its reports to the public through The NSDP II document indicates that the Parliament the Public Accounts Committee (PAC), for government officials to account for misappropriation of the public funds.

According to the study findings, the challenges facing OAG included a lack of full autonomy and running on its own financial and human resources to plan for its audits. Its efforts were hampered by a lack of a legal arm of Parliament to enforce its recommendations effectively, and the OAG did not have the powers to present their findings on their own to Parliament as this was done via the Ministry of Finance.

To strengthen the OAG, the analysis of the official Lesotho documents revealed that the draft Eleventh Amendment to the Constitution Bill 2022 proposed an insertion of Section 152 of the Lesotho Constitution that establishes an Auditor General Office to have the supreme audit authority on public finance, be independent and free from interference from any person or any authority, impartial and operate without fear, favour or prejudice and be accountable to Parliament.

The draft Omnibus Bill further proposed that the Auditor-General shall, within twelve months after the end of each financial year, audit and report, in respect of each financial year, on — (a) the accounts of

- the national government;
- local authorities;
- the judiciary;
- the Commissions, authorities and independent offices established under this Constitution or any other law;
- the National Assembly and Senate;
- political parties funded from public funds;
- any entity funded from public funds; and
- any entity that legislation requires the Auditor-General to audit;

(b) the public debt.

#### **f) Regulatory quality**

The findings revealed that the GoL had failed to implement programmes, contracts and laws that support private sector growth, resulting from weak institutions and weak governance, which also leads to poor programme implementation and a lack of enforcement of laws. To create a conducive business environment for private sector investment, the GoL has a planned to implement regulations that will direct banking institutions to grant greater business credit and has established the Partial Credit Scheme (PGC) with some commercial banks through the Lesotho National Development Cooperation (LNDC) to provide entrepreneurs with a credit guarantee of up 75 per cent to boost their businesses.

#### **5.2.2. Recommendations**

The recommendations from the outcome results of Chapters 2, 3 and 4 will be applied in this section to improve the quality of governance and the economy of Lesotho.

##### **a) Political stability and absence of violence**

To address the challenge of political instability and military coups, the study recommends that Lesotho must have well-established democratic institutions with a civilian authority maintaining effective control over the security forces to limit/prevent military coups that destabilise democratically elected governments in Lesotho. The Lesotho Constitution stipulates that the army's role is to maintain internal security, and the defence of Lesotho must be enforced so that members of the army who transgress this law are prosecuted. The proposal is that constitutional and security reforms should also be key for political and economic stability as stipulated in the draft Omnibus Bill that the Minister responsible for defence be answerable to Parliament. The command of the Lesotho Defence Force is vested in the Chief of Defence Staff, the King of Lesotho, to be amended. This recommendation will give the power to the King of Lesotho to oversee the army and the holder of the Prime Minister position, a politician usually accused of politicising the security forces.

To ensure that the coalition governments complete their five-year term, the Parliament has enacted the electoral law that allows the coalition of parties to form a government in Parliament without the country going for general elections within the five-year term.

#### **b) Voice and accountability**

To empower the current IEC in Lesotho to improve the free and fairness of the election results and avoid irregularities in the election process, the recommendation is the Lesotho Constitution be amended to include the proposal that establishes the Independent Electoral Commission to:

- (i) be an autonomous and independent body;
- (ii) be accountable to Parliament, whereby the selection panel recommended by the political parties will conduct the recruitment process.

To address the challenge of limitations of freedom of expression and press due to the lack of an enabling legal framework, the study findings recommend the enactment of the Media Policy into law and for the establishment of the Media Council of Lesotho, which shall be an independent body that regulates the entire media industry, and its powers and functions shall be prescribed by an Act of Parliament. To improve unrestricted access to GoL information for transparency and accountability, the study recommends the resuscitation of the Access and Receipt of Information Bill of 2000, which is yet to be enacted into law.

#### **c) Rule of Law**

To protect the rights of minority groups such as women, people living with disability and others who are prevented from holding leadership by societal norms, the study recommends the inclusion of the clause that ensure the protection of the rights of the marginalised groups to be stipulated in the Lesotho Constitution that:

- Notwithstanding anything in the Constitution, the State shall take affirmative action in favour of groups marginalised on the bases of gender, age, disability or

any other reason created by history or law, for the purpose of redressing imbalances which exist against them;

- Parliament may make laws for the purpose of giving effect to this section.

Lesotho has not yet established a Human Rights Commission, which has powers independently to investigate and prosecute the violation of human rights. The Human Rights Commission Act was enacted into law in 2016 to establish the Human Rights Commission responsible for investigating human rights violations and abuses, amongst other topics. To operationalize this, the recommendation is for the Lesotho constitutional amendments that will empower the established Human Rights Commission to be:

- independent and free from interference from anyone;
- impartial and shall exercise its powers and perform its functions without fear, favour, and
- accountable to Parliament.

To improve transparency in the appointments of members of the Commission, the recommendation was that members of the Human Rights Commission be appointed by the King acting in accordance with the advice of the Prime Minister from the list of three names selected and submitted to him or her by the National Assembly through a fair, competitive, merit-based and transparent selection process to be determined by an Act of Parliament.

To address access to justice due to a backlog of cases, the study indicated the Judiciary hired more judges and increased the number of courts. The study recommended that the Judiciary implement alternative dispute resolution mechanisms to reduce the backlog of cases in higher courts, facilitate the effectiveness of small claims courts and harmonize laws.

In addressing the problem of police brutality to the public, the recommendation was to establish an Independent Security Sector Oversight, Inspectorate and Complaints Authority, which shall carry out inspections and investigate complaints from members of the public concerning the conduct of the members of the security agencies which an Act of Parliament shall prescribe.

In capacitating the oversight institutions to enhance the rule of law, the recommendation was that the Office of the Ombudsman be empowered to have its recommendations and decisions binding. The recommendation further proposed the Office of the Ombudsman be changed into the Office of the Public Protector to:

- be autonomous and independent in executing its functions and exercising its powers under this Constitution or an Act of Parliament;
- be accountable to Parliament and
- Make decisions that shall be binding and acted upon by the party against whom action has been taken unless set aside by courts of law on review.

#### **d) Governance Effectiveness**

To address the challenge of poor service delivery, the study recommends that the government be forced to comply with the stipulation in the Lesotho Constitution, which guarantees the citizens access to public service, protection of health and provision of education, which are basic services the government has to provide. To improve public service at the local level, there is a recommendation for the insertion of the new section in the Lesotho Constitution, which stipulates that the Local Government shall have reliable resources and powers to generate its revenue and that the Parliament shall, from the Consolidated Fund, allocate to the Local Government an annual budget prescribed by an Act Parliament.

To decentralise service provision from the Central Government to the Local Government, the study suggested capacitating local structures with financial and human

resources to implement policies and programmes to reform the civil service to a merit-based revolution and improve performance management systems to improve service delivery. To monitor the performance of the Local Government in service delivery, the suggestion was that the National Government should have oversight powers over Local Government and intervene where the Local Government fails to perform its functions under this Constitution and any other Laws. The Ministry of Finance and Development Planning asserted that the government has already adopted the prudent and accountable methodology that is result-driven and performance-oriented, called The Big Fast Results (BFR) Methodology, which will be monitored and evaluated to ensure improved service delivery to Basotho.

#### **e) Control of corruption**

In combating corruption effectively, the recommendation was that the Office of the Directorate on Corruption and Economic Offences (DCEO) be turned into the Lesotho Anticorruption and Ethics Commission with powers to prevent, detect, investigate, arrest and prosecute cases of corruption, economic crime, employ staff including the Director-General and report on the performance of its functions to the Parliament at least once a year.

The Office of the Auditor General is provided for in the Lesotho Constitution. It has an operational legal framework from the Audit Act 2016, strengthening its audit function. However, the Office lacks full autonomy financially, legally, and operationally to execute its work effectively and needs Parliament to be legally armed to enforce OAG recommendations. The findings recommend that the Lesotho Constitution be amended to have an insertion in the section that establishes an Auditor General Office to have the supreme audit authority on public finance, be independent and free from interference from any person or any authority, impartial and operate without fear, favour or prejudice and be accountable to Parliament. The recommendation further proposes that the Auditor-General shall, within twelve months after the end of each financial year, audit and report, in respect of each financial year, on

- (i) the accounts of

- the national government;
- local authorities;
- the judiciary;
- the Commissions, authorities and independent offices established under this Constitution or any other law;
- the National Assembly and Senate;
- political parties funded from public funds;
- any entity funded from public funds; and
- any entity that legislation requires the Auditor-General to audit;

(ii) the public debt.

**f) Regulatory quality**

To address the challenge of the failure of the government to implement programmes, contracts, and laws that support private sector growth, the recommendation was that the GoL could create a conducive business environment for private sector investment by implementing regulations that will direct banking institutions to grant greater business credit. In that regard, the GoL has established the Partial Credit Scheme (PGC) with some commercial banks through the Lesotho National Development Cooperation (LNDC) to give entrepreneurs a credit guarantee of up to 75 per cent to boost their businesses.

### **5.3. FINAL REMARKS**

The study has shown the importance of applying the elements of good governance to improve economic growth. The sub-Saharan countries with improved governance and economic quality have natural resources, like Lesotho, which they harness to improve their economic growth. It was determined that Lesotho has a poor quality of governance because of performing well below standards in applying the elements of good

governance, which has translated into a poor economy. Therefore, there is potential for Lesotho to improve her economic growth by applying the elements of good governance.

### **5.3.1. Possibility for further study**

A statistical analysis of the effect of each governance dimension on economic growth to interpret the quality of governance on economic growth more effectively can further enhance the contribution to the study field.

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