Analysis of the Land Administration and Housing Management Systems in View of Adequate Self-built Incremental Housing Development in Lesotho

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Declaration

I know the meaning of plagiarism and declare that all the work in the document, save for that which is properly acknowledged, is my own. The thesis has been submitted to the Turnitin module in Vula (or equivalent similarity and originality checking software). I confirm that my supervisor has seen my report and any concerns revealed by such have been resolved with my supervisor.

This thesis also builds upon my long-term professional experience as an employee in this study's units of analysis: Lands Surveys and Physical Planning (2004 – 2017), and Directorate of Housing (2017 – 2023), at operational and managerial levels. It also builds upon my MPhil in Geomatics Masters thesis titled "*The Land Administration System of Lesotho – challenges and Opportunities*", the four urban profiles I co-authored in 2015 (*Maseru City Profile, Maputsoe Urban Profile, Mafeteng Urban Profile, and the Lesotho National Urban Profile),* as well as the *National Slum Upgrading and Prevention Strategy* and the *Maseru City Slum Upgrading and Prevention Action Plan* — I coordinated and supervised the development of these. These were all developed through the UN-Habitat Participatory Slums Upgrading Program adopted in Lesotho in 2012. I am responsible for collecting and presenting the primary data collected under this study as provided by the EBE Research Ethics Clearance Certificate in Annexure A.

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Abstract

This research analyses the effect of Lesotho's post-reform Land Administration System (LAS) and Housing Management System (HMS) in view of supporting and promoting adequate housing delivery through Self-built Incremental Housing (SBIH) development. SBIH is key to Lesotho's realisation of the Africa Agenda 2063, Sustainable Development Goals (SDGs) 2030 and New Urban Agenda (NUA).

This research seeks to provide an integrated and holistic view of SBIH using an approach based on a critical realist ontology. It relies on overarching theoretical and analytic lenses of conflicting rationalities and spatial planning. Ethnographic case study research methodology (ECSRM) is adopted, using a mixed-methods approach.

Multiple conflicting rationalities about SBIH development are identified. These are between the central and local governments, governments and LAS and HMS, and the State and the SBIH Dwellers. Looking at the existing land and housing legislative, policy and process frameworks, and their implementation, SBIH continues developing in a fragmented, siloed, conflicting rationality space.

Further analysis using the theory of spatial planning provides compelling insights into the LAS and HMS. These include poor policy integration, lack of coordination, and a lack of adaptation of the systems to SBIH Dwellers' needs. Disconnection between these systems and the lived experiences of SBIH Dwellers, particularly their everyday struggles to access adequate housing, remain critical barriers to the success of these systems in meeting the goal of adequate housing through SBIH.

The results of this research could guide the design of appropriate SBIH policy and legislative frameworks in Lesotho and feed into State housing delivery processes in line with social needs and SBIH practices *and the goal of adequate housing for all*. In support of SBIH, this research recommends the integration of the LAS and HMS in Lesotho. All Land Administration and Housing Management aspects should embrace a human-rights-based approach to adequate housing and consider social housing in some form. Furthermore, spatial planning at the local government level should be harmonised with national strategic development plans while capacity development in all arms of the State dealing in this sector, is required. Finally, SBIH guidelines should be produced to mainstream this form of housing delivery. These should include the strategic objectives of SBIH along with

performance indicators that seek to address conflicting rationalities and policy disintegration in this space.

Keywords: land administration system, housing management system, adequate housing, self-built incremental housing, ethnographic case study, conflicting rationalities, spatial planning theory, adequate SBIH.

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Glossary of Terms – Definitions, Conceptualisation and Operationalisation

This section facilitates and streamlines the understanding of this research by explaining some key concepts related to land and housing as used in this research. Some concepts in urban planning, land administration, and housing research are not generally accepted because they may apply differently in different contexts or are perceived and defined differently by theorists. It is important to define operating definitions from the onset to avoid confusion.

Systems and Complex Systems:

A system is a set of interrelated parts (sub-systems) that operate in an integrated manner to achieve a whole. A **complex system** deals simultaneously with several interrelated sub-systems variables and factors, with emergent behaviours (Hester & Adams, 2017). This term describes the SBIH environment, including LAS, HMS, and adequate housing space. This research, therefore, considers SBIH development as a complex process that comprises the complex systems of LAS and HMS – embedded in a complex environment.

Land Administration (LA): Land Administration is defined by Williamson et al. (2010) as the process of recording and issuing data about land ownership, land value, and land use and its association with other attributes of land including property development. It also involves recording land rights, restrictions, and responsibilities (Fisher & Whittal, 2020). These are delivered through a Land Administration System (LAS) (Williamson et al., 2010). LA is about supporting good land governance and sustainable development (Dale & McLaughlin, 2011).

Land Administration Systems (LAS): is the organisation that effectively and holistically performs the four functions of land administration: land tenure, land value and land development in an integrated manner (Williamson et al., 2010). This system conceptualises the rights, restrictions and responsibilities of people, and land institutions and their policies (Fisher & Whittal, 2020). The LAS aims to ensure social development, economic growth, and environmental sustainability in a jurisdiction and strive to achieve SDG 11.

Housing Management and Housing Management System (HMS):

Housing Management refers to all tasks, duties, and processes performed through an appropriate legal and institutional framework to deliver adequate housing (Gruis, Tsenkova, & Nieboer, 2009).

A **Housing Management System** is a system that governs and manages the processes of development and provision of adequate housing for all citizens in a specific jurisdiction by the law and regulations governing it (Gruis et al., 2009).

Informal or Unplanned Settlements: The two terms are, in most cases used interchangeably. They both refer to a settlement that develops in a disorderly manner outside of the spheres of land use planning and development control laws and regulations - without planning and building permits (UN-Habitat, 2016). These are settlements typified by a lack of security of tenure inadequate housing, and sub-standard dwellings constructed that lack basic services and proper infrastructure (Berner, 2001; UN-Habitat, 2017; UN-Habitat 2021). These are argued to have been the source of affordable housing in urban and peri-urban areas (Basile & Ehlenz, 2020) and contribute to increased SBIH development. In the housing space, informal activities are not isolated from formal government structures even if they ignore them (Baye, Wegayehu & Wulugeta, 2020).

Dwelling: A dwelling is defined as a residential building that is either lawfully /unlawfully constructed under the relevant legal framework which may include land use and physical planning regulations, land registration laws, building control and development control laws (Blunt and Dowling, 2022).

Housing is generally seen as a total physical, social, cultural, and economic environment in which people live, grow, and develop (Clapham, 2005). It relates to dwellings for human habitation and is one of the basic socio-economic human rights that determine the welfare and quality of life of the people (UN-Habitat, 2012).

Adequate Housing is defined as housing designed to provide "…adequate privacy, adequate space, adequate security, adequate basic infrastructure, and adequate location with ease of access to work and basic facilities" (United Nations, 2009: 3-4). Additionally, the dwelling should be designed and built with adequate space, lighting, and ventilation.

Incremental Housing is an owner-made dwelling built gradually and improved as housing finance and other ingredients become available (Greene & Rojas, 2008). The dwelling design is such that it allows evolution as needs change and responds to a wide range of parameters and contexts (Gattoni, 2009).

Self-Built housing is defined by (Turner, 1976) as the process that covers all the activities of house building that are instigated by the household owner or dweller, regardless of whether they are personally engaged in the building or whether they engage a contractor (Harris, 2012). The term is intended to cover the activity of house building which is instigated by the household (Harris, 2012).

Self-Built Incremental Housing: An amalgamation and conceptualisation of these housing concepts: self-built, and incremental housing, result in Self-Built Incremental Housing (SBIH). SBIH is a phenomenon where households participate and arrange their housing in terms of land access, financing, dwelling design, construction, upgrading, and management (Turner, 1976).

Sub-standard Housing is inadequate as a dwelling place for human beings and threatens the living standard of people. This housing is of poor design and structure that is susceptible to natural disasters and has negative social, economic, and environmental impacts on households (UN-Habitat, 2012).
Inadequate Housing Development: Inadequate housing occurs outside the land and housing policies and is not built by the market but by the people in unplanned settlements. It is accessible and affordable, the questions of secure tenure adequate infrastructure and services, and a form of a dwelling unit.

Adequate Self-Built Incremental Housing: An SBIH that confirms the LAS and HMS policies, laws, plans, processes and practices and citizens' aspirations to achieve adequate housing goals.

Abbreviations and Meaning

APP	Assistant Physical Planners
AU	African Union
CC	Community Council
CoL	Commissioner of Lands
DoH	Directorate of Housing sometimes referred to as the Department of Housing
HM	Housing Management
HMS	Housing Management System
KI	Key Informant(s)
LA	Land Administration
LAA	Land Administration Authority
LAP	Local Area Plan
LARAP	Land Administration Reform Activity Project
LAS	Land Administration System
LHLDC	Lesotho Housing and Land Development Corporation
LMP	Land Management Paradigm
LNHP	Lesotho National Housing Policy
LNSUPS	Lesotho National Slum Upgrading and Prevention Strategy
LSPP	Land Surveys and Physical Planning

MCA	Millennium Challenge Account
MCC	Mohlakeng Community Council
MCSUPAP	Maseru City-Wide Slum Upgrading and Prevention Action Plan
MMC	Maseru Municipal Council
MoLGCHP	Ministry of Local Government, Chieftainship, Home Affairs and Police
MUC	Mafeteng Urban Council
MUC	Maputsoe Urban Council
NSDP II	National Strategic Development Plan II
NUA	New Urban Agenda
NGOs	Non-Governmental Organisations
PP	Physical Planners
PSUP	Participatory Slum Upgrading Project
SB	Self-Built Dwellers
SBIH	Self-Built Incremental Housing
UC	Urban Council
SDG(s)	Sustainable Development Goal(s)
TCPA	Town and Country Planning Act
UN	United Nations
UN-Habitat	United Nations Human Settlements Program

UNECA	United Nations for Economic Commission Africa

Chapter 1. Introduction to Research in SBIH Development - Influence and Effects of Post-Reform LAS and HMS

This chapter sets the scene for research in land administration and housing management systems in view of self-built incremental housing development, to promote access to adequate housing in Lesotho.

1.1 Lesotho and its Land and Housing Sectors

Lesotho is a small, landlocked developing country surrounded by the Republic of South Africa as depicted in Figure 1.1. It is characterised by mountainous terrain and largely rural landscapes with Maseru being the capital city. The King holds land in Lesotho as Head of the State in trust for the Basotho nation (Land Act 2010, No. 8 of 2010). The customary tenure system and leasehold operate concurrently (Mabesa, 2011; United Nations Human Settlements Programme [UN-Habitat], 2015). Lesotho like most African countries, has seen reform of land administration to improve the security of tenure, stimulate economic growth and promote sustainable development (Mabesa, 2011; Leduka, 2012). The 2010 Land Administration Reform Activity Project (LARAP) resulted from the signing of the first development compact between the Millennium Challenge Account (MCA) of the people of the United States of America (USA) and the government of Lesotho in 2008 (Mabesa & Whittal, 2011; Leduka, 2012). The Government of Lesotho declared the then Land Surveys and Physical Planning (LSPP) as ineffective and unable to deliver effective land administration and management services. The LSPP also failed to promote economic growth and development (Mabesa, 2011). Hence, the LARAP focused on designing new land laws, institutional change, and land tenure regularisation to stimulate land markets for economic growth (Mabesa & Whittal, 2011). Consequently, the Land Administration System (LAS) legislative and institutional framework was reformed (Mabesa, 2011). The results of the project were the enactment of the new land law - the Land Act 2010, No. 8 of 2010 [Land Act of 2010] and the Land Administration Authority Act, No. 9 of 2010 [LAA Act] which established the LAA as a state-owned agency to deliver the LAS services (Mabesa, 2011).

The former LSPP was reorganised into the LSPP (public) and the LAA (parastatal). As a public entity, LSPP is responsible for land management through the design of land use planning and development legislation and implementation thereof. At the same time, LAA as a parastatal focuses on land administration through cadastral surveys and land registration. The Land Administration Authority

(LAA) was created in reforms concluded in 2011. The LAA unified Lesotho's land registry, juridical cadastre, and base mapping functions (Mabesa, 2011). Consequently, it now functions alongside the Land Surveys and Physical Planning (LSPP) which was in existence pre-reform (Mabesa, 2011). The LAA and LSPP thus form the main components of the LAS.

Land reform focused on increasing the security of tenure through formal land registration (Land Administration Authority [LAA], 2019). The new Land Act of 2010, and LAS institutions are expected to streamline and provide an improved foundation for land registration, land use and physical planning, and better access to affordable and adequate housing along with the provision of basic infrastructure - hence, promoting sustainable human settlements for the Basotho people (Government of Lesotho [GoL], 2019).

The Housing Management System (HMS) – Directorate of Housing (DoH) is a government housing delivery institution under the Ministry of Local Government, Chieftainship, Home Affairs and Police (Directorate of Housing [DoH], 2022). The Directorate functions through the Lesotho National Housing Policy of 2018 (UN-Habitat 2018; GoL, 2023b). It, therefore, oversees the design and implementation of housing policies, laws, regulations, programs, and projects. It also sets standards and codes for adequate housing development (see 5.4.3, 5.5.5). These are mainly implemented in collaboration with various key stakeholders such as the LAS, Lesotho Housing and Land Development Cooperation (LHLDC), local government authorities, NGOs, citizens, and the private sector.

1.2 Rationale and Motivation

Despite the government of Lesotho's efforts to reform the LAS and implement new land laws and housing policies, access to adequate housing by all people remains a critical challenge. Unlike, the Republic of South Africa (Tissington, 2011), Lesotho is not a housing welfare state and adequate housing is not enshrined in its Constitution (see 3.8.1, 5.4.1). A lack of a constitutional right to adequate housing is linked to compromised social and economic development, and a low standard of living and livelihoods (UN-Habitat, 2021a). Lesotho is a least-developing African country characterised by poverty, inequality, and low economic growth (see 5.2.2). There is a lack of affordable and adequate housing due to many reasons including a lack of housing welfare and a lack of housing

legislation. There is no human rights-based access to adequate housing by all (see 3.8.1, 5.2, 5.4.1). The country is, however, committed to international human settlement goals and strives to achieve the goals of the Africa Agenda 2063 (African Union Commission [AUC], 2022) (see 3.6). As a member state of the African Union (AU) and the United Nations (UN), Lesotho is a signatory to land and housing conventions (see 3.6, 5.3). The government has therefore, committed itself to achieving sustainable development through the Africa Agenda 2063 - 'Africa We Want', Agenda 2030 for Sustainable Development - Sustainable Development Goals (SDGs) and the New Urban Agenda (NUA) (UN-Habitat, 2016). Meeting these goals is critical although there is slow progress on the implementation of SDGs worldwide with 48% off-track and 37% in stagnation (UN-Habitat, 2023a).

This research seeks to address adequate housing issues of the Africa Agenda 2063 and accelerate the achievement of the SDGs (see 3.6.1, 3.6.2). LAS and HMS are both socio-technical systems including social actors and form a fabric within which the SDGs play out (see 3.7.2, 3.7.3). They are particularly, and equally, important, and critical to achieving SDGs 2 and 11 (Koch & Krellenberg, 2018), and are therefore central to the sustainable human settlements' development paradigm (Koch & Krellenberg, 2018).

Achieving these SDGs in Lesotho (see 5.3) requires new ways of thinking about land and housing systems. An integrated and holistic analysis of the LAS and HMS may reveal structural and processual issues hindering the delivery of adequate SBIH for Lesotho. There is a general trend of reform of LAS and HMS on the African continent, therefore, there is an urgent need to understand these systems in context to guide how to build responsive LAS and HMS in support of adequate SBIH. This is the main contribution of this research.

Therefore, directly and indirectly, this research promotes an understanding of the position of LAS and HMS, towards achieving the United Nations (UN) Agenda 2030 for Sustainable Development-SDGs and the New Urban Agenda (Caprotti et al., 2017) (see 3.6.2, 5.3). These global policies are believed to stimulate social, and economic, environmental sustainability and improve livelihoods. Hence, innovative tools, knowledge, and models are required to assist LAS and HMS managers in making informed decisions on affordable and adequate housing access.

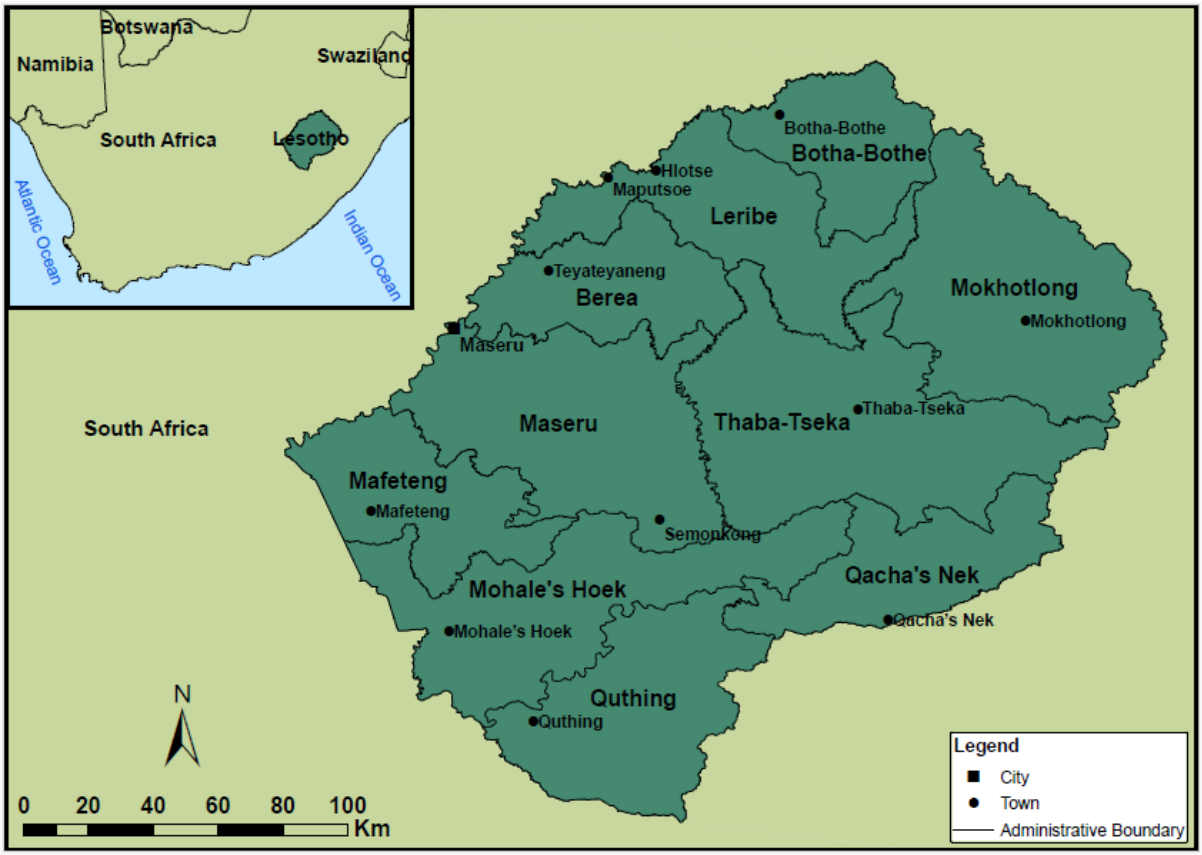

Figure 1.1 Locational map of Lesotho in Southern Africa

1.2.1 Rapid Urbanization and Urban Planning

All human settlements, especially cities, are being shaped by urbanisation - housing is an important determinant of this (UN-Habitat, 2018). The process of urbanisation brings a mix of challenges and opportunities for Africa's socio-economic development (Cobbinah, Erdiaw-Kwasie & Amoateng, 2015; United Nations Economic Commission for Africa [UNECA], 2018b). In Africa, urbanisation is a development issue and contributes to economic growth and better standards of living (UNECA, 2018b; UN-Habitat, 2022a). The higher the level of urbanisation, the higher the level of GDP – cities contribute to at least 70% of a country's GDP (UN-Habitat, 2022a).

It is estimated that 70% of the world's population will be living in cities by the year 2050 and "…three billion people will require adequate and affordable housing by the year 2030" (UN-Habitat, 2022f:3). Uncontrolled urbanisation brings expected overarching challenges of poverty and economic crisis impacting human settlements and the supply of affordable and adequate housing (UN-Habitat, 2014).

This places pressure on urban authorities to house their new residents (United Nations, Economic Commission for Africa & UN-Habitat [UN, ECA & UN-Habitat], 2018). Consequently, an estimated 100 million people around the world are homeless or live in sub-standard, harmful housing that affects their health, safety, and prosperity (UN-Habitat & IHS-Erasmus University Rotterdam, 2018).

Africa in particular, is experiencing rapid urbanisation and this places significant pressure on the supply of affordable and adequate housing, basic services, and infrastructure (Alabi, Babalola & Popoola, 2021). As a result of unmanaged urbanisation, cities and peripheries experience an expansion of informal settlements and slums, a shortage of land planned for housing, and inadequate and sub-standard housing (UN et al., 2018). Hence, more than half of Africa's population lives in slums and informal settlements characterised by inadequate housing (Freire, Lall & Leipziger, 2015). A significant percentage of household income is spent on this inadequate housing resulting in a low quality of life (UN-Habitat, 2015a). The causes, effects, and solutions to access adequate housing are varied and complex.

Visagie and Turok (2020) argue that governments can make urbanisation work through incremental upgrading, planning human settlements and increasing the security of tenure – adequate housing is needed for a better urban future (UN et al., 2018). Hence, there is a causal link between urbanisation, access to adequate housing, and sustainable cities and communities (see 3.6.2, 3.6.3). Thus, countries are encouraged to move quickly to plan for growth by increasing the supply of affordable and adequate housing (African Union Commission, United Nations Economic Commission for Africa & African Development Bank [AUC, ECA & AfDB] Consortium, 2010).

1.2.2 Land and Housing: Key Challenges

Land and housing are important means to address global urban and peri-urban development issues concerning the promotion of inclusive economic growth and sustainable development (Larsen et al., 2019). Importantly, access to adequate housing is an essential need of many people in developing countries and is seen as a tool to reduce poverty, stimulate social development and improve quality of life (UN-Habitat, 2012).

However, developing countries struggle to supply adequate housing for all their residents (Cutts & Moser, 2015; UN et al., 2018) and many people are left outside of the formal land registration system and housing. Therefore, access to land for housing, proper land administration, and adequate and affordable housing is still a challenge for many countries in developing countries (Rahmatizadeh,

Rajabifard & Kalantari, 2018). As a result, many people live in slums and informal settlements characterised by sub-standard housing, with poor dwelling structures, insecure tenure, and a lack of infrastructure and services (Joshi & Sohail, 2010; Alabi et al., 2021). Lesotho is no exception in facing challenges regarding access to land planned for housing (GoL, 2023d). Figure 1.2 demonstrates the unplanned development of SBIH settlements in Maputsoe Urban Council. The COVID–19 pandemic underlines the importance of responding to the challenges of access to land and adequate and affordable housing (Behr et al., 2021; Quaglio, Todella & Lami, 2021; UN-Habitat, 2021; Valenzuela-Levi et al., 2021; Mehdipanah, 2023).

Figure 1.2 Unplanned SBIH development at Maputsoe Urban Council, Leribe AD

The United Nations calls for a need to embrace housing as a basic human right (UN-Habitat, 2014). This study builds on the premise that a well-functioning adequate housing sector is stimulated by an effective LAS and HMS and enhances the achievement of adequate housing through Self-built Incremental Housing (SBIH). The question of why and how the land and housing institutions matter, for the provision of adequate SBIH, is explored.

1.2.3 Need for Integrated Analysis of LAS and HMS for SBIH Development

The recognition of the interdependency of land and housing systems for the promotion of adequate housing remains limited in research (see 2.2.2). Research on LAS and HMS has not investigated the LAS and HMS together, nor has research been undertaken to assess their role in promoting access to adequate housing through SBIH. This identified gap is addressed in this research through a holistic understanding of core institutions involved in SBIH delivery. These systems (LAS and HMS) hold the potential to enable or inhibit the performance of the SBIH.

This research, therefore, recognises a need to explore the synergies between the LAS and HMS. It aims to critically assess the effectiveness of the Lesotho post-reform LAS and HMS in stimulating adequate SBIH development. The systems are analysed for their effectiveness and relevance in promoting adequate SBIH development processes for the citizens, business sector, and government authorities. It also analyses the housing sector's response to LAS reform, while also determining changes in the SBIH strategy because of the Lesotho Land Administration Reform Activity Project (see 5.5.1). This research further highlights the importance of holistic analysis of the LAS and HMS. An integrated mixed methods approach using case study research and ethnography assists in understanding the influence and impacts of these systems on SBIH development (see 4.3.3, 4.4).

1.3 Summary of the Research Problem

Drawing from the background and rationale (see 1.1, 1.2), this research identifies and aspires to investigate numerous problems as summarised.

Firstly, Lesotho is not an exception in the incidences of informal and incremental development of both human settlements and owner-control housing because the SBIH is the dominant form of an adequate housing strategy (see 2.5.2, 3.9.1). Informal settlements proliferate and are typified by sub-standard housing and, the lack of basic services in both peri-urban and urban areas increased with the

2010 radical LAS reform (LARAP) (Motsoene, 2014; UN-Habitat, 2015b). Sub-standard housing in Lesotho forms part of the informal settlements. This is not in isolation but integrated within areas of formal housing (Motsoene, 2014). They vary in typologies from stand-alone dwellings with only one room, and hence inadequate living space and lack of basic services, '*malaene*' (small rental rooms similar to a motel layout), a hut, or even larger standard dwellings which do not meet the criteria for adequate housing (UN-Habitat, 2015b; 2022c; 2022e).

Furthermore, ethnographic observations indicate that Lesotho's post-reform LAS and HMS mechanisms are weak and ineffective and have failed to deliver effective LAS and HMS services for everyone. The structures, functions, and processes may contribute to dysfunction in this sector. The results of ineffectiveness are seen in the increased growth of unplanned settlements, and the development of sub-standard housing. These are attributed to various problems including LAS and HMS institutional weaknesses, and social, economic, and political issues (UN-Habitat, 2015b; 2022c; 2022e). These show a lack of integrated LAS and HMS policies and programs to support the SBIH.

Moreover, evidence of an integrated analysis of the land and housing systems has not been identified. As such, methods to undertake such a study are not yet identified (see 1.2.3, 2.4.1). A lack of integrated analysis of LAS and HMS in research and practice has significantly promoted silos in the analysis, design, operations, and monitoring of these systems. This indicates an absence of a suitable holistic analytic framework. Hence, a comprehensive, holistic, and integrated analytical framework is required to understand LAS and HMS and their relationship with SBIH (see 2.4).

Lastly, the COVID-19 pandemic crisis has compounded the problem of inadequate housing and conveyed the importance of access to adequate housing for all to mitigate the spread of the virus (see 3.6). The COVID-19 pandemic mitigation strategy posed a great challenge for managers and designers of LAS, HMS and SBIH (UN-Habitat, 2020a). Hence this land and housing research became urgent during the COVID-19 crisis and remains a priority in recovery, growth, and planning for the future (GoL, 2023a).

1.4 Research Aim

This research aims to understand the influence and effects of the post-reform LAS and HMS on the outcome of SBIH development in Lesotho, considering the impact of these systems on people's

everyday experiences in accessing adequate housing through SBIH. The research, therefore, identifies the need for a holistic analysis of LAS and HMS and aims to provide this.

1.5 Research Objectives

Based on the research problem and aim, the study aims to achieve general and embedded objectives.

1.5.1 General Objective

The research analyses the effect of the post-reform Land Administration and Housing Management Systems for promoting adequate Self-built Incremental Housing development in Lesotho.

1.5.2 Embedded Research Objectives

i. Identify and explain suitable theoretical frameworks and methodologies to carry out an integrated analysis of the effect of post-reform LAS and HMS on the outcome of SBIH.
ii. Examine and describe the post-reform LAS and HMS and explain their role and effect on the provision of SBIH and the significance of LAS and HMS policies, laws, structures, and processes in facilitating (delivering) adequate housing through SBIH.
iii. Explore and explain SBIH citizens' experiences in accessing LAS, and HMS services and the practice of SBIH development.
iv. Analyse the LAS and HMS using the mixed analytic framework to understand their effect and implication on facilitating and delivering adequate housing through SBIH.

1.6 Research Questions

The research aim gives rise to the main research question and embedded research questions. Therefore, the main research question asks:

1.6.1 Main Research Question

What are the effects of the post-reform Land Administration and Housing Management Systems on the outcome of adequate SBIH development in Lesotho with a view to its improvement?

1.6.2 Embedded Research Questions

i. Which theoretical frameworks and methodologies are identified as suitable to analyse the effect of the post-reform LAS and HMS on the outcome of adequate SBIH?
ii. What is the status of LAS and HMS specifically to facilitate access to adequate SBIH?

a. What laws and policies underpin the LAS and HMS?
b. What are the structures and processes of the LAS and HMS?

iii. What is the status of SBIH: how do people practice SBIH development in Lesotho and what are the experiences of the people regarding SBIH development?

iv. Using the theoretical and methodological frameworks identified in (i), what does the analysis of the LAS (including LAA and LSPP), HMS and SBIH sectors within the land and housing system reveal to facilitate access to adequate SBIH?

1.7 Overview of Research Design

1.7.1 Philosophical Framework

A suitable philosophical lens is critical to the analysis of the effect of the post-reform LAS and HMS to support and promote adequate SBIH development. Hence this study relies on critical realism as the main philosophical foundation of this research. Critical realism (Mingers, Mutch & Willocks, 2013) allows the integration of multiple research techniques to guide the identification of realistic techniques and methods in this study (Whittal, 2008). It is, therefore, a basis for adopting multiple epistemologies, mixed methods, multiple interdisciplinary theories, and multiple analytical frameworks (Whittal, 2008) (see 3.2, 3.2.1). Literature indicates that several scholars have successfully applied critical realism to study structures, processes and realities in land and housing research (see 2.2.1).

1.7.2 Theoretical Framework

Spatial Planning (SP) and Conflicting Rationalities (CR) (Watson, 2003) are identified as over-arching theoretical frameworks to understand SBIH in the context of LAS and HMS (see 3.3, 3.4). They provide different critical lenses through which to view and analyse the LAS and HMS for SBIH development in Lesotho. SBIH is also described through the lens of adequate housing to understand its conformity to the principles of adequate housing for sustainable human settlements. CR provides a framework for the understanding of the rationalities of the various role-players in SBIH. The SP lens facilitates the investigation of the operations of and interrelationships between LAS and HMS. The application of SP may, in the future, provide clear pathways and mapping to integrate the systems of LAS and HMS to improve the SBIH outcomes. Together, CR and SP are used in this study to investigate, analyse, and understand SBIH development. SP for example uses policy integration,

adaptation, and participation as lenses to reflect on the performance of the system (see 3.4.2), while CR theory is concerned with alignment (see 3.3).

1.7.3 Methodological Framework

The case study research strategy and ethnography are used in combination (Ethnographic Case Study Research Methodology — ECSRM) (see 4.3, 4.3.3) to enable an understanding of the structures, processes, and experiences of the systems by both the key informants within LAS and HMS as well as the SBIH Dwellers. The literature postulates that the best way to understand and uncover thorny issues with public policy analysis is through the ECSRM. This was based on the strengths of this methodology to provide insights into policy analysis, that cannot be uncovered using other qualitative research strategies (Pacheco-Vega, 2020). It is imperative to understand how the systems work, and the power dynamics within them that need influencing or leveraging - to induce change for improvement in the SBIH provision. The case study research strategy is suitable because SBIH is a complex phenomenon involving social, cultural, economic, and environmental aspects, politics, policies, legislations, structures, processes, and individual lived experiences and choices (see 4.3.1). Ethnographic design (see 4.3.2) is suitable because the researcher is embedded in the systems under study and has collective experience based upon over 15 years of practice in LAS and HMS as an employee for the Lesotho government in the Ministry of Local Government, Chieftainship, Home Affairs and Police (see 4.4.6). An Ethnographic Case Study Narrative (ECSN) of SBIH development in Lesotho is presented (Chapter 5).

1.7.4 Analytical Framework

The data is analysed using ECSRM, as well as CR and SP theories, to understand the complexity including critical challenges, synergies, rationalities, misalignment, fragmentations, silos, and order existing in complex systems of LAS and HMS for SBIH development.

1.8 Research Scope and Limitations

The research is limited to analysing the effect of the post-reform LAS and HMS on the outcome of SBIH developed after the land administration reform project activities conducted between 2011 and 2023, in Lesotho.

A single case study strategy combined with an ethnographic research method focuses on the context of Lesotho's urban and peri-urban areas to which the results are generalized. The study does not cover in detail the processes of land registration, land use planning, building permits, and detailed processes of dwelling construction management since these are outside of the scope, aims and objectives.

It is expected that SBIH is a complex phenomenon and solutions to its problems may not be generically applied. A degree of naturalistic generalisation is required in applying LAS and HMS research outcomes to ensure fitness-for-purpose in other contexts.

Since broad-reaching government institutional reform cannot be encompassed within the scope of a PhD study, recommendations emerging from the results cannot be implemented or tested. These recommendations thus fall outside the scope of the study, which is limited to understanding the land administration (LA) and housing management (HM) systems and their facilitation of SBIH in Lesotho.

1.9 Contribution to Knowledge

The important findings to emerge in this study impact both LAS, HMS and SBIH literature, theory, policy, and practice. The analysis contributes to and advances knowledge in land and housing research and promotes good practice in adequate SBIH development processes. Shortcomings identified in LAS and HMS that are central to achieving adequate SBIH development may be used in future efforts to improve the functions and processes of LAS and HMS. These could go a long way to stemming the tide of inefficiencies and dysfunction of the SBIH system in Lesotho. Hence, the results are significant in two critical areas:

- A suitable over-arching theoretical and methodological framework for understanding SBIH strategy is identified and implemented thus contributing to knowledge in this sector (see 2.2, 2.3, 3.1, 3.2, 3.3, 3.4, 4.3, 4.4).
- An integrated analysis and understanding of LAS and HMS for SBIH development through the SP and CR (see 6.2, 6.3) and ECSRM develops a deep understanding of these systems and their relationship to SBIH delivery. This investigation is a significant contribution to knowledge since it straddles the traditional silos of land and housing, while the results have contributed to understanding the land and housing sectors of Lesotho and may assist in understanding those of other sub-Saharan African countries.

If emerging recommendations are followed by the Lesotho government, this could affect not only the performance and growth of the adequate SBIH, but also other performances such as improvements in social, economic, and environmental issues in informal settlements. The recommendations may also apply to other sub-Saharan African countries as they address the challenges of delivering adequate land and housing to meet current and future needs.

1.10 Research Assumptions

The research assumes that the LAS and HMS are major systems driving the achievement of the goal of adequate housing for all – their effectiveness contributes to the achievement of adequate housing through SBIH development. Also, government capacity influences the operations and successful implementation of these systems.

1.11 Significance of the Study on Land and Housing Policy Design and Implementation

In response to LAS and HMS policies, this research promotes an integrated view of land and housing policy formulation and implementation. It recognises the importance of effective and integrated systems that can adapt to changing SBIH Dweller's adequate housing needs and improve livelihoods. The research, therefore, promotes long-term housing policy reforms that can improve and influence a government housing welfare system to deliver accessible and viable adequate SBIH through integrated policies and practices that address systemic gaps in the adequate housing value chains.

Moreover, the research also influences changes in the LAS and HMS policy design and professional practices as recommended in Section 7.4. As depicted from the analysis in Chapter 6, efforts to coordinate LAS and HMS are insufficient to warrant the delivery of adequate SBIH, hence a need to integrate these systems (see 7.4.2). The use of SP tools such as policy integration ensures full inclusion of the SBIH Dwellers across national and local scales. It promotes full integration at both horizontal and vertical LAS and HMS service delivery perspectives across whole government levels: central and local governments (see 7.4.2, 7.4.4). A comprehensive, concept of the proposed integrated conceptual framework of LAS and HMS is about bridging the widened gaps between the governments and the citizens. The integration is seen to reduce fragmentations, silos, frictions, and conflicting rationalities between these systems and the SBIH Dwellers and enhance their performance towards adequate SBIH

(see 7.4.1, 7.4.2, 7.4.4). This integration could enhance the system's efficiency and promote real societal impact through knowledge produced through this research and all SBIH Dwellers need to benefit from integrated LAS and HMS.

Finally, the research provides an exciting contribution to sustainable urban development and promotes the improved performance of those organisations involved in land administration and housing provision across Southern Africa. This supports and enhances their effectiveness in the implementation and achievement of SDG 11, the NUA and the "Africa We Want" (see 3.6).

1.12 The Structure of the Thesis

Chapter 1 has set the scene for the research. Chapter 2 highlights recent research on theories and methodologies, as well as identifies gaps in knowledge in the sector of land, housing and SBIH. Chapter 3 identifies relevant and useful theoretical and conceptual frameworks while Chapter 4 links these to suitable methodologies and the analytical framework. Chapter 5 describes the state of the post-reform LAS, HMS and SBIH, through an integrated and thick ethnographic case study narrative (ECSN). Chapter 6 provides an integrated analysis of the SBIH using overarching analytical frameworks of spatial planning and conflicting rationalities, with the conclusions and recommendations provided in Chapter 7.

Chapter 2. Literature Review

2.1 Introduction

This chapter situates the research in the context of existing academic knowledge on LAS, HMS, adequate housing delivery, and SBIH development. It directly responds to the research question (i) '*Which theoretical frameworks and methodologies are identified as suitable to analyse the effect of the post-reform LAS and HMS on the outcome of adequate SBIH?'* This Chapter, therefore, presents relevant research findings relating to SBIH development, LAS and HMS, land and housing theory and methods. Gaps in literature are identified, while results of others pertaining to LAS and HMS with a view to SBIH development pave the way for a better understanding at the outset of the project. Analysis of the literature also feeds into the development of the research's philosophical, theoretical, methodological, and analytical frameworks.

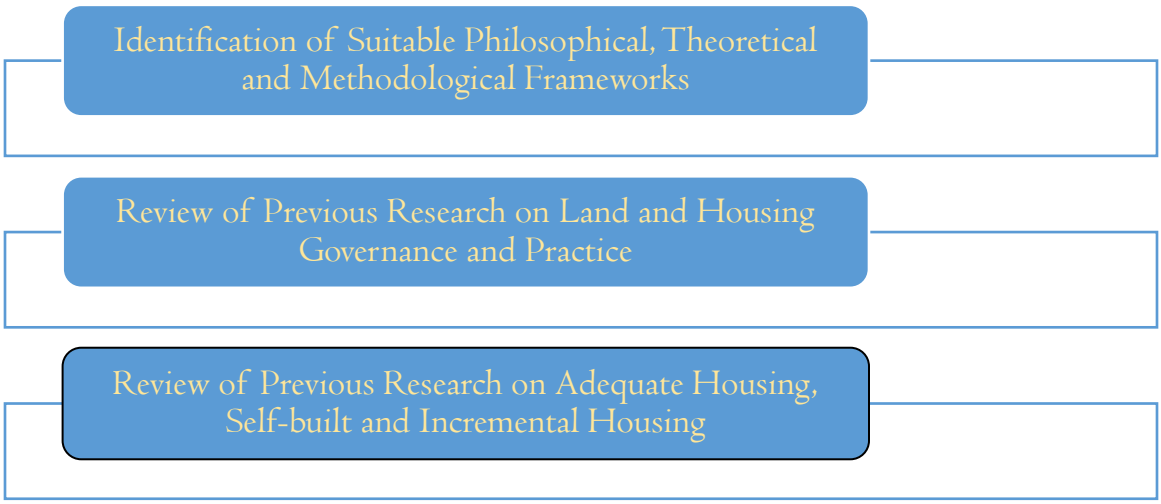

Figure 2.1 Mapping the literature review.

2.2 Philosophical and Theoretical Frameworks

Prior research into LAS, HMS and SBIH development has followed several philosophical and theoretical bases because of diverse contexts and research designs. Housing research follows a range of approaches due to the multidisciplinary nature of housing. Core disciplines relating to housing are urban and regional planning, land administration, architecture, sociology, political science, and public administration. These contribute theoretical and methodological perspectives to housing research

(Clapham, 2018). The theoretical frameworks of spatial planning (Nadin et al., 2020), conflicting rationalities (De Satgé & Watson, 2018b), along conceptual frameworks based on the principles of adequate housing (Offia Ibem, Aduwo & Uwakonye, 2012) are of interest in understanding land and housing systems.

2.2.1 Epistemology

SBIH development is a phenomenon that is characterized by complex socio-economic, technical, and environmental contexts; hence researchers draw from multiple paradigms, epistemologies, and theories to develop and extend knowledge in the fields of land and housing. For instance, epistemologies including critical realism (Mingers et al., 2013), interpretivism, and constructivism are useful (Whittal, 2008; Agunbiade, 2012; Obeng, 2018) argues that the critical realist perspective rejects pure positivism and does not separate the researcher from the research. The division between the researcher and the unit of analysis is eliminated. Thus, critical realism is best suited to understanding LAS and HMS because it is a theoretical paradigm that allows the integration of research techniques from social science, information systems, experimental, and other research methodology traditions to identify realistic approaches, techniques, and methods (Whittal, 2008; Dodson, 2012).

Critical realism has been applied in land administration and land information systems research and in housing research and interventions. In LAS studies, critical realism was used by Whittal (2008), Obeng (2018), and Hull (2019). These authors found critical realism to be a suitable theoretical framework for understanding LAS.

In housing research, critical realism (Dodson, 2012), social constructivism and interpretivism were adopted to explore the importance of the SBIH as a strategy to address housing needs (Fopp, 2008). The relevance of constructivism epistemology in land and housing studies has been documented by Sommerville and Bengtson (2002) and Fopp (2008). Sommerville and Bengtson (2002) and Fopp (2008), used constructivism in housing research to explain the way people create their housing solutions. Interpretivism and constructivism have also been used in land administration research (Augustinus, 2020). Social constructivism is relevant to SBIH where people use the strategy to solve their own housing needs (Fopp, 2008). The use of participant observation, ethnography and documentation data collection tools emanates from this epistemology. Anaafo (2015) states that because land issues are relativistic (context and community-specific), the social constructivist way of knowing is suitable. Likewise, housing studies use constructivist approaches to analyse housing

management, explore different housing tenures and understand how people create housing solutions (Franklin & Clapham, 1997; Jacobs & Manzi, 2000; Fopp, 2008; Taylor, 2018).

2.2.2 Spatial Planning Theory

The use of spatial planning theory in land and housing research is well-documented (Nadin, 2007; Smith et al., 2011; UN-Habitat, 2012; Acheampong, 2016; Acheampong, 2019; Indrajit, 2020). UN-Habitat (2012) highlights that spatial planning theory has been used to promote effective housing programmes. This relationship weakened over the past decades leading to over-reliance on the supply-led aspects of the housing market rather than a pro-poor, demand-led process of delivery (UN-Habitat, 2012). Priemus (1997) foresees a possible and desirable integration of spatial planning and housing policies. This aligns well with the motivation to undertake an integrated analysis of post-reform LAS and HMS using SP theory.

Furthermore, studies by Gkartzios and Scott (2009, 2010) used spatial planning to analyse peri-urban housing at various scales in Ireland. They found the SP framework useful to analyse the relationship between spatial planning and peri-urban housing even though results indicated a limited link between housing and spatial planning (Gkartzios & Scott, 2009). They further note that although spatial planning offers an integrative framework for managing housing, it is often narrowly regulated through a single land-use framework, and this isolates peri-urban housing from other socio-economic activities and ultimately fails to provide harmonised spatial policy suitable for peri-urban settlement management (Gkartzios & Scott, 2009). Acheampong (2019) assessed problems of housing supply and demand related to spatial planning in Ghana and concluded that an effective spatial planning system could address these.

These studies indicate the vital role of SP theory in bringing together different but interrelated policies and processes such as those of land and housing.

2.2.3 Conflicting Rationalities

Conflicting Rationalities (CR) is a relatively new planning theory of the global South (Watson, 2003; 2007; 2009; 2012; 2016a). She developed the theory of CR to frame her understanding of why particular planning initiatives by the state are often faced with much resistance by the citizens, and how global South urban planners often find themselves in situations characterised by disparities – referring to these as CR (Watson, 2003). The aim was to address the gap that has widened in the

planning knowledge and practice between the global North and the global South (Watson, 2003). She argues that planning knowledge has been dominated by the northern planning perspectives such as the Collaborative Planning Theory and the Communicative Planning Theory (Watson, 2003). She further claims these theories are viable so far as they are applied to the global North, and not the global South where the context is quite different (Watson, 2016a). She further notes that the global South economic, social, and political contexts are characterized by high unemployment rates, inequality, poverty, low economic growth, weak governance systems, ineffective and inefficient governmental organisation, and a public that is less inclined to consensus (Watson, 2016a).

Watson (2012) posits that conflicts in rationalities have grave implications for the City of Cape Town's future development. Underlying the conflicts are complex power dynamics, which require professionals within the built environment to assume a mediation role. Here research shows that we cannot assume that key actor groups are homogenous and that consensus within and between key actor groups can be fostered (Watson, 2003). Conflicts within the state arise from competing objectives and misaligned targets between different spheres of government while conflicts amongst occupiers relate to the nature of housing to be provided (Watson, 2012).

Although CR is a theory for the global South, there may be aspects of the northern planning theory that the global South should hold on to, such as the SP theory. Sub-Saharan Africa has a colonial history with a post-colonial political space that shaped the design and implementation of land, planning and housing policies and laws in more recent decades. The global South planning perspective has been greatly influenced by Northern theories and practices**.** Watson's (2003) research premise is that understanding these systems in their current state can guide informed innovation, change and improvement.

In addition, CR theory (Watson, 2003) came as a result of concern over inappropriate planning theories and practices in the African context, particularly in the global South, and an urge to address the geopolitics production gaps in the planning knowledge. Watson explored the differing mentalities between the state as providers and the communities as beneficiaries of policy implementation (Watson, 2003). Watson's studies in informal settlement communities in South Africa (Watson, 2003) reveal a deep difference between the state planners and the professionals on the one hand and the rationalities of the housing programme beneficiary communities.

There is no evidence of CR being used in land administration, housing management or SBIH in Lesotho or elsewhere. However, recent years have seen the application of CR as a frame of reference to describe and understand rationalities in the urban planning and development context (De Satgé & Watson, 2018a).

The contribution of this theory to planning is explicit in several publications (Watson, 2012; De Satgé & Watson, 2018b; Cousins, 2022). These scholarly papers have recently applied the theory of CR to explore and understand the interactions and relationships within and between the state and the citizens in urban settings. In these papers, CR theory is applied in South Africa's urban planning and housing context.

Charlton (2009:311) found that the outcomes of land and housing delivery suggest that "the rationalities of state policies and 'ordinary people' may not be well-aligned". De Satge's (2018b) PhD study examines the conflicting rationalities in an ethnographic case study of Langa Township in Cape Town (N2 Gateway Project) in the South African urban planning space. CR offers a change in mindset, new empirical tools, and innovative approaches to the visualisation of organisations and systems - for analysis and modelling (De Satgé & Watson, 2018a). He challenged the notion of binary rationality and explored CR within the state and community - this confirmed CR between the citizens of Langa and the State. His study confirmed that rationalities are not homogenous or binary. The role of non-state development actors – the NGOs — also featured prominently in the outcomes.

In the same manner, the study of Ngwenya and Cirolia (2020) used the theory of CR. They suggest that in a CR space, the government and the people are in competition but also highlight the systemic issues that may underlie the misalignment in rationalities (Ngwenya & Cirolia, 2020).

Montsho (2021) applied CR to reflect on the state of BLP and NHP policy design and implementation to promote access to land and housing in Gaborone, Botswana. He found that conflicting rationalities between the State and the people resulted in delays and hindered access to land and housing services. Policies were too ambitious and did not align with the everyday experiences of the people (Montsho, 2021). His study found a disconnection between land and housing policy design and implementation. He argues that this negatively impacts the promotion of access to land and housing in the low-income sector in Botswana. His outcomes are of interest in this research since there could be conflicting rationalities existing in the SBIH development - between the State and SBIH Dwellers. Similar to the

study of Montsho, this research seeks to examine the conflicting rationalities between the systems and role players in the land and housing sector and SBIH development in Lesotho.

Ngwenya and Cirolia's (2020) recent study using CR was based on four case studies of informal land occupations in Cape Town – Green Point, Graceland (Khayelitsha), Silvertown (Khayelitsha), and Woodstock. The authors argue that there are 'deep differences' between the State and occupiers, amongst different groups of occupiers, and within the government.

CR has only been applied in South Africa and Botswana to date. It has not been tested in other sub-Saharan countries with differing political economies of land governance such as in Malawi or Lesotho. Also, CR has only been applied in the context of State-led housing projects and has not been used in the SBIH context in which people decide on their SBIH dwelling construction initiative and are influenced by different worldviews, socio-economic status, and everyday experiences of their housing aspirations. It is expected that the context of SBIH will not be free from conflicting rationalities. CR has only been applied to urban settings and has not yet been tested in the peri-urban setting. It is still known as an *urban* planning theory of the global South (Watson, 2003).

2.3 Review of Methodologies Used in Land and Housing Research

Research into land and housing requires a careful selection of methodologies because of its multidisciplinary and complex nature. This section provides insights into congruent research methods and methodologies that can be applied to study SBIH development in the context of LAS and HMS.

2.3.1 Mixed Methods Approaches Involving Case Study Strategy

The use of a mixed method approach is not new in land or housing (very few include land and housing) research (Whittal, 2008; Mabesa & Whittal, 2011; Akingbade et al., 2012; Ntema & Marais, 2013). Usefulness provides a deep understanding of the situation in LAS and facilitates analysis of a system's performance. The use of a case study strategy in self-help and incremental housing studies has been well-developed (Offia Ibem et al., 2012; Ntema & Marais, 2013).

Agunbiade (2012) used a mixed-methods approach, including a case study strategy, to investigate the impact of land administration on housing provision in Lagos, Nigeria. He found that integration across the LAS is lacking, impeding land delivery for housing provision. The results facilitated the

development of an Inter-agency Integration Assessment framework (Agunbiade, 2012) which was useful in determining the level of integration in land and housing agencies in Nigeria.

2.3.2 Ethnographic Case Study Methodological Framework

An Ethnographic Research Strategy is based on interpretive and constructivist epistemologies and has been found suitable for studying organisations (Peláez, 2013). Brooks and Alam (2014) found ethnography suitable for understanding complex organisational contexts and enhancing the design of information systems to update land records in Bangladesh. Likewise, Augustinus (2020) used ethnography due to her embedded position within the research context – the development of STDM. These were paired with participatory and insightful methods, positioned within the conceptual framework of Soft Systems Methods (SSM) and the Social Tenure Domain Model (STDM).

Yeboah (2005) used ethnography to present the self-built housing challenges overcome by a poor family in Ghana and found the framework useful to study sensitive situations. Ethnography is particularly useful in studying sensitive housing situations including homelessness (Fopp, 2008, Somerville, 2013; Hoolachan, 2016). Ethnography has also been used in the informal housing sector (Van Gelder, 2013; Durst & Wegmann, 2017).

Despite the case study research strategy gaining popularity in LAS and HMS research, few researchers have used ethnography and case study in combination to study land and housing (Cerwonka & Malkki, 2007; Mason & Dale, 2011). Ronald (2011) and Anaafo (2015) have used ethnographic techniques in combined land administration and housing research. However, there is no record of the use of this methodology in the domain of LAS and HMS in an integrated manner, nor of their impact on SBIH (Durst & Wegmann, 2017).

Ronald (2011) used ethnographic techniques in comparative housing studies in Japan. His study argues that despite its strength to combine structural and subjective characteristics of housing, the technique has been rarely used in housing research. Anaafo (2015) used a combined case study strategy and ethnography to investigate the land reform in Ghana. He recognised a need to use a case study strategy and ethnographic research strategy in an integrated methodological framework he called ethnographic case study methodology. The successful use of these in combination inspires a similar direction in this research (see 4.4).

Ethnography as a methodology has been recently applied to study organisations and was found suitable to understand and guide improvements in land and housing practices (Munoz, 2018; Augustinus, 2020). Ethnography has particularly been used to study homelessness in housing research (Hoolachan, 2016). His study found that housing studies rarely apply ethnographic research, although it enables a deep understanding of situations to influence decision-making and policy changes. Like Ronald (2011) and Anaafo (2015), Hoolachan (2016) therefore, supports and encourage the application of this method to contribute to housing knowledge. Hence the choice of the ethnography method to understand the influence of LAS and HMS on SBIH development.

2.4 Land and Housing Frameworks and SBIH

2.4.1 The Case for an Integrated Approach

Research on the links and connections between national and local governments in planning and implementing land and housing policies is lacking.

Recently, developing countries of the African Union member states, such as Lesotho and South Africa, have shown much interest in localising and implementing SDG 11 and the NUA in a thrust to achieve sustainable human settlements and adequate housing (UN-Habitat, 2016). Despite much recognition of the importance of LAS and HMS in achieving the goal of adequate housing, and sustainable development as enshrined in the SDGs Agenda 2030 and the NUA (UN-Habitat, 2016) land administration and housing researchers have not established an integrated analysis of these systems.

The integrated linkage towards securing adequate housing through SBIH development has also not yet been explored and documented in academic literature and practice. Integrated methods, theories and overarching analytic frameworks and approaches to understand LAS and HMS holistically have not been identified. The lack of knowledge of these systems and their interrelationships highlights the importance of this research.

Recently, there has been a shift in research focusing on assessing the LASs in terms of their responsiveness and importance in housing development (Agunbiade, Rajabifard & Bennett, 2016). However, the importance of LASs and HMSs as a precondition for adequate SBIH, and their fitness for purpose and responsiveness to SBIH development have not yet been studied. These should be seen to support the delivery of adequate housing through SBIH.

The study of Akrofi and Whittal (2011), of land for housing in peri-urban areas of Accra, Ghana, also speaks to this need. Akingbade et al., (2012) examined the impact of electronic LAS as an e-government policy initiative on urban housing development. They concluded that land is crucial for housing development and that efficient LAS is required to manage land for housing. Measures need to be in place to widen inclusive access to affordable land and housing.

Literature, in most cases, links land-use planning to affordable housing, and spatial planning to land administration, in different scenarios (Cheng et al., 2006; Whitehead, 2007; Aurand, 2010; Agyemang & Morrison, 2018). However, it has not established the linkages of LAS and HMS to successful SBIH development. This limits the power of both systems as drivers of housing development, hence sustainable human settlements, thus a limitation that this research seeks to address.

Theoretical and practical discussion of self-built housing policies and measures, financial and organisational as well as social models of low-cost and affordable housing are lacking (UN-Habitat & IHS-Erasmus University Rotterdam, 2018). Efficient linkage of land and housing systems is required to address the gaps in SBIH.

2.4.2 Evaluating Performance of Land and Housing Institutions

Research in land and housing recognises the importance of performance evaluation of the institutions governing land administration and housing management — literature contends that these systems are not evaluated over time. Emphasis is on continuous monitoring of the performance of the housing sector to ensure effectiveness and efficiency. For instance, UN-Habitat (2020b) asserts that most housing systems are not monitored over time. Indicators are diverse (Wu et al., 2020) while appropriate indicators must be identified (Stadler & Collins, 2021). This allows stakeholders to understand and change factors that influence the effectiveness and efficient delivery of the housing system.

The importance of evaluating the effectiveness of LAS functions to enhance housing provision is recognised in recent literature (Agunbiade, 2012; Agunbiade, Rajabifard & Bennett 2014a, 2014b, 2016). Integrated LAS is essential for sustainable human settlements and sustainable development (Enemark, Williamson & Wallace, 2005; Korže, 2018). The importance of well-designed and integrated LAS systems is promoted (Williamson et al., 2010; de Vyries et al.,2016) since this is linked to system success (Williamson et al., 2010).

However, in Africa, LASs are fragmented and have their functions scattered across different organisations (Agunbiade et al., 2016). Fragmented and uncoordinated LAS policies and operations inhibit the delivery of land for housing development (Agunbiade et al., 2014a, 2016) and LAS service delivery (Hull & Whittal, 2019). In his study, Hull (2019) observes little collaboration and sharing of information and ideas between organisations and recommends the integration of the land registry and the parcel cadastre into one system for efficient and reliable land information.

Furthermore, the post-reform LAS projects are not evaluated over time, hence the re-engineering of systems to design new conceptual LAS is not undertaken (Williamson et al., 2010; Whittal, 2014). Whittal (2014) argues that the measure of success of the LAS reform is often an omitted principle of the ten land administration principles. Whittal (2014) emphasises that evaluating the success of the LAS reform could effect change and further re-engineer the LAS. Barry and Augustinus (2016) emphasise the importance of evaluating land tenure systems and argue that these systems are in most cases evaluated based on the extent to which they provide security of tenure. Hull (2019) took this further and proposed a 3S framework to measure the success of LAS reforms particularly to evaluate whether it meets the needs of the intended beneficiaries in customary areas.

2.5 Self-Built Incremental Housing in Promotion of Adequate Housing

This section explores the state of knowledge on the state of SBIH as a predominant housing strategy towards access to adequate housing in developing countries.

2.5.1 Adequate Housing as a Basic Human Right

Access to adequate housing is seen as central to achieving sustainable development and improved living standards (Behr et al., 2021; Tissington, 2011; Wilson, 2020). Consequently, there is much housing research on access to adequate housing as a basic social human right (Mbiada, 2017; Mavedzenge, 2018; Mashiane & Odeku, 2021). The literature emphasises that adequate housing should be embraced (see 3.8.1).

The state's responsibility lies in designing and adopting appropriate policies, legislative frameworks, and suitable strategies to promote the right to access adequate housing. Providing an appropriate legal foundation for achieving adequate housing is therefore critical (Thiele, 2022). Consequently, African countries such as Rwanda and South Africa have developed, adopted, and implemented appropriate

legal frameworks to ensure this right, intending to improve livelihoods and achieve sustainable development (Segal, 2020). However, access to land and adequate housing remains a challenge to many developing countries including Lesotho (Leduka, 2006b), Botswana (Boshoff, Kachepa & Pienaar, 2013) and South Africa (Hull & Whittal, 2021).

Academic research on the right to adequate housing is multifaceted. This may be focussed on the challenges and problems of achieving it as a social right (Stadler & Collins, 2021), concerning housing affordability (Napoli, Trovato & Giuffrida, 2016: Yap & Ng, 2018), the success and challenges of social housing projects (Charlton, 2013) and the relationship of this right to public health issues (Thiele, 2002; Mashiane & Odeku, 2021). The inability of the government of South Africa to provide adequate housing through mass social housing and upgrading of informal settlements has also been explored (Selebalo & Webster, 2017). They found that there is a gap between the international treaty on adequate housing and the reality of the provision of adequate housing by that State.

Across Africa, problems and challenges relating to the enforcement of the right to adequate housing are manyfold (Mchunu & Nkambule, 2019; Quaglio et al., 2021). These include silent constitutions, non-supportive constitutions, as well as inappropriate and ineffective legislative and regulatory frameworks resulting in a massive growth of informal settlements (Zulu, Maphosa & Sobantu, 2019). These settlements negatively impact livelihoods (Mbiada, 2017). Furthermore, it is difficult to address the question of adequate housing and deliver on goals because of the failure of urban development policies (Whitehead, 2007; Malik & Wahid, 2014; Mbiada, 2017).

Although adequate housing is a universal basic need and is significant in the living standards of all people (see 3.8.1), the literature indicates that meeting the adequate housing goal is a challenge for most and achieving "the right to adequate housing for all" (UN-Habitat, 2009:37), has proven challenging for African countries (Behr et al., 2021; Quaglio et al., 2021). Significant contributions have been made in research and in practice to promote the goal of adequate housing goal. The UN-Habitat is the main global institution that promotes access to adequate housing for all (UN-Habitat, 2021). The key elements that need to be considered for adequate housing are elaborated in Section 3.8.

2.5.2 Self-built and Incremental Housing and Adequate Housing

Although there is much research on adequate housing (see 2.5.1), land and housing research has not yet explicitly established the link between access to adequate housing and SBIH development. Access to adequate housing is an important developmental phenomenon of the 21st century (Mchunu & Nkambule, 2019) and has become centre stage in academic literature, newspaper articles and policy documents (Mbiada, 2017; Mchunu & Nkambule, 2019). Self-built housing has many facets; it includes self-organised, self-built, self-help, aided/subsidised self-built, incremental housing, and house improvement and maintenance (Ntema, 2011; Hasgul, 2016). There is limited literature on individually constructed incremental self-built housing. Recent research to date has been narrowly focused on government-assisted self-help housing and social housing programmes and has neglected dweller-controlled SBIH. Self-built housing has been commonly attributed to Turner (Turner, 1976) — his ideology of 'self-built' is based on dweller control with no state involvement (Ntema & Marais, 2010). This is praised for its autonomy in housing provision (Turner, 1972). It is argued that these efforts empower people although they are most often frustrated by restrictions posed by the government's institutional and legal frameworks (Ntema, 2011; Offia Ibem et al., 2012; Ntema, Venter & Marais, 2015).

Turner's work is strongly associated with neo-liberal approaches which have been promoted by the World Bank (Harris, 2003). Ntema & Marais (2010) argue that Turner's idea of self-built (Turner, 1976) triggered the site-and-service scheme which is not common in developing countries although it was used briefly in South Africa. Consequently, self-built housing rarely appears in academic literature as a niche adequate housing market.

Ntema et al. (2015) note that South Africa uses a self-help strategy called the Peoples' Housing Process implemented through self-help groups. The strategy is based on a once-off subsidy to provide a core house that can be extended incrementally (Ntema et al., 2015). However, this is a state-controlled housing provision and so is not in line with Turner's owner-control design, the neoliberal ideology of the World Bank (Ntema et al., 2015), or the SBIH strategy that forms the vision for this research.

Self-built approaches to housing have been recommended in studies by Schulist and Harris (2002), Purewal (2009) and Bredenoord and Verkoren (2010). For instance, studies by Sullivan and Ward (2012) and Abdel-Kader and Ettouney (2015) demonstrate the importance of self-built construction

and home improvements in increasing the housing stock. They argue that this contemporary strategy is useful for addressing housing supply in both urban and rural areas.

Self-built housing is chosen because other housing strategies are out of reach for most of the poor in peri-urban and urban areas since they are excluded from access to formal housing finance (Bredenoord & Verkoren, 2010; Jones & Sted, 2020). Self-help housing is an important form of dwelling in Mexico cities and rural areas because of its accessibility (Bredenoord & Verkoren, 2010). The self-built housing strategy has been increasingly adopted in Indonesia as an approach to meet the housing needs of low-income people. Wibowo and Larasati (2018) indicate the importance of this strategy for housing low-income people assisted through a government scheme.

Offia Ibem et al. (2012) investigated the government-assisted incremental housing development adequacy in Ogun State, Nigeria. The results suggest that the government-aided incremental housing strategy can be useful in providing housing for low- and middle-income workers. Their study advances practical knowledge in the provision of social housing programmes in other developing countries (Offia Ibem et al., 2012).

Bredenoord and Verkoren (2010) state that self-built and incremental housing research has gradually declined, although the strategy is used for housing provision in developing countries, Mexico included. International research is focused more on social housing and Habitat Agendas (Bredenoord, van Lindert & Smets, 2010). The literature is limited in that many more studies such as Ntema et al. (2015) and Grubbauer (2020) concentrate on government-assisted self-help housing, and public and social housing provisions for low-income and middle-income people (Ngxabaza, 2010; Khoza & Kabir, 2014).

The problematic nature of self-built housing has been highlighted in various housing research (Kamau & Omura, 2001; Greene & Rojas, 2008; Pattison, Strutt & Vine, 2011; Newton, 2013). Landman and Napier (2010) postulate that despite a long tradition of self-help housing delivery in South Africa, there is still an absence of a clear delivery strategy. Bredenoord et al. (2010) note that, assisted self-built housing must be put central to urban development. Although both the studies of Landman and Napier (2010) and Bredenoord et al. (2010) concentrate on the assisted SBIH that is for social housing, their studies indirectly inform the objectives of this research as the aim to develop an ideal strategy for SBIH.

Self-built housing is compounded by inadequacy problems including incomplete structures, substandard housing, inadequate basic services, inefficient and insignificant land administration, unrealistic and inefficient land use and building development regulations, ineffective housing systems, inaccessible housing finance, poverty, unaffordability, lack of low-cost housing and access to serviced land (Pattison et al., 2011).

Furthermore, Pattison et al. (2011) and Agyemang and Morrison (2018) indicate that inadequacy problems and critical factors affecting housing delivery are interrelated and relate to poor policy choices concerning land and property, and lack of support from the government (Pattison et al., 2011; Newton, 2013). Most aided self-built schemes such as site-and-service are shown to be unaffordable to the majority of people (Tibaijuka, 2003).

In addition, the housing policies do not consider the save and build practised by self-builders and also do not provide any technical assistance, especially in peri-urban areas (Bredenoord & Verkoren, 2010). Therefore, there is an urgent need to increase knowledge and insight into solutions to SBIH, and this research addresses this limitation by contributing to the knowledge of SBIH as a strategy to increase housing.

Research argues that self-help housing can be a solution to housing delivery in developing countries – Turner commended the urban poor for taking responsibility for addressing their housing needs through self-help processes (Harris, 2003). Turner's work is associated with neo-liberal approaches and is promoted by the World Bank through the site and service housing mode (Ntema, 2011). However, the site-and-service scheme has not been widely accepted or practised in many developing countries (Harris, 2003). Hence, self-help remains the prominent strategy for pro-poor urban housing provision in developing countries (Harris, 2003; Bredenoord et al., 2010).

The state-controlled housing provision is not in line with Turner's model of owner-control and the World Bank's neo-liberal ideology (Ntema & Marais, 2010). Therefore, this study aims to fill this gap and research to contribute to the development of knowledge about dweller control housing.

Despite comprehensive housing research, self-built housing development is not studied and properly documented in housing research. Importantly, literature has not yet conceptualised 'self-built housing' and 'incremental housing' into 'self-built incremental housing'. Hence, this research depends on adequate housing literature focussing on self-help, self-built, and incremental housing to conceptualise

and understand the conceptualised Self-built Incremental Housing (SBIH) in this research. Hence, Turner's ideology of a dweller-control self-built housing strategy forms the entry point for this research.

Furthermore, the overall effect of self-built housing on adequate housing and its position in sustainable human settlements and development has not yet been examined in the research. Hence, the urgency and importance of the study of SBIH cannot be overemphasized. This research thus contributes to the body of knowledge on the SBIH strategy that is not for social and public housing, but that is individually built housing development. It assumes that the strategy could increase supply if it could be properly supported and well-managed. This could also provide opportunities to increase housing stock with a strong contribution and ownership by the beneficiaries in Lesotho. The study therefore fills the gap by identifying suitable approaches to improving the SBIH from holistic perspectives of land administration and housing management.

This research identifies these literature limitations and recognises the importance of examining the contribution of this strategy in increasing access to adequate housing for all through research that has linked self-built housing with access to adequate housing.

Inadequacies in the strategy have not been addressed systematically and the responsibilities remain fragmented. Therefore, the study provides an integrated and holistic examination of the SBIH from the perspectives of land administration and housing management to propose an effective strategy for SBIH. The SBIH strategy might address the housing need and housing shortage prevailing in Lesotho and maybe in Southern Africa and increase the housing stock if effectively managed.

2.6 Chapter Summary

The literature review has demonstrated shortcomings of existing research in land and housing research. It revealed the gaps in the theoretical, methodological, empirical developments and knowledge in HMS, LAS and SBIH research. This Chapter, therefore, justifies the study topic, together with the design, methodology, and theoretical and analytic frameworks adopted to understand this research problem and address the question. A large part of this review focuses on how and why previous researchers have adopted and applied mixed methods containing ethnography, case study research, and the application of planning theories of Conflicting Rationalities and Spatial

Planning theories in the LAS and HMS public policy analysis literature. The Chapter, therefore, further reflects literature relevant to understanding the complex phenomenon of SBIH in the context of LAS and HMS and adequate housing.

It uncovered the gaps in knowledge regarding LAS HMS, and SBIH research, as well as explored the knowledge needed to induce change and improvements in the LAS, HMS and SBIH and informs this study.

The application of critical realism as a lens through which to investigate the research questions may increase understanding of the influence of LAS and HMS on the outcome of adequate SBIH development for the people in Lesotho. Spatial Planning theory has been used to good effect in the housing sector with its strength lying in assessing policy and integration. Literature indicates that it is necessary to investigate the land and housing sectors in an integrated manner, including measures of performance.

Approaches that use mixed methods are finding traction, while the case study research strategy is now commonly used in LAS research. The ethnographic methodology is recommended to study organisations over lengthy periods in which the researcher is most often operating within the organisation. Ethnographic case study research strategy is less common but brings together the benefits of case study research and ethnographic research.

Furthermore, an integrated approach to the study of HMS and LAS for the provision of SBIH through theories of Spatial Planning (Nadin et al., 2020) and Conflicting Rationalities (Watson, 2012; De Satgé, 2018; Montsho, 2021) independently or together to meet at the crossroads - is not well established in housing and land administration literature. The most recent study noted to have assessed the links between land and housing policies focused on the rationalities of the State and citizens regarding access to land and housing in Botswana (Montsho, 2021). Hence, Conflicting Rationalities provide a global South perspective and have been shown to understand different and potentially competing rationalities of the role players in urban development areas, particularly focusing on the state and beneficiaries.

Furthermore, Conflicting Rationalities (De Satgé & Watson, 2018) offer an incredibly powerful way of gaining insight into the lives of the people and their experience of the State's land and housing policies - planning theory and rationality adopted by the government to regulate housing development.

The successful application of Conflicting Rationalities within planning studies (see 2.2.3) provides a basis to study the complex phenomenon of SBIH as the product of land and housing interventions. This allows examination of the rationalities, decisions, and practices of SBIH Dwellers towards the development of SBIH to assess alignment and or misalignment of rationalities.

On the other hand, Spatial Planning theory (see 2.2.2) provides a basis to understand the links between related policies - the LAS and HMS as spatial planning systems and their holistic contribution to the achievement of the goal of adequate housing through SBIH.

The Chapter, therefore, concludes that even though researchers have experience with SP theory (see 2.2.2), and CR theory (see 2.2.3), these frameworks have not been used in the combination of land administration and housing research. These theories are, therefore, identified from the literature as suitable overarching theoretical and analytic frameworks to analyse SBIH development in this study (see 2.2.2, 2.2.3).

This study builds on the gaps identified and recognises a need for an integrated approach to the analysis of post-reform LAS and HMS for SBIH development and models of best - practices in LAS and HMS and SBIH, integration and enhancement of adequate SBIH development. Therefore, it adds to the body of knowledge around an integrated LAS and HMS that promotes SBIH. It also sees effective integrated LAS and HMS design as solutions to the SBIH challenges facing Southern African countries. This is the gap that has been found in both literature, theory, and practice in SBIH. Adoption of these frameworks facilitates the achievement of the research objective and guides understanding of LAS and HMS along with required interventions for their improvement in support of SBIH development.

Literature supports the centrality of housing as a basic human right but notes that adequate housing provision is far from successfully undertaken. Although SBIH as a housing strategy has been investigated, there is a gap in understanding this strategy in the context of no government aid. The study, therefore, positions the post-reform LAS and HMS to deliver adequate housing through SBIH. The findings in this Chapter can serve as a guide for analysing the performance of LAS and HMS, to improve integrated functioning and their influence on the outcome of a well-functioning adequate SBIH system. The study also aims to contribute to a holistic analysis of LAS and HMS and the design of the SBIH system that addresses the needs of the Basotho people in Lesotho.

The study also contributes to the theoretical debate on SBIH, LAS and HMS and adds to the body of knowledge around an integrated LAS that promotes SBIH development and sees integrated LAS & HMS design and adequate SBIH as solutions to the housing challenges facing the Southern African countries. This is the gap that has been identified in both literature, theory and practice in LAS, HMS and SBIH. The study has therefore positioned the post-reform LAS and HMS to deliver adequate housing through SBIH.

Furthermore, this review details the findings of reviews of the importance of land administration and housing management (on the promotion of adequate SBIH development) - international literature to identify suitable theoretical and methodological frameworks to carry out an integrated analysis of LAS and HMS, and models of best - practices in LAS and HMS and SBIH and for enhancement of adequate SBIH development. Hence, a large part of this review focuses on how and why previous researchers have adopted and applied the theories of CR and SP in the LAS and HMS public policy analysis space.

This chapter highlights the contributions from literature to theory, methodology and the analytical framework and also highlights gaps that this project seeks to address through its research questions. The findings in this Chapter can serve as a guide for analysing the performance of LAS and HMS, to improve integrated functioning and their influence on the outcome of a well-functioning SBIH system. The study, therefore, positions the post-reform LAS and HMS to deliver adequate SBIH and sustainable human settlements. The chapter sets the scene for a more detailed exploration of theory in Chapter 3.

Chapter 3. Philosophical Foundation and Theoretical Framework

3.1 Introduction

The purpose of this Chapter is to set out the theoretical framework as a lens and a toolbox for describing and analysing LAS and HMS to determine and understand their influence and effects on the outcome of adequate housing through SBIH development. It is informed by the literature review in Chapter 2 and partly addresses the objective (i) in identifying suitable philosophical and theoretical frameworks for this research. Central to the development of LAS and HMS theoretical frameworks is the dominance of multi-disciplinary and interdisciplinary approaches. This is because both domains draw theories and concepts from urban and regional planning, architecture, geomatics, social and political sciences, philosophy, public administration and urban studies. Hence multiple interdisciplinary, and interrelated philosophical stances, as well as theoretical and conceptual frameworks underpin this research (Williamson et al., 2010; Kemeny, 2013; Clapham, 2018).

In this Chapter, the research conceptualises that the LAS and HMS equally affect the outcome of adequate housing and SBIH development. Hence, government capacity also serves as a pre-condition to produce adequate housing through SBIH because the State capacity influences the nature of the operations of LAS and HMS, and their strength and performance affect the SBIH outcomes. However, the relationship between land administration and housing is complex – these are deeply rooted in complex existing contexts including a state's land governance, politics, culture, and socio-economic status (Williamson et al., 2010; Kemeny, 2013; Clapham, 2018). There is no determined boundary between the two systems. Murphy (2014) postulates that land and housing should be seen as having a dynamic relationship.

The multidisciplinary approach to land administration and housing management research indicates the complexity of studying LAS and HMS in an integrated manner, and also the complexity surrounding the delivery of SBIH in the context of evolving systems which includes both the material and cognitive aspects. SBIH is, in itself, a complex phenomenon embedded in complex land and housing systems without clearly determined boundaries, and complex contexts. These include the political economy of land and housing governance and existing international and local agendas (see 3.5, 3.6).

This Chapter therefore conveys the rationale behind the selection of over-arching philosophical and theoretical frameworks that could capture multiple dimensions of the LAS and HMS, address multiple

problems and provide an in-depth understanding of SBIH. Figure 3.1 summarizes the philosophical underpinning of the research, the overarching theoretical framework, and identified land and housing theories of relevance. These are motivated in this chapter.

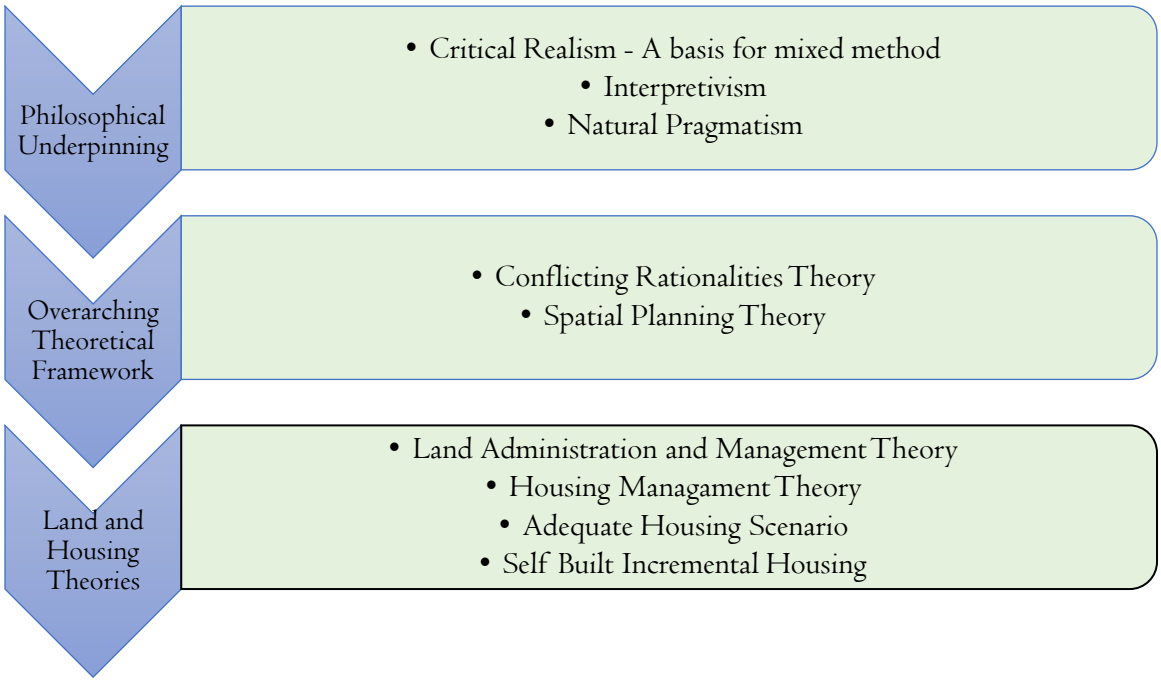

Figure 3.1. Theoretical framework

3.2 Philosophical Foundation for Research in LAS, HMS and SBIH.

In Chapter 2, three world views were identified as appropriate for the study of SBIH in the context of LAS and HMS. These ontological and epistemological grounds include critical realism, interpretivism and constructivism, and naturalistic pragmatism. These philosophical stances underpin the logic, and the nature of reality (Djamba, 2002; Mingers, 2004) and how to know about SBIH development reality (see 2.2.1). Therefore, this section discusses these different philosophical stances on the nature of reality and knowledge implicit in the study of land administration and housing management as argued in Section 2.2.1.

3.2.1 Critical Realism

The main ontological ground of this research is critical realism. Critical realism is defined by (Mingers, et al., 2013). Critical realists are critical of beliefs as well as accepting that beliefs are real. This ontology

accepts that society has structures; hence analyses those social structures to make claims about the reality of the structures (Mingers, 2014). A critical realist perspective depends on the socially constructed and interpreted realities of facts - the approach supports interpretivism, natural pragmatist, and constructivist stances in qualitative research because it is concerned with depth over breadth in knowledge (Cresswell, 2017) as in positivism and quantitative techniques (Djamba, 2002).

This philosophy is appropriate because it allows the integration and use of multiple paradigms, multiple theories, and multi-methodological frameworks appropriate in land and housing research (Whittal, 2008; Dodson, 2012) (see 2.2.1). Based on the critical realist perspective, the various approaches provide the foundation for investigations and knowledge creation in this study (Djamba, 2002). They also eliminate the division between the researcher and the researched (see 2.2.1).

Critical realism has been used both in land administration and housing research (see 2.2.1) and was found suitable for this research. Whittal (2008) found it useful in the integration of different epistemologies of both hard and soft science techniques, approaches, and methods to guide realistic methods of studying complex systems. In light of the philosophical stances of this research, particularly critical realism (Mingers, 2004), this study adopts and extends the mixed methods approach developed by Whittal (2008). This epistemology is chosen because the researcher's multiple roles in this research cannot separate her from the researched (the units of analysis) (see Figure 4.2). The beliefs, behaviours, and experiences of SBIH Dwellers are understood in the context of the structures, processes and practices of LAS and HMS. The application of critical realism may increase understanding (Mingers, 2014) and, with later resulting reforms, promote the effectiveness of systems and the empowerment of the SBIH Dwellers in informal settlements.

3.2.2 Interpretivism and Constructivism

As argued in the literature, research in land administration and housing management has its basis in interpretivism, constructivist, and natural pragmatist epistemological stances (see 2.2.1). These worldviews interpret meanings and explain situations to deduct meanings and create knowledge (Saunders et al., 2015). These approaches are inspired by qualitative methods and therefore, facilitate analysis of LAS and HMS. The integration of constructivism, interpretivism and a natural pragmatist view of the SBIH development world is appropriate (Minger et al., 2013). Each approach has its assumptions, stances, and principles of the research process, and all claim the frame of thought they provide is a means to acquire knowledge about the phenomena (Djamba, 2002).

The interpretivists see the social world as made up of meanings created by the people (Djamba, 2002). From an interpretive perspective, humans are social actors, and the evidence lies in the subjective understanding of those involved in the research (Saunders et al., 2015). The social reality of how people process, and experience housing is interpreted while meaning is constructed by the people involved (Saunders, Lewis and Thornhill, 2009). The focus lies on the meaning of social action and reality is subjectively created. The adoption of this epistemology in this study may assist in revealing the meanings of practice in SBIH development, and foster understanding and advance knowledge (Djamba, 2002; Saunders et al., 2009).

Constructivism holds that multiple realities exist within the phenomenon, and these realities are constructed by the people who create their meanings of the realities (Franklin & Clapham, 1997; Djamba, 2002). The way people think and create meanings about land and housing becomes so important that they may become locally understood realities. This ontological position is accepted in this research because people are the main actors in SBIH development. The SBIH is socially constructed because people use the strategy to solve their own housing needs. Constructivism has been used in housing studies, which gives weight to its importance (Franklin & Clapham, 1997; Jacobs & Manzi, 2000; Fopp, 2008).

Constructivism and interpretivism are adopted to complement each other since they both determine the experiences of the citizens – self-builders as they struggle to access land and housing for their adequate housing needs.

3.2.3 Naturalist Pragmatism

Naturalist pragmatist epistemology (Ouédrago & Carsodo, 2011) is also adopted in this research. This stance highly depends on experience and observation to describe and create meanings for understanding (Ouédrago & Carsodo, 2011). SBIH is a natural pragmatic housing supply strategy that addresses access to affordable and adequate housing needs and shortages (Bredenoord et al., 2010) and could contribute significantly to the goal of access to adequate housing by all and improved livelihoods. Hence, the use of ethnography and case study methodology to understand and appreciate the reality around SBIH development.

3.3 Conflicting Rationalities Theory

Chapter 2, Section 2.2.3, lays a foundation for describing the theory of Conflicting Rationalities as a theoretical framework for this research. The concept of Conflicting Rationalities (CR) was first theorised a decade ago by a Southern planning theorist (Watson, 2003). She aimed to address the differences, conflicts, and frictions between the rationality of the State and the rationality of citizens, particularly in the urban areas and at the grassroots level. CR explains the differences in worldviews between the various parties involved, while a case study approach is often used (Watson, 2003). The author associated the term 'conflicting rationalities' with normlessness, or loss of accepted social rules within society. CR theory directs attention away from those who break the law, towards those people who make the law – a state could be responsible for conflicts (Watson, 2003). From this perspective, the reality of the law resides in the definition of what is right, wrong, formal, informal, harmonious, conflict, moral, immoral, and abnormal (Watson, 2003). Watson (2003) elaborates on the CR processes which involve the examination of the assumptions that are necessary to reveal/represent the situation in terms of CR. These are the existing binaries between the actors (specifically the communities and the state organisations), disparities between the state's policies, laws, and plans and the interactions and patterns of execution of these (Watson, 2003).

CR is context-specific and claims that the planning process and planners need to have a deep understanding of the context of an intervention, particularly cultures and worldviews (Watson, 2003). CR focuses on the rationality of lawmakers, and how the state policies and laws interact with and are perceived by the citizenry. Furthermore, CR explains the roles and responsibilities of planners in dealing with planning issues (Watson, 2003). CR seeks to propose the best planning and urban theory and practice in the Global South, taking into consideration the political economy of African states (Watson, 2003). Furthermore, CR helps researchers examine and understand the diverse political agendas and the outcomes of those agencies (Watson, 2003).

Management in an organisation involved in the LAS and HMS should encourage conformity. The legislative frameworks and programmes are formal controls of social behaviour (Watson, 2012). The land, planning and housing laws should be observed by people and are thus formal controls of social behaviour. However, where there is a lack of compliance, understanding the causes and instituting reforms is important to effect change in housing delivery. The outcome of a policy, planning initiative or project depends on the views, rationalities and understanding of the parties involved in the initiative,

whether by the state or the citizens as actors (Watson, 2003). The parties in a CR are interdependent and have opposing interests and different rationales, beliefs, and values. While the organisation's rationales are based purely on the guiding laws, principles, policies, and plans - the citizens' rationales may differ based on their belief system, and the political economy influencing their behaviours and actions (Watson, 2003). CR holds that to understand the rationalities underpinning the differences in behaviour, one must study the actions and motivations of people who are the principal beneficiaries of state housing interventions (Watson, 2003). Planners, land administrators, and housing professionals continue to make "assumptions about the values, beliefs, or rationalities of those for whom, or with whom, they plan" (Watson, 2003:404). They should explore examples of planning and housing interventions which illustrate the various rationalities at play, and how different role players interact with each other in planning and development practice (Watson, 2003). The CR theory also draws attention to the institutional environment that influences the outcome of planning. The organisations and institutions involved in SBIH should be well-understood through the lens of CR. For example, the LAS and HMS are intersecting power-based, and agent-based complex systems whose rationalities may align or conflict. Modelling their causal relationships and the interplay between compositional factors (the state, the citizens, SBIH Dwellers) and contextual factors such as the economy is critical. CR is applied to understand the disjuncture between LAS and HMS and the people's experience of these systems concerning their SBIH development. The application of CR on LAS and HMS given SBIH provides an interesting and useful additional domain for discussion and reflection of CR theory.

3.4 Spatial Planning Theory

In Chapter 2 Section 2.2.2, Spatial Planning (SP) is identified as a key theory used in the land and housing sectoral policies.

3.4.1 Origin of Spatial Planning

Spatial Planning originated in Europe (Albrechts, 2006). Academic literature and government policies have diverse definitions of spatial planning as a planning concept applied both in academia and planning practice. The meaning of SP is varied and depends on the context in which it is applied (Albrechts, 2006; United Nations [UN], 2008). Therefore, SP is a planning theory (Cullingworth et al., 2015) and a key instrument for managing and promoting land development and use, effective

governance, and addressing fragmentations and silos in all spatial sectoral policies through coordination and integration (UN-Habitat, 2012). This can be useful in addressing issues in land, housing, water, transport, and tourism in a coherent manner and promotes coordination between sectors and government institutions (Carter, 2007).

In developing countries, SP is key to delivering these sustainably (UN-Habitat, 2012; Nadin et al., 2020). UN (2008) explains SP as a holistic framework and a valuable tool for meeting sustainable development goals. This research draws on the European conceptualisation of SP to examine and understand the spatial planning systems of land administration and housing.

3.4.2 Goals of Spatial Planning Theory

Key conditions for effective Spatial Planning include policy integration, governance, political will and support, a supportive legislative and regulatory framework, private sector involvement, public sector capacity, fiscal support, the ability of systems to adapt, consideration for sustainable development, and broad stakeholder engagement and participation (UN-Habitat, 2012; Nadin et al., 2020). Where these conditions are not met, SP may highlight the shortfalls and is thus a useful approach to address development challenges and promote effective governance, especially for countries in transition. The key goals of SP are policy integration and coordination, adaptiveness and citizen engagement and participation (Nadin et al., 2020). Figure 3.2 illustrates a model depicting the goals and principles of spatial planning. These key principles are interrelated and interdependent. They are used in this research to enable re-thinking relations and synergies in land and housing sectoral policies because they consider the connections, integration, and coordination for the effectiveness of spatial planning systems (Indrajit et al., 2020). For instance, spatial planning policy integration requires the adaptation of systems as well as citizen participation and engagement (Nadin et al., 2020).

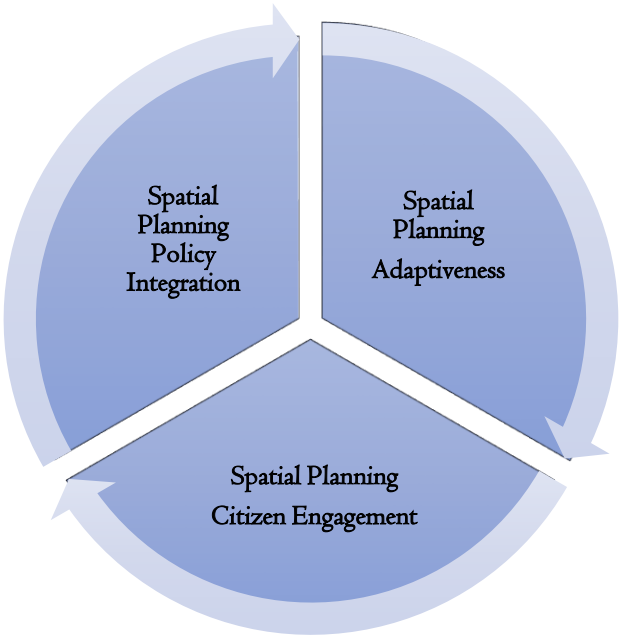

Figure 3.2 Spatial Planning framework principles and goals - after Nadin et al. (2020)

Sectoral Policy Integration and Coordination

Policy integration and coordination are principles of SP theory that are integral to complex systems such as LASs and HMSs. Nadin et al. (2020) describe Spatial Planning as "sector policies targeted at similar policy goals and the creation of joint policies" (Nadin et al., 2020:6). SP horizontal and vertical policy integration and coordination are adopted by most European countries to bridge the gap between siloed systems (Nadin et al., 2020). Integration also streamlines the processes and services needed to deliver effective spatial planning. A lack of integration affects a government's capacity to provide integrated decision-making (Nadin et al., 2020). The SP theory considers innovations and systems reforms through integration and coordination and adequate resources must be mobilised for better monitoring and evaluation (Nadin & Stead, 2008; Nadin et al., 2020). In addition, integration and coordination between sectoral policies are stimulated by adequate communication channels, resources human and financial resources (Nadin et al., 2020).

The significant roles and key factors of successful policy integration in SP include linkages, connection, consistency, integration, coherence, coordination, and interactions and are elaborated in Nadin et al. (2020). The lack or weaknesses in these factors lead to a weak spatial planning system. Hence, these are applied to assess policy integration in sectoral systems such as land and housing (see 2.2.2).

However, when housing provision is driven by a market-based approach rather than through well-considered SP processes, negative outcomes can include a shortage of land for housing, urban sprawl, housing shortages, spatial segregation, and homogenous housing types (Priemus, 1997; UN-Habitat, 2012). Furthermore, SP can be used to improve existing settlements through slum upgrading (UN-Habitat, 2012). Priemus (1997) foresees a possible and desirable integration of SP and housing policies in future.

SP theory supports the notion that the capacity of the LAS and HMS to cope with SBIH development challenges strongly depends on their capacity to promote policy integration. Policy integration is assumed within SP theory to improve their response and adaptiveness to citizens' changing socio-economic status, finance, and poverty, and will also involve and engage society in policy design, decision making and implementations to improve on SBIH development. Therefore, SP policy integration is used in this research to analyse the LAS and HMS policies, functions, and processes as described in the narrative (see 5.4, 5.6).

Adaptiveness

Adaptiveness is a systems-thinking and spatial planning theory concept used to address wicked problems in complex systems (Alfasi & Portugali, 2007). It involves systems thinking terms. Scholars of complex systems claim that there is no point in using a single lens to solve complex problems – multiple lenses are required (Nadin et al., 2020). Adaptiveness promotes systems that cope, adapt, adjust to instability, and manage and correct uncertainties (Nadin et al., 2020).

Measuring the adaptiveness of systems is useful in assessing the responsiveness and resilience of systems (Mills et al., 2015) – adaptability is linked to the viability of systems faced with internal or external change. Nadin et al. (2020) argue that planning systems should continue to adapt to increase performance – addressing design weaknesses and improving the linkages and the interactions between them. Hence, public sector systems such as LAS and HMS should adapt and innovate – they should recognise change and adapt to enhance the delivery of adequate SBIH.

Policy integration requires systems adaptiveness; hence, this strategy has been used in climate change adaptation and mitigation strategies – this research draws on this strength to mitigate complexity in the integrated spatial planning system. This framework guides interventions towards systems change.

Citizen Engagement and Participation

Citizen engagement and participation are fundamental to SP theory and practice. The principle of citizen engagement underpins the following: broad citizen involvement, engagement, inclusion, strategic communication, partnering, and meaningful participation of citizens in the planning and decision-making processes (Nadin et al., 2020) and to development interventions and processes and contribute to development interventions – (doing things with people, and not on people). The principle underscores the importance of understanding and recognising the importance of multiple and diverse characters involved and who need to fully participate (Nadin & Stead, 2008), and for which the land, planning and housing interventions are made in a spatial planning system. This could enhance the performance of spatial planning systems (Acheampong, 2019). Here, citizens are stakeholders who are beneficiaries of the spatial planning system (Acheampong, 2019). Understanding the importance of stakeholder engagement and the needs and aspirations of stakeholders could guide clear, simple, and cost-effective interventions (Nadin et al., 2020).

Nadin et al. (2020) argue that enforcing citizens' participation leads to responsive and adaptive systems and contributes to better integration (Nadin et al., 2020). The principle of citizen engagement involves mapping representation, inclusion, engagement of key stakeholders, and ensuring meaningful participation in decision-making processes in spatial planning systems (Nadin, 2007). Importantly, collaboration with stakeholders is required to make sure the system is inclusive and relevant, and that it enables representative decision-making. It also involves understanding the needs, emotions, values, and aspirations of individuals for the planners to design clear, simple, and cost-effective interventions. Strategic partnerships between the LASs, HMSs and the citizens have the potential to make the systems useful and impactful. One of the key challenges of citizen engagement involves dealing with issues of power relations in the system. Systems must make participation work even when there are conflicting rationalities, clashes, power differentials and disparities at play, as revealed by SP. The use of SP may enhance participation and shared responsibility for the delivery of adequate SBIH.

In the context of SP theory, citizen participation calls for an inclusive engagement of all stakeholders involved in the planning decision (local governments, development actors, private and informal sectors) (Cullingworth et al., 2014). This can lead to increased ownership and sustainability of interventions (Carmon & Fainstein, 2010). "Citizens actively participate in the preparation and adoption of planning instruments at all stages of the process" (Nadin et al., 2020:7).

Hence, citizen inclusion and participation promote a collective understanding of the goal of adequate housing. SBIH development requires the participation of multiple and diverse stakeholders to achieve adequate housing through SBIH development. For this research, the development of adequate housing through SBIH calls for the active engagement of all key stakeholders, with a particular focus on the SBIH Dwellers; hence the use of these principles in the analysis of the SBIH development ethnographic case study is important. If implemented, this approach could lead to an increased impact on the LAS and HMS and influence changes in the SBIH development processes through stakeholder engagement and strategic partnerships to attain adequate housing and sustainability.

3.5 Global Mega-trends Challenging the LAS and HMS

The emerging global megatrends including but not limited to rapid urbanisation, economic crisis and poverty, conflicts, climate change and disasters, and the COVID-19 pandemic, challenge governments and influence several systemic problems that hinder and continue to plague the implementation of human settlement policies. These megatrends intertwine with each other and thus, demonstrate the complexity of the adequate housing space (UN-Habitat, 2022a).

3.5.1 Socio-economic Crisis and Poverty

Poverty and the recent economic crisis underscore the important role that access to land, and affordable and adequate housing plays in the well-being of citizens (UNUN-Habitat et al., 2018). These are some of the challenging policy objectives facing African countries and the world in times of socio-economic crisis and poverty (UNECA, 2018a). High inflation disrupts the supply chain ((UN-Habitat, 2022). Furthermore, urban poverty, sub-standard housing, and homelessness dominate (Abelson et al., 2011). Where poverty dominates, equality of land and housing access is hard to achieve (Brown-Luthango, 2010; Gilbert, 2014). As a result, many people (especially the poor and vulnerable) face exclusion. This is intensified by the lack of land and affordable housing in many countries, resulting in homelessness or inadequate housing (Morshed, 2014). Slum and informal settlement dwellers often lack basic services and proper infrastructure – they suffer social exclusion (Marnane & Greenop, 2023). This research links economic crisis and poverty to LAS and HMS since poverty affects access to any housing, including adequate SBIH.

3.5.2 Urbanisation

Urbanisation is one of the emerging mega-trends that defines the current cities and human settlements space in the African region – it defines the needs and demands for housing. Africa and Asia are the fastest urbanising continents (Freire et al., 2015), with an estimated 60% of the population urbanised by 2050 — Africa is currently 55% urbanized (UNECA, 2018b, 2023). Access to affordable and adequate housing is at the centre of urbanisation (UN-Habitat, 2017; GoL, 2023d). Urbanisation is a developmental issue and should be integrated into national strategic development plans (UNECA, 2018b) although this is not yet the case in most African countries (Cobbinah et al., 2015). This is because urbanisation implies that African countries will undergo a structural shift in the 21st century, hence cities and human settlements will also undergo structural transformation (Akrofi, 2013). Both UN-Habitat and the United Nations Economic Commissions for Africa (UNECA) raise awareness of urbanisation and promote sustainable urban development through several initiatives. This includes the localisation and implementation of SDG 11 and the NUA, and through international and regional conferences such as the World Urban Forums which aim at promoting the transformation of cities for a better future and delivering sustainable development (UN-Habitat, 2022a; Kapoor, Song & Jehling, 2023) and the UN-Habitat 2 Assembly whose theme was '*A sustainable urban future through inclusive and effective multilateralism: achieving the Sustainable Development Goals in times of global crises'*.

An estimated 55% of urban dwellers now live in inadequate housing in Africa (UNECA, 2018b). African countries face rapid urbanisation resulting in increased expansion of informal settlements, whose residents may lack security of tenure and basic services (Akrofi, 2013; UN, 2013; UN-Habitat, 2017; Durosaiye, 2022). These constraints contribute to land and housing systemic challenges and continue to jeopardise access to tenure insecurity, and decent, affordable, safe, and adequate housing for all people (Adeniji & Ogundiji, 2009).

This calls for African governments to accelerate the delivery of adequate and affordable houses for citizens. Adequate housing is at the centre of urban development (AUC, 2022) and self-help housing could be used to address the housing challenges (Bredenoord et al., 2010). However, the current strategies and technologies employed for housing provision have not reduced the housing crises (Durosaiye & Hadjri, 2022). There are key opportunities in the implementation of the (NUA) which include the promotion of access to adequate and affordable housing and sustainable urbanisation (UN-Habitat, 2016) (see 3.6.3). The UN-Habitat and the UNECA are mandated to promote

sustainable urbanisation and are behind the acceleration of localisation of the SDGs and the implementation of the NUA (Caprotti et al., 2017).

3.5.3 Climate Change and Disasters

Across the world, increased damage to housing from weather events linked to climate change has become a tangible reality. Natural constraints such as rising global temperatures, flooding, strong winds, heavy snowfall, storms, and hail and landslides affect housing and may cause economic and social losses (UN-Habitat, 2012). Cities and systems such as LAS and HMS are slow to respond to the challenges of climate change. Studies found that warm and low-lying coastal cities such as Durban in South Africa experience floods that impact the settlements and destroy housing and infrastructure (UN-Habitat, 2022a).

An integrated land and housing solution is required. Importantly, sustainable, and adequate housing strategies need to be effectively implemented within planned human settlements. Also, adequate housing construction should prioritise resilience to extreme weather events (UN-Habitat, 2012; Valenzuela-Levi, 2021).

3.6 Global Human Settlements Agendas

Adequate housing plays a key role in improving living standards and achieving the quality of life for residents (Gronowski, 2019). The SDGs, the NUA (adopted at the Habitat III Conference in Quito in 2016), the Africa Agenda 2063, the Paris Agreement, and the Sendai Framework (the latter two adopted in 2015) elevated the importance of access to adequate and sustainable housing (UN-Habitat/ United Nations Office for Project Services [UNOPS], 2021). Hence, globally, adequate housing is promoted through these agreements and treaties. These are considered drivers of adequate housing since they set good practices for improving housing adequacy, affordability, and sustainability (Mashiane & Odeku, 2021). They are thus important policy instruments for the improvement of LAS and HMS and the provision of adequate SBIH development is critical.

3.6.1 The Africa-We-Want, Africa Agenda 2063

The African Union's Agenda 2063 (adopted in January 2015) seeks to accelerate the structural transformation of human settlements to leverage change (DeGhetto, Gray & Kiggundu, 2016). It articulates people-centred development towards achieving the SDGs – African countries are urged to

make achieving the SDGs a reality through the '*Africa We Want'* - Africa Agenda 2063 (Deghetto et al., 2016). However, implementation is slow in Southern African countries (AUC, 2022). Land administration and housing management are seen as drivers of sustainable development – self-built housing and incremental housing strategies form the strategic objective to achieve this through the NUA, particularly in Africa (UNECA, 2018a). Hence, this research draws on this to argue the importance of LAS and HMS as essential ingredients to the '*Africa We Want'* transformation through improved access to adequate housing.

3.6.2 The Agenda 2030 for Sustainable Development

The UN Agenda 2030 for Sustainable Development and its goals (adopted in September 2015) seek to promote transformational change that will accelerate the achievement of sustainable development by countries (United Nations, 2022) – 'transforming our world' through the 17 goals - SDGs (AUC, 2022). The implementation of these goals requires policy and institutional coherence. Land and housing are seen as drivers of socio-economic development and as tools to reduce poverty; hence LAS and HMS are central to achieving SDGs, particularly pursuing SDG 11 (Westerndorp, 2016) which aims to 'make cities and human settlements inclusive, safe, resilient and sustainable' (United Nations Department of Economic & Social Affairs [UNDESA], n.d.). Target 11.1 specifies access to safe, adequate, and affordable housing and basic services as well as upgrading slums for all people by the year 2030 (Koch & Krellenberg, 2018). Adequate housing contributes to better economic outcomes and higher standards of living (UN-Habitat, 2016). These two human settlement indicators can be used as tools to assess the post-reform LAS and HMS viability to deliver adequate SBIH in context (Koch & Krellenberg, 2018).

Although there is insufficient data collection to assess the achievement of SDG 11 key indicators (UN, 2022), promoting the holistic achievement of these is important if countries are to achieve sustainable development. Hence, the study builds on the premise that effective implementation of SDG 11 and NUA enhances the achievement of adequate housing for all (Caprotti et al., 2017). However, countries are at the midpoint of implementation and progress is slow (UN-Habitat, 2023a).

3.6.3 The New Urban Agenda

The NUA (adopted in October 2016) is a global model for safe and secure housing and puts housing at the centre of sustainable development (UN-Habitat, 2020b) and urban and peri-urban development (Caprotti et al., 2017). NUA drives the goal of SDG 11 and is a key consideration to the achievement

of adequate, affordable, decent housing for all (UN-Habitat, 2016, 2019). It envisages human settlements that promote full rights to adequate housing for the social development of all people (UN-Habitat, 2016). As a key development driver, it assists in visualising the future of neighbourhoods and is an international framework that sets standards for sustainable urban development (UN-Habitat, 2016).

The NUA was designed to create an enabling environment for the achievement of SDG 11 (UN-Habitat, 2020b), its key performance indicators are currently used to guide the performance of the LAS and HMS (Caprotti et al., 2017). It promotes "housing policies that support the progressive realization of the right to adequate housing for all" (UN-Habitat, 2020b:7). The NUA stresses the need to adapt policies to the local context. This can be achieved by developing integrated housing policies, promoting innovative models for affordable housing, promoting inclusive housing solutions, and promoting housing for peace and prosperity for the people (UN-Habitat, 2020b). Importantly, innovative tools, knowledge, and models may assist managers involved in land and housing to make informed decisions on affordable housing provision and access (UN-Habitat, 2016).

The NUA encourages incremental housing and self-building schemes (UNDESA, n.d.; UN-Habitat, 2016). It also considers various types of tenure such as co-housing (UN-Habitat, 2020b). Regarding, adequate housing, the NUA "promote affordable and sustainable housing finance and mixed-income housing to avoid segregation" (Helble, Yoshino & Stillman, 2017).

3.6.4 The COVID-19 Pandemic and Recovery

The COVID-19 pandemic exacerbated the already existing housing crisis, lack of access to adequate housing and inadequate housing developments (Valenzuela-Levi, 2021). The pandemic poses a threat of death or serious illness to all people. The 'stay at home' policies implemented in the first two years of COVID-19 have made access to adequate and affordable housing more important than before (UN-Habitat, 2020a; Quaglio et al., 2021; Valenzuela-Levi, 2020). In such circumstances, access to housing provides a sense of stability and security for people in coping with COVID-19 and future pandemic events (Valenzuela-Levi, 2021). The UN-Habitat contends that slum and informal settlement dwellers are the most affected by the devastating effects of this pandemic. Hence, the health and COVID-19 situation underline the importance of addressing the challenges of land administration, access to land, (Chigbu, Chen & Ye, 2022), and access to affordable and adequate

housing by all people (Mehdipanah, 2024). Understanding housing challenges and opportunities in light of COVID-19 is important.

3.7 Land Administration and Housing Management

This research conceptualises post-reform Lesotho LAS and HMS as independent variables, while SBIH is a dependent variable – depending on the functioning and performance of LAS and HMS. The SBIH is viewed from multiple perspectives including the adequate housing perspective, and through land administration and housing management theoretical and conceptual lenses. This section explores the LAS and HMS theoretical underpinnings. By linking planning theories, land administration and housing management theories, the research promotes an understanding of reality through the main global South planning theory in the form of CR and Northern planning theory in the form of Spatial Planning theory (see 3.3 and 3.4). This enables the inclusion of human factors in both the assessment and understanding of SBIH development. The theoretical underpinnings are used to explain and describe the Lesotho LAS, HMS, and SBIH development through an ECSN presented and analysed in Chapters 5 and 6 respectively.

3.7.1 Land and Housing Governance

Land administration and housing governance include policies, processes, and institutions by which land and housing are governed (Chigbu et al., 2022) – LAS and HMS. Principles of good governance are many and are elaborated in (Fisher & Whittal, 2020). They include but are not limited to recognition of existing social structures, flexibility, cost, accessibility, ease of administration, sustainability, accountability, and maintenance of capacity building (Fisher & Whittal, 2020). These promote a well-functioning SBIH sector for improved living standards of the people in both urban and peri-urban areas (Chigbu et al., 2022).

3.7.2 Land Administration Systems and Adequate Housing

The land administration is at the core of adequate housing. LA is defined by Dale and McLaughlin (2011) as the process of disseminating information about the land tenure, value, use and development of land in an effective manner. Land administration is basically about the relations between people and land (Fisher & Whittal, 2020). For this research, LA is theorised from the Land Management Paradigm (LMP) (Williamson et al., 2010). LA is associated with the four key LMP functions of land

tenure, land use, land value, and land development for managing land rights through planning, mapping, allocation and registration (Dale & McLaughlin, 2011). The processes are undertaken holistically through a LAS (Agunbiade, 2012, Agunbiade et al., 2014a; Williamson et al., 2010).

Land Administration System

The LAS is a complex system with interrelated parts and its functions need to be performed in an integrated manner – as a whole under one system (Williamson et al, 2010). It is dynamic and needs to change continuously. It is also fundamental for the development of housing and thus plays a vital role in addressing issues of sustainable development, poverty reduction and economic growth (Dale & McLaughlin, 2011). Effective operations of LAS are critical to achieve the goal of adequate housing.

Functions of LAS and Implication to Adequate Housing

The four functions of LAS as described through the Land Management Paradigm (LMP) are indicated in (Williamson et al., 2010; Enemark, Hvingel & Galland, 2014) and these are described in Table 3.1.

These are discussed along with the – RRRs (rights, restrictions and responsibilities) concerning land (Mabesa, 2011; Enemark et al., 2014) and the implication of these to adequate housing delivery (also see Figure 3.5). The importance of promoting integrated approaches to LAS functions for effective systems and efficient supply of land for housing is recognised in research (Agunbiade, 2012; Agunbiade et al., 2014).

Table 3.1 Functions of LAS and implication to adequate housing - adapted from Williamson et al. (2010).

Holistic Functions of LAS	**Policy and Processes**	**Existing rights, responsibilities, and restrictions**	**Implication to Adequate Housing**
Land Use	Land use and planning policies, laws, and regulations – land use plans, physical development plans, control, and enforcement, permits for regulating land uses. Land use plans, zoning, sub-division, land consolidation, land use change approvals and others.	*Restrictions* - housing development allowed only on planned land and permitted land use – residential.	Land planned for housing. Suitable location for housing, and provision of basic services and infrastructure.
Land Tenure	Land policy and regulatory framework: acquisition of land, land rights holding, legitimate land rights registration securing land rights - land titles, registration of land transactions: mortgage bonds, transfers, land consolidations, sub-divisions, inheritances, and endorsements, variations - change of use.	*Rights* – housing construction on secure land – e.g. Title deed or lease.	Security of tenure - formal land registration provides land tenure security.
Land Value	Valuation of land and property rights for taxation, market value is a common method of property valuation used in Africa – mortgage transactions and transfer of land rights. Land value capture for increased revenue in local authorities.	*Responsibilities* – The owner may need to pay property tax.	Property tax decreases affordability.
Land Development	Housing policies and regulatory frameworks - implementing land use and development proposals for building new urban neighbourhoods, and new physical infrastructure, managing the land use changes through grants of planning, building and construction permits.	*Rights and restrictions* on new housing scheme development through compliance with development plans, planning and building permits, and construction permits.	Controlled development – adequate housing development.

3.7.3 Housing Management Systems and Adequate Housing

Framework for Housing Management

An adapted framework from Gruis et al. (2009) and UN-Habitat (2021) illustrates effective housing management and practices (principles and pillars) (Figure 3.3). This provides a theoretical framework for holistically understanding housing management - challenges and opportunities. It can be used to describe, understand, and assess the management and effectiveness of a housing system towards the delivery of adequate housing through SBIH development in Lesotho.

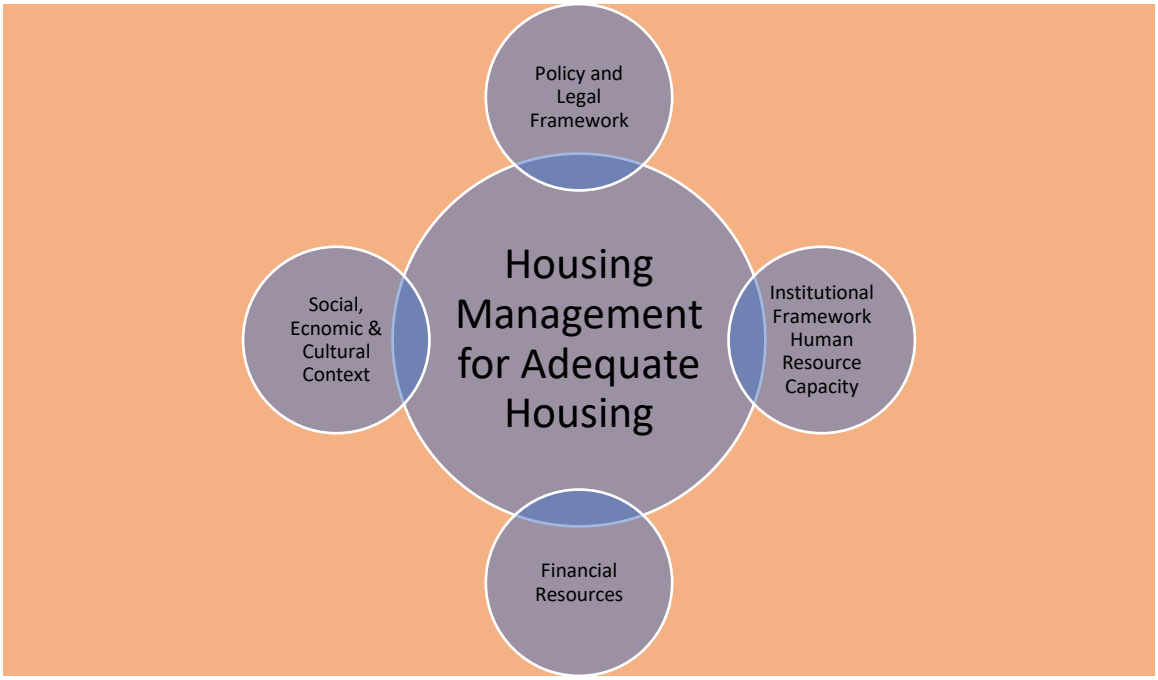

Figure 3.3 Conceptual framework for housing management - after Gruis et al., (2009) and UN-Habitat (2021).

Housing Management System

The HMS is a system that regulates and manages the provision and delivery of housing (Hoekstra, 2003; Clapham, 2018). It encompasses a full range of engagements and interrelationships between all housing actors, including planning agencies, land, construction, finance institutions, and self-builders. The system is characterised by policy, markets, and projects (Hoekstra, 2010) and depends on political support, effective regulation, and supervision to efficiently deliver housing services. Housing provision needs to be effectively managed for it to be sustainable. However, a housing system has the potential to promote or inhibit effective and efficient management of housing – poor policies and management practices lead to inadequate housing.

Also, a housing management system should aim to provide adequate housing for all and ensure human rights to housing (UN-Habitat, 2021). This should be a priority in the development of government policies to meet the need for adequate housing. The importance of an appropriate and effective HMS for adequate housing delivery is critical. An HMS should therefore attenuate its response to the need for housing.

3.7.4 Challenges of Delivering Effective Land Administration and Housing Management

Many challenges in delivering effective LA services are discussed in Fisher and Whittal (2020), Whittal (2014) and Williamson et al., (2010). Numerous challenges in delivering effective LAS services are articulated – these affect the delivery of land for adequate housing (UN-Habitat, 2022c). They include weak governance, poor land management practices, incomplete demarcation, lack of registration of all land rights, ineffective and inefficient land administration processes which can severely slow down the registration of formal land rights, ineffective policies and laws, inaccessible systems, fragmentations in policy implementation, silos in processes, capacity development, socio-economic issues, finance and cost, weak government institutions, low political will, inattention to housing, and disconnected government structures and processes (Williamson et al., 2010; Fisher & Whittal, 2020). Some have documented a mismatch between the functions and processes of policy delivery on one hand and citizens' more complex needs on the other. Lack of accountability and poor policy development and implementation are factors linked to fragmented government institutions (see also Figure 3.6). These are found to be prominent in Southern African countries including South Africa (Hull, Babalola & Whittal, 2019) and Lesotho (Mabesa & Whittal, 2014).

How these challenges are addressed and how the land and housing are managed, determines the quality of life of people. Effective, efficient, and equitable LAS and HMS services are key to promoting secure land rights and achieving adequate housing goals for building sustainable human settlements, achieving sustainable development, and improving livelihoods.

3.8 Adequate Housing

This section draws from Section 2.5.1 to provide theoretical considerations for understanding adequate housing based on the presumption of housing as a basic human right and entitlement as recognised by the Universal Declaration on Human Rights Council (United Nations Human Rights Council [UNHRC], 2014). These are based on a continuum of housing concepts, processes, and practices from the perspectives of the built environment. Solutions are required to promote access to adequate, affordable, and sustainable human settlements to meet SDG 11, as well as part of the recovery future-proofing process after the COVID-19 pandemic.

3.8.1 The Right to Adequate Housing

Access to adequate housing is a critical criterion for social and economic development (UN-Habitat, 2016; Zulu et al., 2019) hence, "is a basic human right as enshrined in the Universal Declaration of Human Rights (UDHR) of 1948 and the 1976 International Covenant of Economic, Social and Cultural Rights of the UN Committee on Economic, Social and Cultural Rights (CESCR) frameworks" (Thiele, 2002:713-714). It is further recognised in the SDGs Agenda 2030 and NUA (see 3.6). The latter provides that states should recognise every person's right to an adequate standard of living, which includes access to adequate food, clothes, housing, and necessary social services and to ensure the realisation of this right for continuous improvement in the livelihoods of the people (Gronowski, 2019). This means 'everyone has the right to safe, habitable and affordable housing' (UN-Habitat, 2020b) (see Figure 7.2).

This goal is to be achieved progressively by all member states and is key to solving the adequate housing problem (Koch & Krellenberg, 2018). Recently, various global and regional agendas and treaties, including the UN SDGs Agenda 2030, African Union Agenda 2063, and NUA, have promoted the adoption and enforcement of this human right (DeGhetto et al., 2016).

Each state should respond to improving its citizens' living standards. This is also endorsed in the Geneva Charter for Sustainable Housing (UN-Habitat, 2012). Hence, access to land and housing are essential aspects in the delivery of basic human rights. Thus, a right-based housing policy to advance the right to adequate housing for all people is critical (UN-Habitat, 2017). Access to adequate housing can be moved forward towards a new social contract that fosters rights-based adequate housing and adopts legislation that recognises housing as a fundamental human right (Stadler & Collins, 2021; Porter & Kelly, 2023). This could drive reform in the land and housing sector for the betterment of all people.

There are various pillars of adequate housing and performance indicators (Behr et al., 2012) which should be met (UN-Habitat, 2021c). These are summarized in Figure 3.4. A holistic consideration of all these principles is believed to improve access to adequate housing for all.

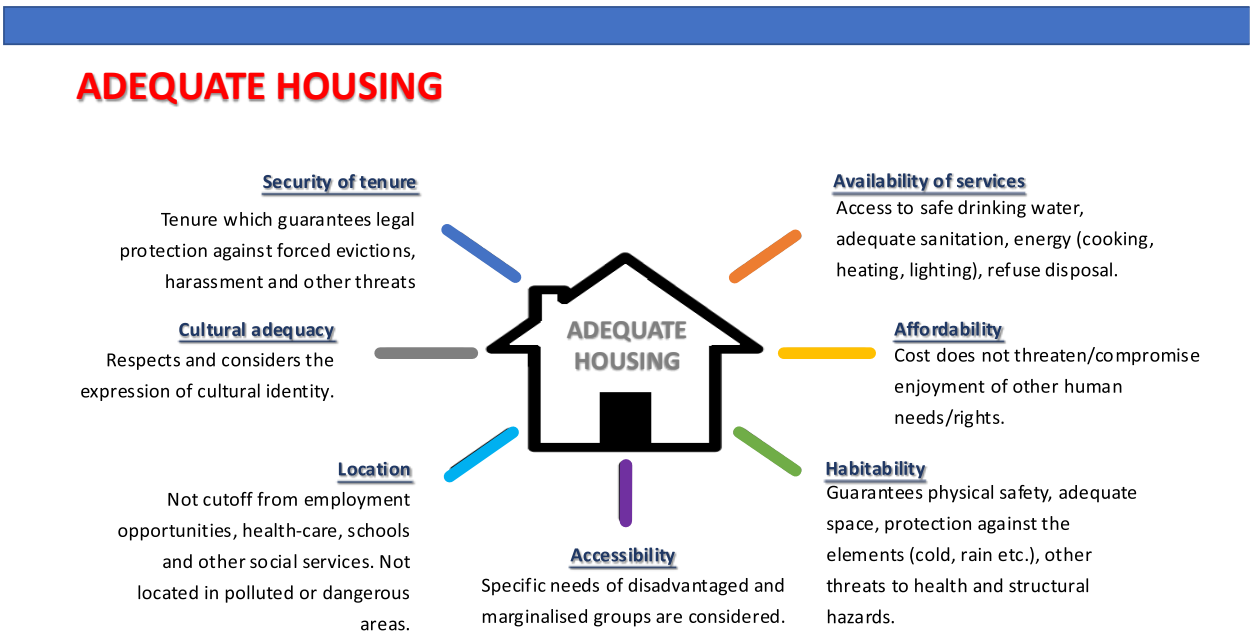

Figure 3.4 Pillars and dimensions of adequate housing – after UN-Habitat (2021).

3.8.2 The Role of the State in Adequate Housing Development

SDG 11, Target 11.1 "By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums" (UN-Habitat, 2023a:5)

Effective governance tools for managing land and housing are a prerequisite towards access to adequate housing (UN-Habitat, 2021). Adequate housing should be underpinned by coherent and effective policy and legal and regulatory frameworks UN-Habitat (2021) – commitment is needed by all governments. An enabling environment lays the foundation for the policy and legal environment that sets up the institutional framework. The legislative and regulatory framework comprises an analysis of policies and laws implemented to guide LAS and HMS processes and practices in a country.

The delivery of adequate housing falls within multiple spheres performing land and housing governance: central/national, regional, and local governments (UN-Habitat, 2021). A central government's main responsibility lies in the design and review of policies, laws regulations and programmes to govern land and housing delivery (Aziabah, Biitir & Attakora-Amaniampong, 2023). These are to be performed in a coordinated manner through feedback loops - in a cyclical model

(Aziabah et al., 2023) (see also Figure 3.5). This process also monitors the performance of the implementation of the programmes and projects by both national and local governments.

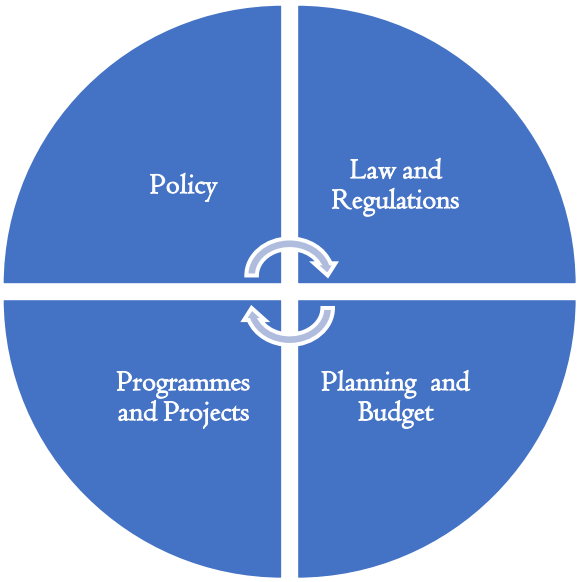

Figure 3.5 The role of Governments - A cyclical model of adequate housing delivery.

Governments are the primary contributors to self-built production through supportive legal and institutional frameworks, and engagement with communities, providers, suppliers, and financial institutions (Tunas & Peresthu, 2010). The role of the state in improving the delivery of self-built housing lies in its capacity to engage with communities, build the strength of local partnerships and create a supportive national framework (Pattison et al., 2011).

In South Africa, the local government on the other hand is responsible for the implementation of housing programmes and projects (Brown-Luthango, 2010) – their role is to provide affordable and adequate housing. At any level of government, they should ideally be seen to implement housing programmes and projects in alignment and compliance with existing policies and laws. An example of a housing programme is the Reconstruction and Development Programme (RDP) housing scheme in Johannesburg (Chalton, 2013).

The private sector also plays an important role in implementing the policies of the land and housing sectors, often contracted to assist in government-led programmes. In developing countries, most housing developments are undertaken by the private sector and are not part of any government housing programme (UNECA, 2022). All spheres of government need to stay connected for the effective delivery of adequate housing.

Weaknesses or ineffective delivery of policies and laws contribute to the development of informal settlements and inadequate housing (Behr et al., 2021)(see also 3.8.3 and Figure 3.6). The achievement of the goal of adequate housing and sustainable development requires effective governance and institutions that manage these in an integrated manner (UN-Habitat, 2021). Also, accountable governments are central to the successful implementation of effective land administration and housing policies and laws and systems providing adequate housing. Hence, there is a need for government to enhance its role in responding to the challenges of land and housing availability, affordability, quality, and adequacy through effective policies and laws (UN-Habitat, 2016).

3.8.3 Inadequate Housing and Informal Settlements

The concept of 'inadequate housing' is modified from the UN-Habitat (2017) definition of slums and informal settlements and adequate housing. Informal settlements are characterized by sub-standard housing, a lack of tenure security, poor basic service delivery, and inadequate space (UN, 2013; UN-Habitat, 2017; Wang & Bazán, 2023) (see also Figure 3.6). The UN-Habitat (2017) argues that if any of the characteristics in Figure 3.6 is present, a dwelling is considered to have the characteristics of a slum/informal settlement and thus provides inadequate housing to any dweller.

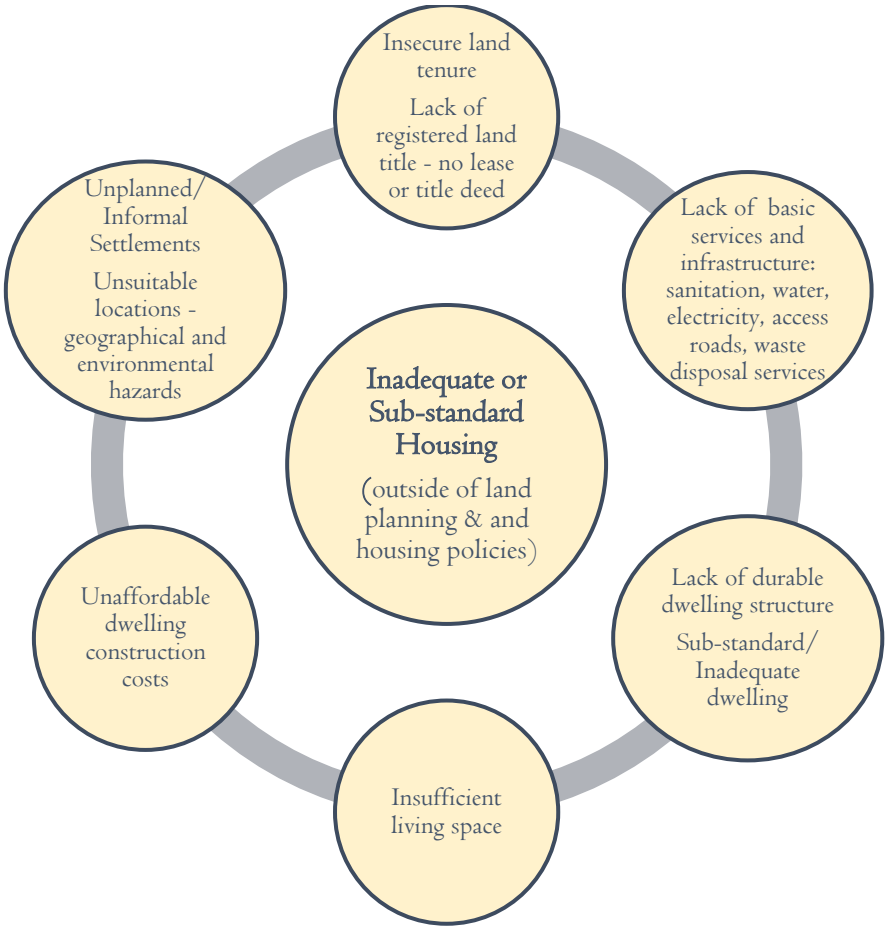

Figure 3.6 Model depicting characteristics of inadequate housing - after UN-Habitat (2017).

3.9 Theorising the Development of Self-Built Incremental Housing

3.9.1 Dweller Control and Home Ownership Ideology

Literature indicates that the homeownership ideology and ideas of self-built housing have been attributed to John Turner (Turner, 1976) (see 2.5.2). Homeownership (Hoekstra, 2010) is associated with self-help housing in Southern Africa (Ebekozien, 2021). Ebekozien (2021) argues that although it contributes to urbanisation and sustainable housing, it faces challenges of lack of support by the government through processes of building permits. Homeownership is preferred by states and citizens because it is associated with generating wealth, social stability, and political legitimacy (Ronald, 2006; Elsinga & Hoekstra, 2005), which is a pre-condition for maintaining the capitalist system. Importantly, the state of the housing welfare of a country influences the ways people access and control housing development for their housing needs (Kemeny, 2013).

3.9.2 Self-built Incremental Housing

This study acknowledges the urgency of researching SBIH because it is a predominant mode of housing and yet a hidden housing delivery mechanism in Africa and Asia (Sengupta, 2010) (see 2.5.2). SBIH is considered a strategy to achieve adequate housing, yet it is poorly researched and appears at the outset to be poorly supported in policy, laws, and processes. It also occurs through formal and informal means of housing provision – outside of states' land and housing policies and institutions. SBIH is conceptualised to mean self-initiated and self-constructed housing (Harris, 1998). It should be responsive to provide adequate housing with all the amenities, security of tenure, and basic services and with a dwelling design and construction of a good standard (Russel et al., 2021).

The incremental housing design must be able to accommodate the growth of resident family occupants, changing needs, and construction improvements over time through proper planning (Bredenoord et al., 2010). It is common for the house to be occupied before the completion of many anticipated phases (Van Noorloos et al., 2020). The inability of the household to afford a single-phase construction is a frequent driver to spread the costs of construction over time – one room at a time (Ferguson & Smets, 2010). It is therefore also assumed to lower the costs (at least at the time of access) of housing and reduce the burden of housing finance on the occupants and or households Ferguson & Smets, 2010; Abdel-Kader & Ettouney, 2015). This design is assumed to provide access to adequate housing for low-income people (Offia Ibem et al., 2012).

3.9.3 SBIH Values and Benefits

The value of SBIH lies in the pride and achievement of a household being able to create a practical dwelling (Warganegara, 2020). SBIH captures the multidisciplinary impact on the social being and collective. At both global and local levels, housing delivers multiple benefits to improve the quality of life of people (Turner, 1976). SBIH plays an important role in the social, economic, environmental, and institutional values related to housing (Van Noorloos et al., 2020). The values of SBIH include but are not limited to SBIH as private property and as a social and economic good (Andrés, Cabrera & Smith, 2019). Autonomy, affordability, and accessibility are other values that may be ascribed to SBIH. Self-built housing is custom-built – this gives people autonomy over housing provision.

In addition, SBIH supports locally driven solutions to housing needs (Pattison et al., 2011) and is thus an important process in bridging the gap between housing supply and demand. SBIH has attracted much attention in informal settlements (Pattison et al., 2011). SBIH is predominantly used by low-

and middle-income households in both developed and developing countries (Bredenoord et al., 2010), thus addressing the housing needs of a range of people (Harris, 2012).

Development Barriers and Challenges

Literature highlights a range of SBIH development barriers and challenges (see 2.5.2). These include and are not limited to socio-economic and political challenges. Poverty, lack of access to planned and secure land, lack of access to housing finance, limited access to LAS and HMS institutions, lack of political will to address the housing challenges, and ineffective land and housing laws are all potential barriers to SBIH (Ebekozien, 2021). Lack of access to housing results in the formation of slums, informal settlements and inadequate housing (Ebekozien, 2021).

In addition, land access and security of tenure remain central constraints for increasing the housing supply (Agunbiade, 2012; Akrofi, 2013). Secure tenure is a prerequisite for adequate housing. People have the security of tenure when the LAS formally registers land and a land title exists (in Lesotho this is a registered lease) (UN-Habitat, 2014). Low-income earners usually hold no formal documentation because the LAS is inaccessible, and they may perceive their security of tenure as socially constructed (UN et al., 2018). However, land scarcity and economic growth increase land prices, but this reduces land access, particularly for low-and middle-income households (UNet al., 2018).

In addition, the low quality and sub-standard dwelling production in informal settlements remains a challenge. Informal settlements and slums are symptoms of a poorly functioning housing sector (UN, et al., 2018). Houses in informal settlements are in most cases built without adherence to planning and building control regulations and are substandard in quality and durability (Tibaijuka, 2003). Housing should be built in a well-located area, according to planned layouts, and with permanent building materials and sufficient living space. By their nature, informal settlement dwellings are self-built, but cannot be termed SBIH since the dwelling constructions cannot be termed 'housing'.

Lastly, access to finance and housing affordability are also critical barriers. Excessive costs in housing development are due to increases in land prices, the cost of building materials, the cost of labour and costs related to the construction process (UN et al., 2018). However, the goal of self-help housing is to provide cost-effective solutions to people (Bredenoord et al., 2010). Cost-effectiveness in housing could therefore be achieved through appropriate design, construction technologies, use of local building materials and construction management (UN-Habitat, 2012).

3.10 Chapter Summary

This Chapter forms the basis for identifying suitable theories and conceptual frameworks for describing and understanding the reality of SBIH, and for exploring the LASs and HMSs that support SBIH. It, therefore, addresses two objectives of the research; identification of suitable theoretical, and analytical underpinnings to frame the objectives of this research, and motivation for their adoption in this research. Hence the chapter has described and motivated the adoption of critical realism as a basis for multi-methodology, and multiple theories as adopted in this research. In addition, the Chapter has motivated and justified the adoption of both CR and SP theories as over-arching theoretical frameworks to analyse LAS and HMS, in support of adequate SBIH, in an integrated manner. From this Chapter, one can deduce that mixed theoretical and analytical frameworks are critical for diagnosing and analysing post-reform LAS and HMS to describe SBIH development for understanding and improvements.

Furthermore, the chapter describes current theory relating to adequate housing, the role of the state in adequate housing delivery, and theorised self-built and incremental housing, land administration and housing management. Hence, the theoretical underpinnings are used to explain and describe the underlying factors behind the influence and effects of LAS and HMS on the outcome of SBIH in Lesotho. The results of the investigation and analysis contribute to land administration and housing management understanding and build on the SBIH theory in the promotion of the goal of adequate housing, which is the central objective of this research.

The next chapter reinforces the argument for research in LAS, HMS and SBIH and justifies the adoption of suitable methodological and analytical frameworks.

Chapter 4. Methodological and Analytical Frameworks

4.1 Introduction

To achieve the research objectives, a mixed-method approach underpinned by critical realism as discussed in Sections 2.3.1 and 3.2.1 is adopted. The approach facilitates a deep understanding of SBIH development in the context of LAS and HMS in Lesotho. The Ethnographic Case Study Research Methodology (ECSRM) is motivated in this Chapter. The research fieldwork began in the year 2021 and continued until 2023. The early and primary years of data collection were greatly affected by the COVID-19 pandemic – there were extensive periods of lock-down while at other times it was necessary to avoid or minimize physical contact between participants and the researcher. It was essential that the techniques of data collection during this time were conducted in accordance with legislation and practice to mitigate the effects of COVID-19. During the pandemic, the future was also very uncertain – there was no knowledge of the period over which these restrictions would be in place, so the project continued despite these constraints. This Chapter details the methods followed, data collection tools and analysis techniques employed to answer the research questions.

4.2 Critical Realism – A Basis for Qualitative and Mixed Methods Approach

Critical realism is identified as the overarching ontological approach to this research in Section 2.2.1. The critical realist perspective accommodates an understanding that the events associated with land and housing are conceived, perceived, experienced, and interpreted differently, depending on the actor/role player (Dodson, 2012; Saunders et al., 2015) (see also 3.2.1). For example, SBIH Dwellers in Lesotho experience land and housing struggles differently from State officials intending to provide land and housing support. Furthermore, the LAS and HMS State officials may also have different backgrounds (e.g., planning, housing, and/or land administration) and therefore conceive, perceive, experience, and interpret SBIH needs, institutional processes, law, and policy differently. Structural silos underlying SBIH development may facilitate and reinforce these differences. Since making sense of reality may be different, interpretivism has been motivated to be relevant to the design of this research (see 3.2.2). Also, since the LAS, HMS and SBIH development sectors are societal constructions, social constructivism is motivated as relevant in research design (see 3.2.2). Each

approach has its assumptions, stances, and principles of the research process, and all claim the frame of thought they provide is a means to acquire knowledge about the phenomena (Djamba, 2002).

The multi-paradigm approach and the use of a mix of associated methodologies Whittal (2008) are identified as necessary for this research (see 2.2 and 3.2). A combination of both case study and ethnographic research strategies is shown to be useful in prior studies (see 2.3.2) and will be further motivated here.

4.3 Ethnographic Case Study Research Methodology

4.3.1 The Case Study Research Strategy

Yin (2014) describes a case study research strategy as a method that explores, describes, and explains a phenomenon in its natural context. A phenomenon interacts with the environment within which it exists (Yin, 2014) while the boundary between the phenomena and the context is not evident (Saunders, Lewis and Thornhill, 2012; Yin, 2014). Yin's case study research strategy (Yin, 2014) is identified as suitable for understanding land and housing and determining and understanding the influence of the post-reform LAS and HMS on the outcome of SBIH development in Lesotho. This is a critical, extreme and unique case study (Yin, 2014) because of Lesotho's unique land and housing regulatory space coupled with a unique political economy of land and housing governance in the country. The case study is thus classified as a single case study (Yin, 2014). Further case study design aspects, such as the units of analysis, will be discussed in Section 4.4 when the combination of ethnographic methodology and case study research strategy is explained.

Case study data is often reported in a narrative form. This provides a rich description of the case study which is presented without much reflection, critique or analysis. Following the development of a rich case study narrative, analysis is undertaken. Internal rigour and validity (often critiqued as weaknesses of the single case study design) are enhanced by adopting this structure. Different types of analysis in a case study include causal process, thematic analysis, pattern matching, and comparing with theory (Yin, 2014).

4.3.2 Ethnographic Research Strategy

Ethnographic research strategy is a qualitative research approach that involves a researcher's or ethnographer's deep observation of a phenomenon in its natural setting (O'Reilly, 2005; Hoolachan,

2016). It is often used to study and write about a particular culture in context (O'Reilly, 2005; Denzin & Lincoln, 2018) – SBIH development in Lesotho is a socio-economic and cultural practice towards access to adequate housing.

Although ethnography, unlike the pure single case study strategy, is less popular in organisational research, it has been recently used in public policy analysis land administration research and housing research (see 2.3.2). This methodology is preferred in organisational research and policy analysis because it focuses on specific aspects of culture in public policy that are not captured by other research strategies (see 2.3.2). Ethnography may uncover the meaning that people attach to their actions of SBIH and their experiences of the LAS and HMS performance. To create an account of individual perspectives and practices, and organisational culture, structures, patterns and practices, the researcher adopts the role of participant observer in the organisations and community under study in this case the LAS, HMS and SBIH due to her unique position and history of employment (see 1.7.3). Importantly, ethnography allows access to the land and housing lived experiences and lay knowledge of SBIH Dwellers and could be effective in identifying unintended consequences of policy decisions. Within the domain of SBIH Dwellers, the ethnographer is also a participant observer since she is also an SBIH Dweller.

4.3.3 A Mixed Methods Approach – Combining Ethnography with Case Study

The ethnographic case study methodology is based on multiple epistemologies and ontologies, particularly critical realism, interpretivism, constructivism, and naturalistic pragmatism (see 2.3.2, 3.2) (Anaafo, 2015). This is a natural methodology that allows the active involvement of the researcher through participant observation as the main data acquisition tool (Taing, 2015). This methodology is conceptualised by Anaafo (2015) as an integration of a case study (Yin, 2014) and ethnography research strategies (Saunders et al., 2012). Ethnography and case study strategies are compatible since both are qualitative research techniques that use multiple sources of data, particularly participant observation, to learn, explore, describe, and understand the phenomena in a natural field setting (Djamba, 2002; Yin 2014; Anaafo, 2015). ECSRM answers the '*what, how and why'* questions (Anaafo, 2015; Saunders et al., 2015). The approach offers the opportunity to explore, examine, describe, and explain a complex phenomenon comprising a small number of units, with a substantial number of unknown variables (Denzin & Lincoln, 2018).

The benefits are that it can provide a detailed and thick description and an in-depth understanding of the systems in context (Anaafo, 2015), including the complex situation challenges and opportunities that exist in the LAS and HMS. It is, therefore, a powerful qualitative research technique that has the potential to uncover causal relationships and may facilitate an understanding of the systems structures, processes and SBIH Dwellers' practices, agencies, culture, and norms.

Land administration and housing issues are complex and deeply rooted in the cultural, socio-economic, and political environments – an approach sensitive to all stakeholders is required. Where respondents are comfortable sharing information, internal research validity is improved. Hence, the best way to examine the true nature of the SBIH Dweller's experiences of the LAS, HMS and SBIH, their motives, aspirations, problems, and challenges towards SBIH development, is through ECSRM. This employs ethnographic observation and documentation as the main data sources paired with interviews with Key Informants and SBIH Dwellers in the communities involved. This facilitates the analysis of policies and legislative and regulatory frameworks.

The ECSRM framework relies on participant observation as the main method of data acquisition paired with, and supplement other data sources to answer the research questions. In this study, the researcher is embedded in the ethnographic case and has a history of involvement and current commitment to the two systems that are responsible for land and housing development in Lesotho (see 1.7.3, and Figure 4.1 – *director seeks access to adequate housing for Basotho*).

4 NEWS SUNDAY 07 MAY 2023

Director seeks access to adequate housing for Basotho

By Mabeleme Mokete

With the aim of implementing and regulating the housing policy's strategic objectives and strengthening the aim of achieving adequate housing for all people, the Directorate of Housing held a preliminary consultative workshop on the design of the proposed National Housing Bill.

Speaking at the workshop, Acting Director of Housing, 'Mamphaka Mabesa stressed that the objective of the workshop was to introduce the Development of the National Housing Bill to the key stakeholders for their engagement, full participation, strategic partnership, and effective implementation.

"The goal is to embark on the law-making process together and ultimately have a National Housing Act," she added.

Mabesa further stressed that the proposed law will enforce housing as a basic human right. It will be effectively implemented to address housing space gaps. Also, it also aims to carry out and achieve the policy aims of the National Housing Policy of 2018 for Lesotho. It will therefore implement and regulate the housing policy's strategic objectives and strengthen the aim of adequate housing for all people.

"The development of the National Housing Bill is the Housing Initiative 2030 priority for 2023/2024. The Bill will also tap into other countries' experiences with similar socioeconomic backgrounds, land availability and environmental constraints and challenges. Presenting insights into available housing legislative models that can assist the Government of Lesotho to address the increased demand for urban housing. These models can improve residents' quality of life, enhance service accessibility, and improve mobility and security of tenure. In addition, they recognise climate change's environmental impact," she stated.

Giving his keynote address, Principal Secretary of the Ministry of Local Government, Chieftainship, Home Affairs and Police, Polelo Mahlomola indicated that Lesotho, like many developing countries, is experiencing rapid population growth, urbanization and rural-urban migration. Urban population growth continues to pressure limited infrastructure and built environment management capacity.

"These have resulted in the spread of slums or substandard housing in informal settlements in urban areas and encroachment on sensitive ecosystems in rural areas," he said.

He further stressed that Lesotho's National Strategic Development Plan (now 2023/24-2027/28 states that, among its priorities is to increase low income housing and develop infrastructure with the aim to build new and expand or maintain existing infrastructure that will help the productive sector achieve their goal.

"Notwithstanding this, we need a strong legal framework to guide these developments," he said.

Acting Director of Housing- 'Mamphaka Mabesa

Horticulture Incubation and Training Centre Unveiled

By: Sebabatso Rannyama

The Ministry of Trade, Industries, Business, Development and Tourism through the Competitiveness and Financial Inclusion Project launched the Horticulture Incubation and Training Centre.

In 2006 a pilot project was launched in three 1-2ha demonstrations farms in Berea and Leribe to test performance difference varieties of Pome and Stone fruits. These included apples, apricots, peaches, plums and cherries.

The results revealed that Lesotho has a comparative advantage over the neighbouring countries in the region in terms quality and earliness of ripening (2-3 weeks earlier than the neighbouring SA) possibly due high altitude (high cold units), excellent micro-climates, good soils and abundant water. In 2012 the first pilot commercial farm was established by 9 farmers who registered a company, aggregated their fields and obtained a composite lease; with the shareholding of each farmer being proportional to the size of the field.

CAF Project Manager Chiba Mokuku said the horticulture and centre will provide incubation services, training, Agriculture research services/demonstration sites and existing farmer) and extension personnel will also be trained.

He said the launch is an Expansion of SME's Participation on Horticulture Value Chain with specific focus on the roll-out of deciduous fruits production in the country.

According to Mokuku the Incubation and Training Services (Competitive Selection) aimed of PHASE 1 which is Pre incubation (100 farmers): Selection criteria, Beneficiary selection, Training – soil science and Tree Husbandry; Recordkeeping, Logistics, Marketing and Basic Agric economics and others.

PHASE 2 – Undergo Full Incubation of 15 farmers – individuals or companies : He explained this is where 5yr MoU signed between incubatees and incubator, Loan facilitation, Site confirmation, Orchard layout and irrigation, Advance training, Technical support, Collective sourcing - seedling orders and other inputs, Land prep and farm establishment & maintenance, Access to Agri equipment, Grading, Packaging, Cold storage and processing, Facilitate market access (local, regional and international, marketing Logistics, Business space, Access components and internet, Information hub (research, technical and intelligence), Online courses, E-extension services and Stakeholder management & facilitation.

"We ultimately want to make the private sector in Lesotho an engine of growth – creating jobs, increasing trade, providing goods and services and generating tax revenue to finance public goods," he said.

The Minister of Trade, Industries, Business, Development and Tourism Hon.Mokhethi Shelile said the facility is going to serve as a central place for training and incubation of Basotho fruits and vegetable farmer from all ten districts of the country.

Shelile mentioned that the CAFI Project will enhance the entrepreneurship ecosystem and improve access to early-stage financing for youth and women owned innovative businesses through establishment an entrepreneurship hub and seed financing facility in Maseru.

"The Hub will capacitate up to 15 Enterprise Support Organization who will in turn incubate a total of 300 innovative youth and women owned enterprises. A call for expression of interest for the Enterprise Support Organization has already been advertised and the hub will be fully operational during the second half of 2023," Shelile noted.

From World Bank Iraha, Brazil, South Africa (IBS) Fund Representative Daniel Gidza said they share the same sentiments with Lesotho Government towards the country's development by combating hunger and overcoming unemployment challenge. He said World Bank financing targets to establishment to 10-15 horticulture farms. He informed that this will come from the pull of 100 more farmers that will receive free incubation training development of horticulture and export expertness.

"World Bank funded US$45mil-lion as debt, US$7.5million grant while IBSA funded US$950,"he said.

The National University of Lesotho and the Stellenbosch University are going to provide the wealth of their academic resources particularly in Agriculture and Economics to support this initiative it was said.

Horticulture Incubation and Training Centre

Figure 4.1 The Ethnographer in action at DoH activities - News Report (Mokete, 2023).

The position of the researcher as an insider ethnographer (Bray, 2008) is illustrated in the newspaper picture and associated news report illustrated in Figure 4.1. Hence, the lived experiences of the researcher as participant observer are critical because ECSRM requires the researcher to live among those to be studied, to observe them and to talk to them to get to the root of what is going on in the natural and social setting of the phenomenon (O'Reilly, 2005), such as SBIH. The study therefore includes systematic observation, recording, description, analysis, and interpretation of activities in the SBIH. Hence, the observer watches and participates in the environment of LAS and HMS discovering and responding to the meanings that informants attach to their SBIH activities from their lived experiences of the post-reform LAS and HMS. However, based on the research epistemology (see 3.2) the researcher maintains rigour in the research process and internal validity is achieved using multiple sources of data and triangulation of evidence.

The participant observation of SBIH Dwellers is important because they could face some degree of housing informality in the SBIH development space. They may have acquired land for housing through formal or informal means and may have built houses on arable land without planning authority guidance. SBIH Dwellers may also be facing housing affordability stress and cost burdens and may also be experiencing organisational access issues. Therefore, this is a sensitive research area to investigate, hence, understanding the unique challenges and opportunities requires the scholarly approach that is embedded in the ECSRM framework.

Initial explorations on the potential to access information through interviews with peers and colleagues revealed some potential challenges that impacted the research design. Some Key Informants appeared to be uncomfortable sharing their challenges or being open about their capacity to deliver land and housing services to citizens. In most cases, they would refrain from answering the question with the '*you already know the answer*', followed by a giggle. They are protective of the information about the system's performance in delivering land and housing services in informal settlements. Hence, being an ethnographer, deeply engaged in the land and housing policy design, practice and evaluation, sitting in the boardrooms where important matters and operational performance reports of the Ministry of Local Government, Chieftainship, Home Affairs and Police (MoLGCHP) were being shared and discussed, contributed to the trustworthiness of the research results. Boardroom deliberations on budgets and operational reports are identified as tools to acquire the most sensitive data, that would not easily be acquired during interviews.

Therefore, participant observation provides an in-depth view of post-reform LAS and HMS policies challenges and opportunities facing the self-builders. With the SBIH data mainly accessible through interviews, it was anticipated that the land title, planning permits and affordability questions may make SBIH Dwellers uncomfortable. Therefore, questions were framed in a general and open-ended manner such as "*Tell me how you acquired land until you constructed and moved into your house*?" to build trust and foster free expression by the SBIH Dwellers. Moreover, listening without interruptions makes it easier for SBIH Dwellers to tell their stories. Answers are supplemented by observation. For example, it is not necessary to ask the participant "*whether she or he has completed the house*" - when this can be directly observed. Hence the SBIH Dwellers are acknowledged to be a vulnerable community and the use of participant observation in data acquisition is critical to the process and must be ethically applied.

4.4 Ethnographic Case Study Research Design

4.4.1 Organisational Changes

It is important to note that during the phase of this research (between 2022 and 2023), three major changes in the systems governance took place, although the changes have no significant bearing on the operations, structures and processes of the LAS and HMS. The first change was the General National Elections held in October 2022, which swore in the 11th Parliament and the new cabinet of ministers. The new cabinet resulted from the merging of the three Ministries into one: Ministry of Local Government and Chieftainship, Ministry of Police and Public Safety, and the Ministry of Home Affairs were reformed as the Ministry of Local Government, Chieftainship, Home Affairs and Police (MoLGCHP) responsible to one Minister; this took place during the write-up phase of the research. However, there are no significant implications to the structures and processes of the LAS and HMS, and evaluation of these systems within the first year of the new ministry falls beyond the scope of this research. In my view, this change does not affect the research objectives or the results obtained.

Land Administration Reform Activity Project (LARAP)

The Land Administration Reform Activity Project in Lesotho came as a result of the partnership between the government of Lesotho and the Millenium Challenge Account of the United States of America. This project aimed at promoting economic growth and reducing poverty in Lesotho (Land Administration Authority, 2019). Through this project, the land law which was the Land Act, No. 17

of 1979 and LAS in Lesotho were reformed to design the Land Act of 2010 and the LAA Act which resulted in the LAS systems (LAA) which operate alongside the then LAS-LSPP and both administer the land administration processes. The two LASs (LAS and LSPP) form the units of analysis in this study.

4.4.2 Units of Analysis

The study is an embedded ethnographic single case study with multiple nested units of analysis (Yin, 2014). The primary unit of analysis is the Lesotho land and housing system. Within this are the LAS and HMS responsible for land administration and housing management governance under the MoLGCHP. The LAS comprises twin systems that deliver land administration functions separately: the Land Administration Authority – LAA, and the Land Surveys and Physical Planning - LSPP or Land Management Department - LMD (used interchangeably internally for planning and budgeting purposes). For this research, the LSPP name is used. The core LAS functions are scattered across these two systems. The LAA performs the land registration, land surveying, tenure, and land value functions of land administration, while the LSPP performs the land tenure, land value, land use planning, and land development control functions of land administration.

The HMS falls under the Directorate of Housing (DoH) and is responsible for regulating and managing the development and provision of adequate housing in Lesotho. HMS oversees the implementation of housing policies and programmes through the Lesotho National Housing Policy of 2018 and other related policies (see 5.4.3). The DoH also implements the LNHP in collaboration with various key stakeholders including LHLDC and the private sector. LHLDC implements the LNHP through various housing delivery projects including the site and service schemes and affordable housing (see also Table 4.2, 5.5.5, Figure 5.16).

The three units of analysis are thus the LAA, the LSPP and the DoH. The LAA and LSPP (components of the conceptual LAS), and the DoH (the organisation responsible for the conceptual HMS) are regarded as independent variables – their interactions are important for the analysis of the dependent variable – SBIH development which is the subject of the study as illustrated in Figure 4.2.

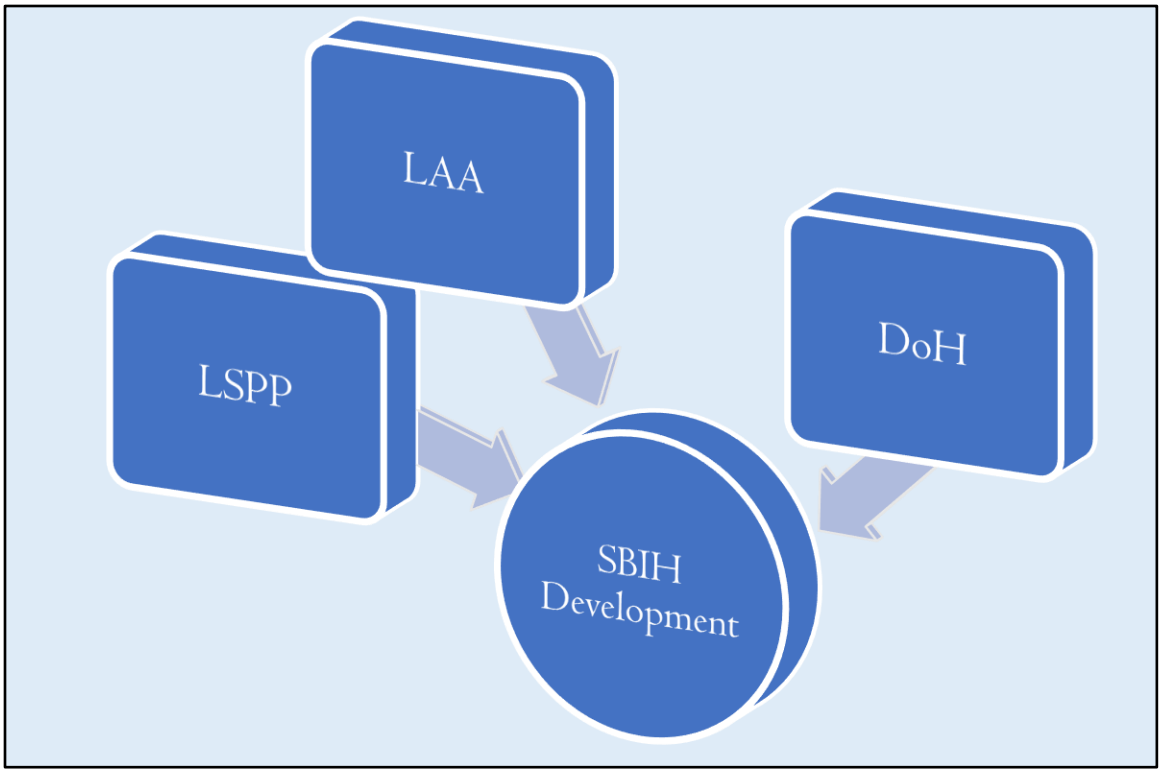

Figure 4.2 Model of land and housing systems as units of analysis.

The units of analysis are explored at the level of the central government, at the district level, and, also at the level of the local government Councils (see 5.4.2, 5.5). Also, the experiences of these systems by the SBIH Dwellers are captured for a deeper understanding of the SBIH development in the context of LAS and HMS operations.

4.4.3 Selection of Areas for Data Collection

The land and housing systems in Lesotho are the case study in focus; the results of the research are generalisable to these systems in Lesotho (Pacewicz, 2022).

The areas should cover a range of the urban and peri-urban contexts and the institutional settings in which SBIH takes place. They should also typify the range of different geopolitical contexts, dissimilar and diverse urban and peri-urban contexts (geophysical, social, and economic context) that can explain the in-depth effects of LAS and HMS on SBIH in Lesotho. Hence, the more diverse the contexts of the chosen data collection areas, the more rigorous the generalization of the results to the single ethnographic case study of the land and housing system in Lesotho.

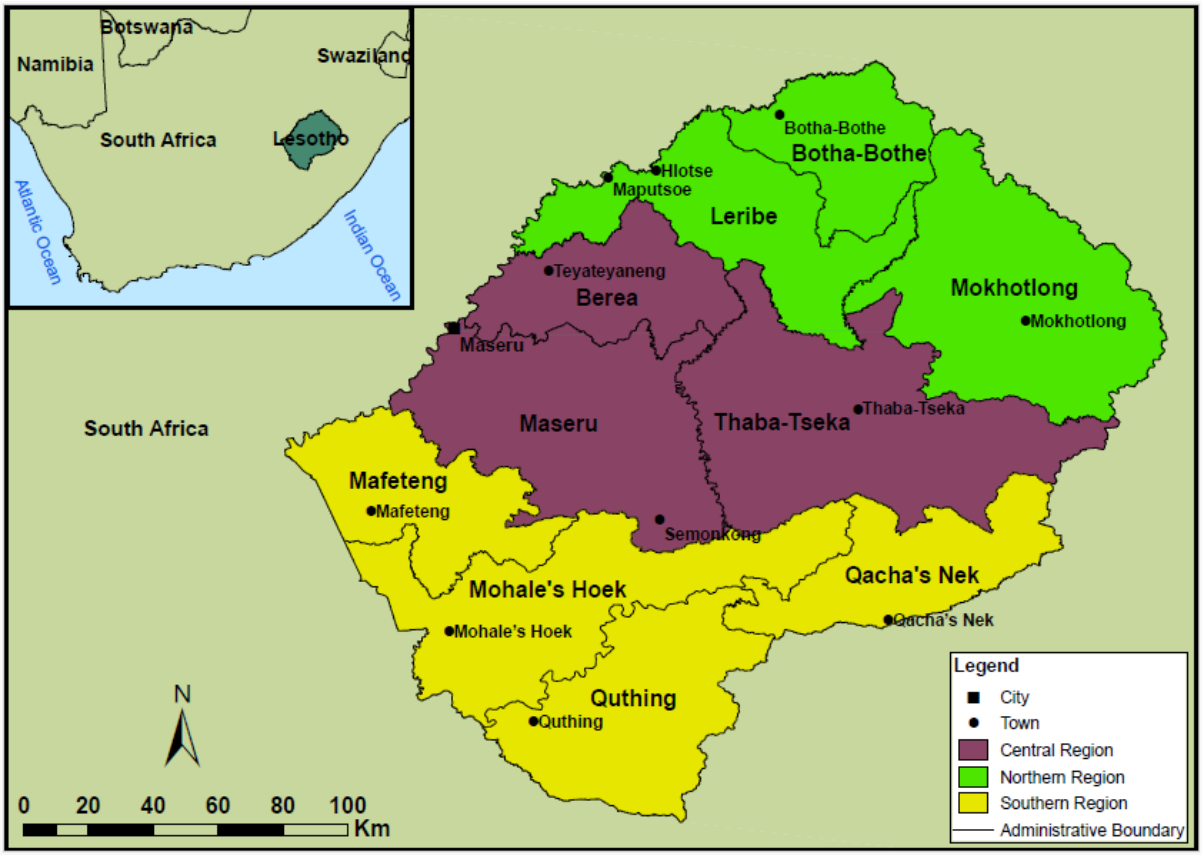

Figure 4.3 A Regional map of Lesotho depicting the three geographical regions and administrative districts.

Lesotho is conceptually divided into three regions – Northern, Central and Southern to assist in identifying a geographical spread of data collection areas. Within these areas, a purposive sampling technique (see 4.4.6) is used to identify suitable areas for data collection. For instance, for the central region - Maseru AD, data collection took place at both Maseru Municipal Council (Ha Penapena village) and Mohlakeng Community Council (Ha Motloheloa village), while for the Southern region- Mafeteng AD, data was collected at Mafeteng Urban Council (Matholeng village), and Maputsoe Urban Council (Ha 'Mathata village) represented the Northern region (see Figure 4.3).

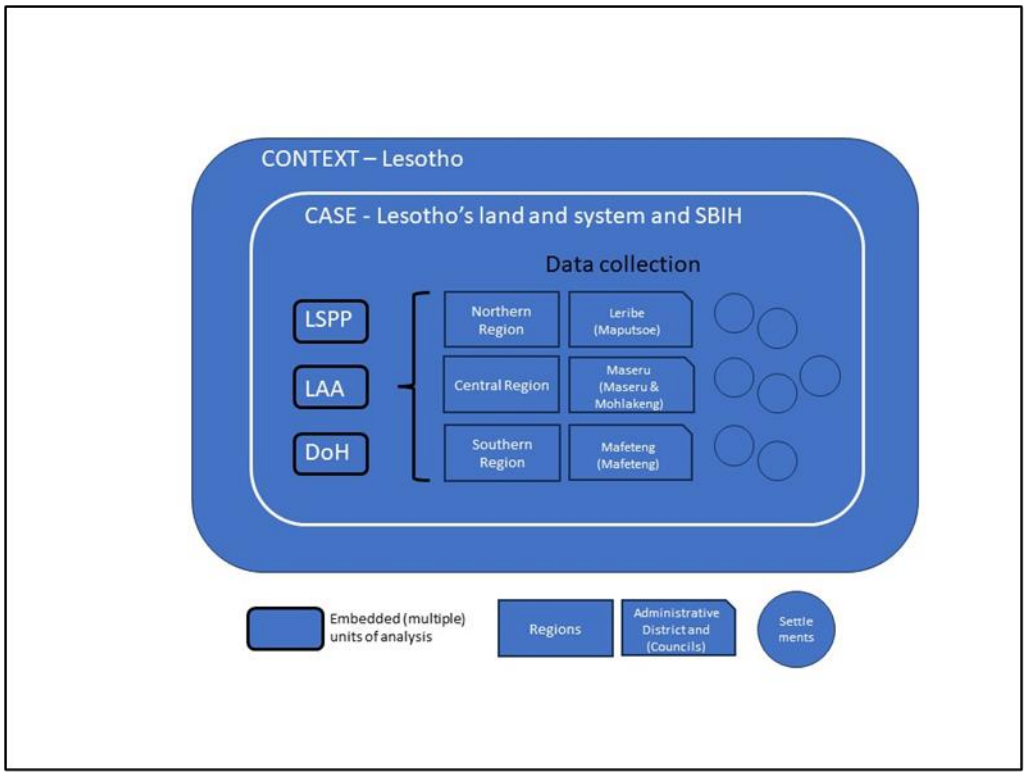

Figure 4.4 A case study of Lesotho land and housing system for SBIH development - after Yin (2003)

These data collection areas (see Figure 4.4) are chosen on the basis that they share similar conditions and reflect similar characteristics with almost similar problems such as being the fastest informal settlement growth areas and towns facing rapid urbanization in Lesotho. These areas exhibit increasing disorderly growth of SBIH development in newly made informal settlements since the land administration reform activity of 2010 (see 1.1). The new settlements encroaching on land used for agriculture are characterised (see Figure 1.2) by high numbers of informal housing developments, insecurity of tenure, ineffective systems of land, planning and development control, and various levels of government upgrading initiatives. Therefore, these areas are likely to present challenges to land administration and housing management.

Furthermore, these Councils have also attracted attention for human settlement research and interventions in Lesotho – the famous UN-Habitat Participatory Slum Upgrading Program (PSUP) was piloted in these towns and phase 2 of the programme resulted in four urban profiles in 2016. These are the Maputsoe Urban Profile, Maseru Urban Profile, Mafeteng Urban Profile, and the

National Urban Profile – all are co-authored by the researcher (member of the consulting team). As a result of these profiles, the National Slum Upgrading and Prevention Strategy, and Maseru City Slum and Upgrading Action Plan were developed in 2022 (UN-Habitat, 2022c, 2022d). The researcher, as the acting Director of Housing at that time, coordinated and supervised these projects in partnership with the UN-Habitat and key stakeholders including Councils and city dwellers. The researcher led stakeholder consultations in Maseru City, Mafeteng and Maputsoe towns. In 2022 - 2023, Lesotho adopted the global Urban Monitoring Framework (UMF) to monitor and measure the performance of Maseru City in implementing the SDGs and the NUA (UN-Habitat, 2022b). The project is a result of a collaboration between UN-Habitat and Lesotho - again, the researcher coordinated the projects.

4.4.4 Description of the Data Collection Areas

Table 4.1 Data collection areas for the single ethnographic case study

Three Regional Case Study Areas	Administrative District (AD)	Council	City/Town/Village
Northern	Leribe	Maputsoe Urban Council (MUC)	Leribe-Maputsoe Town
			Ha 'Mathata Village
Central	Maseru	Maseru Municipal Council (MMC)	Maseru City
			Ha Penapena Village
		Mohlakeng Community Council (MCC)	Ha Motloheloa Village
Southern	Mafeteng	Mafeteng Urban Council	Mafeteng Town
			Matholeng Village

Maseru Administrative District (Central Region)

To study SBIH development in the Maseru Administrative District, Ha Motloheloa (peri-urban) and Ha Penapena (urban) villages are selected as sample villages (see Figure 4.7, Figure 4.5) to understand the interactions of the LAS and HMS with SBIH development. Maseru is the capital and the only city of Lesotho located in the Central Region (see Figure 4.3). It operates as a primate and administrative city with the biggest percentage of productive investments (UN-Habitat, 2022b).

Maseru City

Maseru demonstrates most informality of the urbanising towns, with the rapid expansion of unplanned settlements – SBIH development has increased rapidly since the post-2010 LARAP. Historically, Maseru City has urbanized informally, and spatial and population growth has been driven by rapid in-migration from rural areas because of its dominant and primary role in the national economy. Consequently, it suffers critical housing development issues, which include, but are not limited to urban sprawl, growth of informal settlements (illustrated in Figure 3.6), sub-standard housing, decayed inner city housing, absence of urban renewal, exclusion, shortage of housing, especially for disadvantaged people, and inadequate and weak waste management services (UN-Habitat, 2015b; Mphale et al., 2020).

Ha Penapena, Maseru Municipal Council

Figure 4.5 illustrates the sample case study area of Ha Penapena, as one of the villages chosen in an urban setting – within the MMC area, located on the southwestern side of Maseru City along the bypass road of Kofi Annan. The gated community of Green City is found in the year 2023 orthophoto in Figure 4.6.

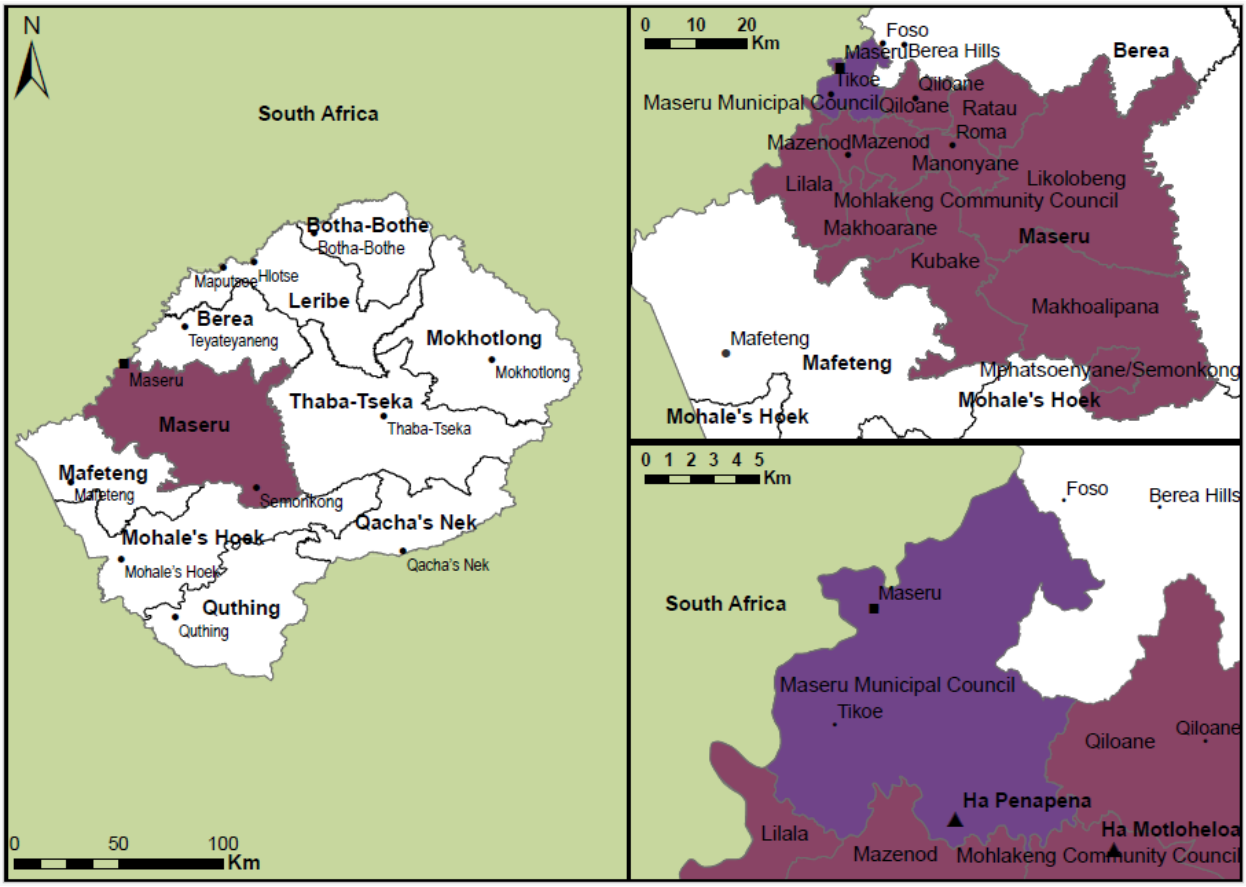

Figure 4.5 Locational map of Ha Penapena, Maseru Municipal Council, Maseru AD

Figure 4.6 SBIH spatial growth and development at Ha Penapena, Maseru Municipal Council

The village of Ha Penapena was chosen because the ethnographer observed rapid informal growth over time. Figure 4.6 shows a time series of SBIH growth in Ha Penapena for twelve years starting from the year 2011 to 2023. Unplanned SBIH development is visible in the 2011 imagery. In the 2015 imagery, there is a further development of SBIH and into arable land. However, there seems to be some form of infrastructure development at the far left of the same imagery. It becomes more prominent in the 2019 imagery while informal growth continues on the right-hand side of the image. The 2023 imagery shows a mix of both planned and continued informal growth and more development of SBIH.

Ha Motloheloa, Mohlakeng Community Council, Maseru Administrative District

Ha Motloheloa is a peri-urban informal settlement in the Maseru AD (Figure 4.7). It is governed by the Mohlakeng Community Council.

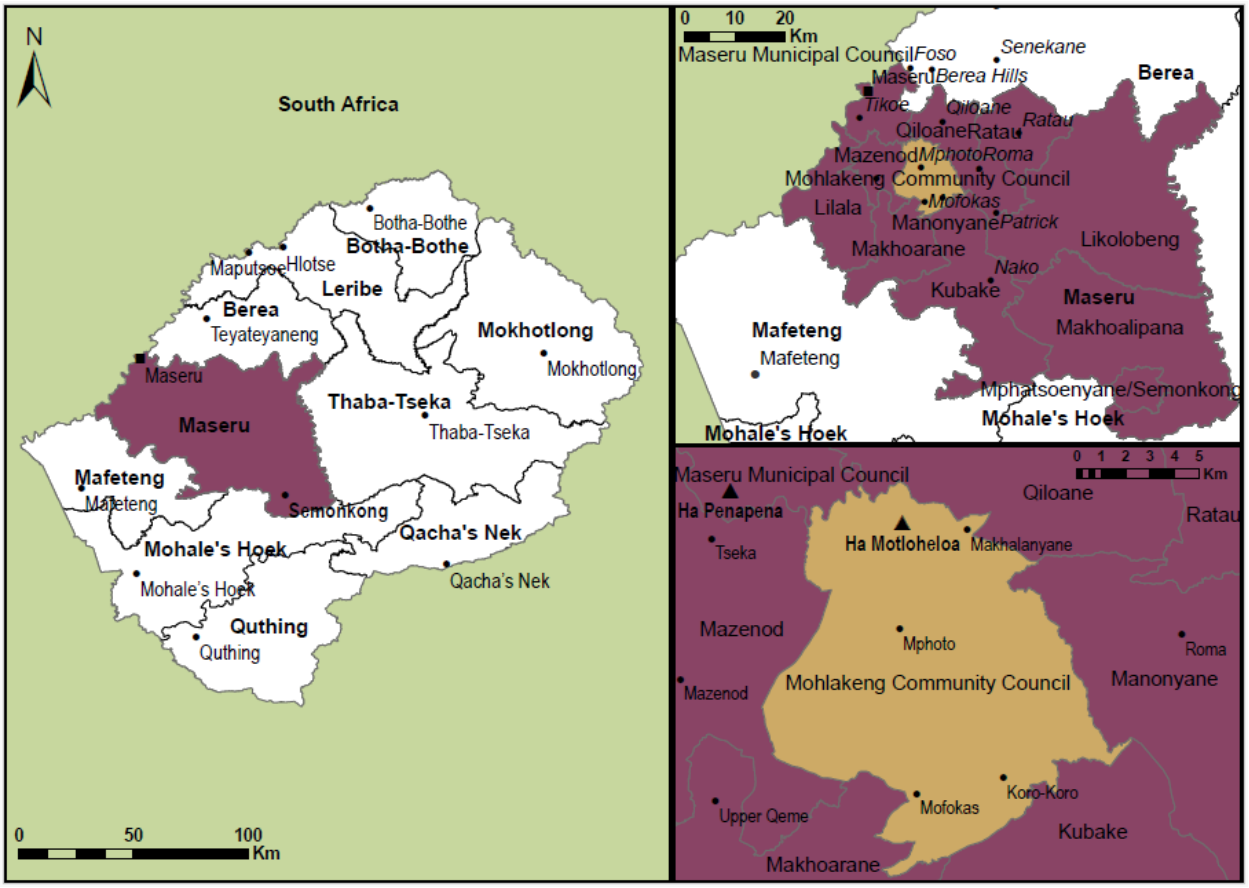

Figure 4.7 Locational map of Ha Motloheloa, Mohlakeng Community Council, Maseru AD

The village of Ha Motloheloa faces the same problems of SBIH informal growth and encroachment into arable land. Over time, the researcher observed a disturbing rapid growth of SBIH development on unplanned settlements, with a lack of water and access roads.

Mafeteng Administrative District (Southern Region)

Mafeteng Administrative District is found in the southern region of Lesotho in the lowlands 80 km from Maseru City (see Figure 4.8).

Mafeteng Town

The informal development of SBIH is the fastest in Mafeteng Town. The informal settlement characteristics in Mafeteng are like those of Maseru, and urban poverty has accelerated with the impact of COVID-19.

Matholeng Village, Mafeteng Urban Council

Matholeng village was selected because it has a fast-growing settlement with increasing SBIH development. Such villages are informal settlements developing outside of the land and planning laws and regulations, and outside of the adequate housing goal of the Lesotho National Housing Policy of 2018 (LNHP).

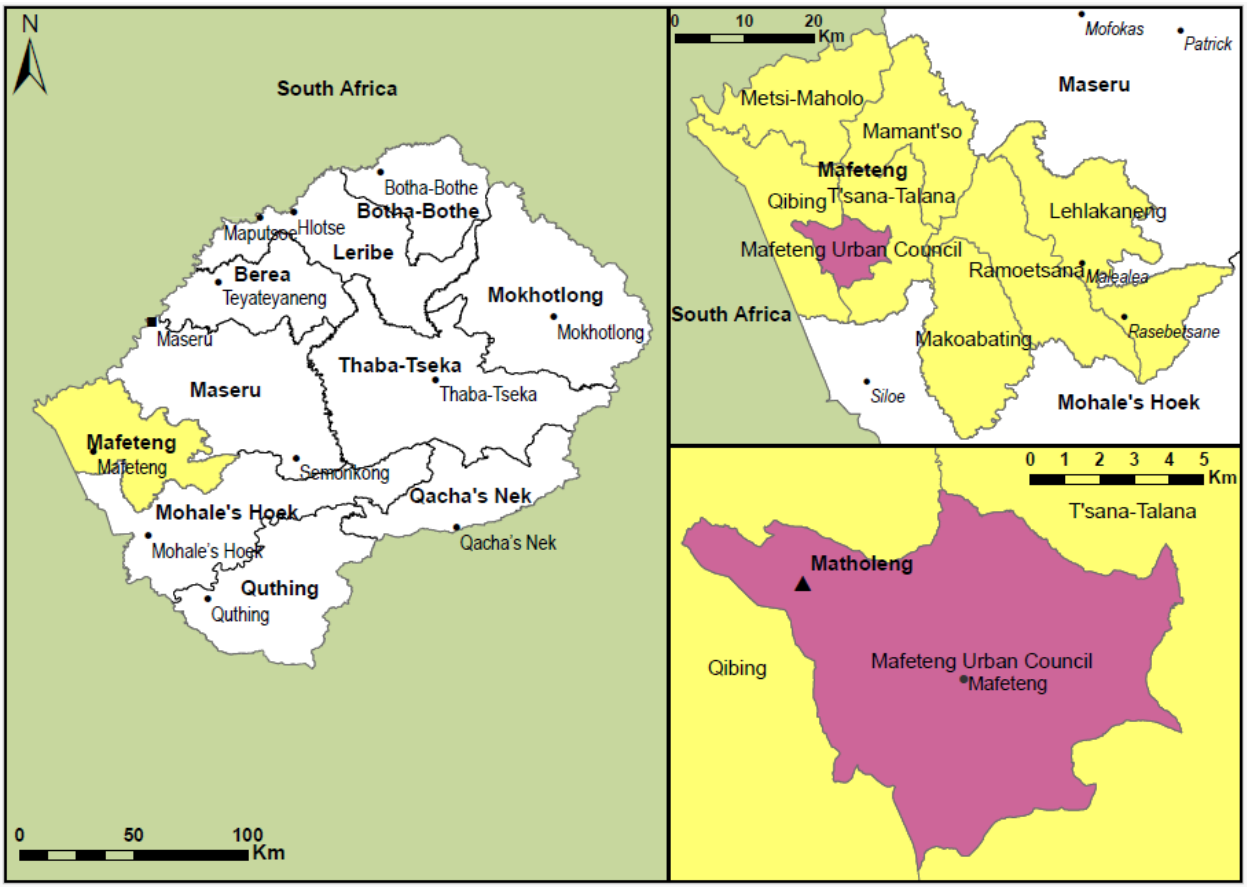

Figure 4.8 Locational map of Matholeng, Mafeteng Urban Council, Mafeteng AD

Matholeng village in the Mafeteng Urban Council is located just 2km from the town centre, with a population of less than 100 people but is growing rapidly.

Leribe Administrative District (Northern Region)

Maputsoe Town

Leribe is in the Northern region and has two towns/urban centres namely Maputsoe and Hlotse. Maputsoe town was established in 2005 through the Local Government Urban Declaration and is

governed under the Maputsoe Urban Council (UN-Habitat, 2015b, 2015e). It is a new town covering around 54 square kilometres. Maputsoe is the next second-largest economic hub for Lesotho. Like Maseru and Mafeteng, Maputsoe is growing in a rapidly informal manner with informality and slum conditions such as poverty, crime and lack of basic services hitting the residents (Mphale et al., 2020).

Figure 4.9 Unplanned SBIH growth at Maputsoe Urban Council, Leribe AD

It is a town that has grown organically over time and as such developed in an irregulated, and disorderly manner, outside of the land and housing regulatory framework (see 5.4.3). It was declared as a town due to urbanisation even though this declaration occurred a decade after the enactment of the Local Government Act, No. 6 of 1997 [LGA]. It is characterised by the rapid growth of informal settlements (UN-Habitat, 2015a). However, similar to Maseru, its urban dwellers, even those on unplanned land benefited from the regularisation and titling project administrated by the LAA (UN-Habitat, 2015a).

Ha 'Mathata, Maputsoe Urban Council

Ha 'Mathata village is located in the South of Hlotse town in the Leribe Administrative District. It is an informal settlement in the Maputsoe Urban Council in the Leribe Administrative District (see Figure 4.10). It is approximately 2km near the Maputsoe/Ficksburg border gate to Lesotho and the Republic of South Africa. This town is known for unmanaged solid waste – citizens are polluting the environment.

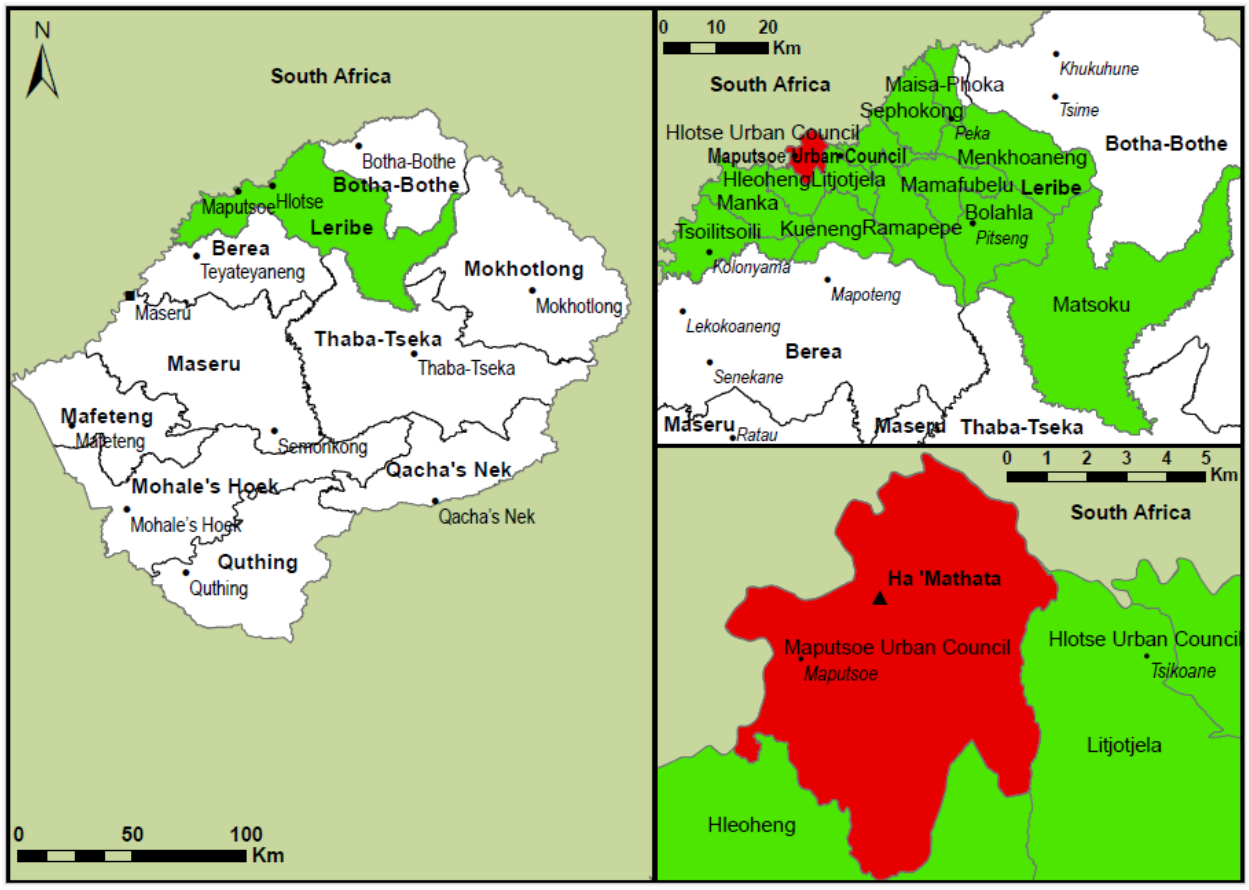

Figure 4.10 Locational map of Ha 'Mathata, Maputsoe Urban Council, Leribe AD

4.4.5 Ethical Considerations

Following the identification of human beings as research participants, it is important to consider ethical considerations (Bray, 2008; Pacheco-Vega, 2020). This included the positionality of the researcher, engagement, and representation of the SBIH Dwellers. Hence, the choice of ECSRM

requires the researcher to undertake a principled stance and act ethically in the research process (Bray, 2008; Yin, 2014). This is naturalist research undertaken on a sensitive topic of SBIH development in informal settlements and used human beings as research participants hence it is important to incorporate ethical considerations in the research design (Saunders et al., 2012). Ethics clearance was acquired through the Faculty of Engineering and Built-Environment Research Committee before data acquisition began (see Annexure A). The ethics in research processes governed by the University of Cape Town consider the necessary privacy, anonymity, and confidentiality of information acquired from both primary and secondary sources (Yin, 2014).

Anonymity means that research participants remained nameless, and information could not link to the specific individuals to maintain anonymity (Yin, 2014). Confidentiality is thus also ensured. Labels were used to reference Key Informants e.g. KI (A1 - A36) and SBIH Dwellers (SB A1-A46). Violation of participants' privacy is also possible but minimised. Observation of the behaviours of the SBIH Dwellers was not undertaken covertly but only during interviews, undertaking usual practices associated with employment, and as a regular resident and citizen of Lesotho. The Key Informants' reactions and behaviours were also only observed during regular workplace activities and while conducting the research interviews. All possible precautions were undertaken to avoid harm to any participants with Dwellers' and Key Informants' information protected from public knowledge.

The study is sensitive in many ways including studying new SBIH development occurring in informal settlements during the post-2010 Land Administration Reform Activity (LARAP), studying the two institutions of LAS (LSPP and LAA) 10 years after the LARAP, particularly, the enactment and implementation of the Land Act of 2010, and the Directorate of Housing, one year after the adoption of the Lesotho National Housing Policy of 2018. Also, it is a sensitive environment because all three organisations (LSPP, LAA and DoH) are critical in the localisation and implementation of the sustainable human settlements goals as enshrined in the 2030 Agenda for SDGs and the NUA. They are recognised for their importance in driving these agendas by promoting access to adequate housing for all and sustainable urban development. Hence their performance is also assessed through their capacity to provide indicators of SDG 11.

In addition, this is an extremely sensitive ethnographic case study and getting access to these institutions is critical because the informal settlements are themselves recognized as the failure of LAS and HMS systems. Also, these institutions are less likely to cooperate because of the negative

implications suggested by the research topic. This requires critical ethical considerations that involve upholding data shared by all participants with extreme confidentiality. Firstly, the researcher's involvement with colleagues at LSPP, LAA and DoH (inclusive of LHLDC) as Key Informants required critical convincing skills for data acquisition and trustworthiness for confidentiality.

4.4.6 Data Types and Acquisition Methods

ECSRM uses multiple data acquisition tools (see Figure 4.11) derived from both case study and ethnography research strategies to explore the phenomena in its natural setting (Anaafo, 2015). Hence, empirical evidence in this study was collected from both primary and secondary sources using multiple ethnographic case study data acquisition tools (Saunders et al., 2012; Yin, 2014). The mixed data acquisition tools are applied to acquire in-depth information about the management of the systems and the lived experiences of the LAS, HMS and SBIH development by the SBIH Dwellers.

Figure 4.11 Integrative ethnographic case study data collection tools - after (Yin, 2014)

Primary Data

The primary sources in this study are auto-ethnographic fieldwork - including digital photography, and direct and participant observation complemented by semi-structured interviews and structured interviews. The primary sources bring fresh information about the three units of analysis (LSPP, LAA and DoH) and the SBIH development and complement rich secondary data derived from recently published and unpublished LAS and HMS documents and reports.

Sampling Strategy

The research participants from within the LAS and HMS and stakeholders are referred to as Key Informants while those from the SBIH sector are referred to as SBIH Dwellers. The researcher applied purposive or criterion-based sampling and snowballing sampling techniques to select Key Informants and SBIH Dwellers for the data collection phase. These sampling techniques are used in a qualitative research design where the sample size is usually small and participants are selected based on their characteristics (Ciesielska & Jemielniak, 2017; Yin & Campbell, 2018). The researcher, therefore, used her judgment to select key participants from a range of workplace ranks and a variety of stakeholders in the land administration and housing sectors. The adoption of this sampling design should not lead to biased findings because multiple sources of data collection were adopted and data was triangulated for validity (Saunders et al., 2009; Yin, 2014).

Purposive Sampling for Key Informants

The purposive sampling technique (Saunders et al., 2009) was specifically applied for an in-depth investigation into the structures and processes of the LAS and HMS to gain a deeper understanding. Hence, the selection of high-level participants – the Key Informants was subjective. This means the Key Informants were selected systematically based on their characteristics including expertise, experience, and roles in the units of analysis – the LAS and HMS. The focus was on picking those that perform the functions and processes of land use planning, physical planning, development control, land mapping and registration, and housing provision at the managerial level in LAS and HMS. These groups have inside knowledge of the factors at play that make LAS and HMS work for SBIH, and those that constrain the potential development of adequate housing through SBIH.

Therefore, the Key Informants involved Directors, Managers and Senior Officers of the LSPP, LAA and Directorate of Housing, inclusive of LHLDC, because they are highly knowledgeable about the

LAS and HMS policies, practices, and processes. They also have first-hand knowledge, experience and information about the systems and have the power to influence policy, strategies, and legislation and to generate necessary changes to the systems.

Concerning Key Informant interviews, the ECSRM capitalises on the researcher's position in the DoH and her access to officials within the land and housing sector. Face-to-face interviews were possible within the LAS and HMS despite the COVID-19 restrictions, and various tools including telephone, online interviews, and virtual meetings via Microsoft Teams, Zoom and WhatsApp were also used.

Snowballing Sampling Technique for SBIH Dwellers

The snowballing sampling technique was applied to select SBIHS Dwellers from the selected study areas to understand how SBIH Dwellers (self-builders) make sense of the LAS and HMS processes and their experiences of SBIH development. The SBIH Dwellers could be highly knowledgeable of the processes in the systems that affect the SBIH development. As a result, the snowballing sample method is limited in size to 5-30 SBIH Dwellers per Administrative District. Structured interviews are conducted with SBIH Dwellers to understand how they make sense of the LAS and HMS processes and to understand their everyday experiences of SBIH development.

Summary of Interviews

A total of 36 Key Informants (KI) from the units of analysis – LAS and HMS (officers in LAS (LAA and LSPP), HMS and Councils)) in three Administrative Districts and the structured interviews are conducted with a total of 42 SBIH Dwellers (SB) representing the Administrative Districts (see 4.4.4). Both types of participants are chosen through the snowballing sampling technique. Data is collected until saturation is reached and there is no more new information to be gathered from both the Key Informants, the SBIH Dwellers and documentation (Yin, 2014).

Table 4.2 shows the breakdown of the interviews by type and either unit of analysis (Key Informants), Council (Key Informants) or case study area (SBIH Dwellers).

Table 4.2 Interviews conducted.

Type	Case Study Area	Number
Key Informants		
	LAA	6
	LSPP	9
	DoH	5
	Key Stakeholder - LHLDC	2
	Maseru Municipal Council	6
	Mohlakeng Community Council	2
	Mafeteng Urban Council	3
	Maputsoe Urban Council	3
	Total:	**36**
SBIH Dwellers		
	Maseru Municipal City & Mohlakeng Community Council	
	Ha Penapena Village	5
	Ha Motloheloa Village	25
	Mafeteng Urban Council	
	Matholeng Village	6
	Leribe-Maputsoe Urban Council	
	Ha 'Mathata Village	6
	Total:	**42**

These primary data sources are coded into special characters such as KI for Key Informants and SB (self-builders) for SBIH Dwellers for the anonymity of key research participants. The KIs are the directors, managers, and senior officials in the three units of analysis. For instance, the Key Informants participants are labelled and referenced in Chapter 5 as Key Informants (KI A1–A36). Key Informants represent officials from the LAS (LSPP (KI = 9), LAA (KI = 6)), and HMS (DoH (KI = 5) and KI = 2 LHLDC), while KI =16 participants – are officials in the Local Government Councils (Mafeteng Urban Council, Maputsoe Urban Council, Mohlakeng Community Council, and Maseru Municipal Council – known as Maseru City).

A total of 42 SBIH Dwellers (SB A1-A42) were interviewed from all data collection areas. These included Maseru AD - Mohlakeng Community Council (25) and Maseru Municipal Council (5); Mafeteng AD - Mafeteng Urban Council (6); and Leribe AD - Maputsoe Urban Council (6).

Direct and Participant Observation

The study relies also on the active involvement of the researcher – as both a direct participant and observer (Yin, 2014). Participant observation is critical in ECSRM and hence became the main data acquisition tool because of the position of the researcher in the research climate. The researcher has participated in two of the units of analysis (LSPP and DoH) over the past years. Prior to this study, she was a Principal Physical Planner in the LSPP (2005-2017), while during the data collection, she worked as a Chief Housing and acting Director of Housing in the DoH (2017-2023). She has full access to information and a unique opportunity to observe structures, processes, and practices in the course of her work. Due to her positions in the Lesotho government, she is also part of strategic planning and decision-making at the ministerial level - MoLGCHP.

In addition to these roles, she is also a Housing and Urban Development expert representing Lesotho in the bureau of the African Union Specialist Technical Committee on Decentralisation, Local Government, Public Service, Urban Development, Housing and Human Settlements (AUC-STC No.8), an expert representing Lesotho in the development of a SADC Regional Strategy for the Transformation of Slums and Informal Settlements, as well as the coordinator of the localisation of SDG 11 and implementation of the NUA.

During the data collection, analysis and writing up of this research, the researcher has specifically coordinated and led the successful development of strategies to improve the enabling built environment in Lesotho. Hence, she plays a critical role in and has first-hand information on developing and implementing land and housing policies and laws as means to promote adequate housing in fulfilment of her roles as the acting Director of Housing.

As part of ethnography, direct observation is mostly relevant as the observer took site visits to produce information on working conditions. This takes place in the LSPP, LAA and DoH. In addition, the actions of the Key Informants, and the organizational environment including the state of technical and financial support from the government, may be observed. The researcher observes closely the interplay between the LAS and HMS professional values, norms and emotions that impinge daily on the delivery of LAS and HMS services. The researcher also seeks to understand the aspirations and everyday experiences of the SBIH Dwellers – including their agency in developing SBIH. Participant observation is also used to examine and appreciate the reality in SBIH, LAS and HMS.

The result of ethnographic observation informs the interviews and guides document analysis to further probe what is observed to confirm and further understand the practices and actions. The observations are corroborated or refuted through the interviews with key informants and analysis of documents – this also led to a deeper understanding of the structures, processes, and actions of SBIH Dwellers.

However, because these methods may suffer from bias, and lack of focus due to demands of participant observation, the researcher is vigilant to maximise internal validity and increase the rigour of research through corroboration and triangulation of all data from multiple sources, inclusive of observation, responses from interviews and document analysis.

Semi-Structured and Structured Interviews

For interviews, I developed two different types (semi-structured and structured interviews) for different participants, falling across two categories of five Clusters: Cluster 1: interviews for SBIH Dwellers, cluster 2: key informants from the LAS – LSPP, cluster 3: key informants from the LAS - LAA, cluster 4: key informants from the HMS, and cluster 5: key informants from local government Councils including MMC. The design of the interview questions is based on the primary and embedded research questions.

Semi-structured and In-depth Interviews

Semi-structured interviews are conducted with Key Informants who are special participants with unusual knowledge, experience, and information (Yin, 2014). Interviews with Key Informants knowledgeable about the LSPP, LAA and DoH institutional processes are used to acquire deep information about the structures, processes, and interactions and to determine the relationship of the systems with the SBIH Dwellers in informal settlements. The organisations of the Key Informants and SBIH Dwellers both influence the nature of the outcome of SBIH development because they are both actors – stimuli and receptors in housing production.

Structured Interviews with SBIH Dwellers

Structured interviews (Cluster 1) (see Annexure B) are conducted with housing beneficiaries (SBIH Dwellers) in three regions (see 4.4.3). These interviews aim to acquire deep information about the involvement of post-reform LAS and HMS processes in their actions, challenges, and achievements. SBIH Dwellers are principal beneficiaries and play a key role in influencing the timing, location, and

nature of SBIH development. If there are significant opportunities to drive improvements in SBIH, these could be learned from the SBIH Dwellers.

Interview Challenges

Some challenges were encountered during the execution of both semi-structured and structured interviews. For the Key Informant interviews, obtaining responses to some questions was a problem because some Key Informants felt a bit insecure about opening up about the challenges, mostly claiming that the researcher already knew the answers to questions. With SBIH Dwellers, challenges included poor recall of information especially regarding the costs of housing finance, or lack of information thereof by SBIH Dwellers.

Secondary Data

In addition to the primary data sources discussed above, secondary data sources are used. These secondary data sources include document analysis, artefacts, and archival records.

Documents

The land administration and housing management documents included various hard and soft copy publications. These include journal articles, government policies, legislation, plans, studies, profiles, memos, and reports.

Archival Records

Archival records include orthophoto maps (see Figure 4.6), land use plans, budget framework papers and LSPP, LAA, and DoH operational reports on land management and housing programmes and projects, land registration titles: Form Cs and leases, planning permits and building permits.

Cultural, Physical Artefacts and Digital Data

The cultural and physical artefacts include the acquisition of data on physical equipment and technological tools used in the LAS and HMS processes, including computers, printers, and building materials used to develop SBIH dwellings. The time series analysis of SBIH spatial growth and development representations using GIS and aerial photography/Google Earth imagery repository to illustrate coverage and growth of SBIH in informal settlements between 2011 and 2023 provides more

evidence on the nature of SBIH development in Lesotho (see Figure 4.6). This added value to understanding the SBIH development growth in urban and peri-urban informal settlements.

Data Management

Data management involves data preparation, organisation, exploration, processing, interpretation descriptive coding, and thematising.

Interview Recording

Interviews and observations are recorded in the form of notes, and organised into different files showing specific participants e.g. participants A1, A2, A3, etc. Some interviews are audio recorded while others are not – this depends on the choice of the individual SBIH Dweller. During the interviews, some SBIH Dwellers requested a stoppage to record without explanation. The structured interviews with SBIH Dwellers brought fresh information about the everyday experiences of SBIH Dwellers in accessing SBIH development and the experiences and perceptions of SBIH Dwellers on the structures and services provided by the three units of analysis - LSPP, LAA and DoH.

Coding

Data coding is a process of assigning labels to relevant information identified in the data acquisition. Sometimes theory is applied to bring order to codes - sort and classify, and this is called axial coding (Saunders et al., 2009; Yin & Campbell, 2018). Proper data management in an ethnographic case study contributes to rigour in research. Coding and referencing for the Key Informants and SBIH Dwellers are applied to adhere to the rules and control of the management of data as per the approved research ethics in Annexure A.

Triangulation of Information

The interview data is supplemented and complemented by data from participant observation and secondary sources. The interview strategy serves to triangulate the findings from participant observation and institutional performance reports and reduce observer bias thus improving internal validity and rigour of research.

Analytic memos to reflect the researcher's thinking, and reflections about the data are produced. These memos formed the basis for the ethnographic case study narrative.

4.4.7 Developing the Ethnographic Case Study Narrative

The Ethnographic Case Study Narrative (ECSN) aims to make the everyday experiences of the SBIH Dwellers and LAS and HMS Key Informants accessible to the reader. It may be viewed as the first step in data processing in converting the data into structured information in a narrative form. The ECSRM helps the researcher to access and understand the experiences and aspirations of the SBIH Dwellers. It provides a better understanding of how SBIH is developed and how the LAS and HMS influence and impact the outcome of SBIH Dwellings.

Using ECSRM Tools to Develop the Narrative

The ethnographic process is cyclical – the observer is simultaneously collecting and processing data as a participant observer over a period (Yin, 2014). My analytic choice for this study lies in a thematic and causal process and congruence analysis (Yin, 2014). Causal process analysis focuses on processes and produces an empirical storyline and detailed picture of events. Identification of causal processes, thematic analysis, pattern matching, and explanation building are common modes of data processing and analysis adopted in this study (Yin & Campbell, 2018).

Pattern matching is useful for internal validity (Yin, & Campbell, 2018). In this research, evidence of patterns of both independent variables (LAS and HMS) and the dependent variable (SBIH), are interpreted and recorded. All data from multiple sources is matched, corroborated, and triangulated for explanation building and written in the form of filed notes, analytic memos, orthophotos, and analysis reports.

Analysis reports are the first step in processing the data and are compiled right after data is collected in an area, or after a certain theme has been explored. They reflect what happened, and what Key Informants and SBIH Dwellers said and did, to reflect the various voices in their accounts of the effects of post-reform LAS and HMS on SBIH. The perspectives of both the State practitioners and SBIH Dwellers are heard and recorded. The analysis reports give brief overviews of historic and current issues, effects, and causes identified by the participants and observed by the researcher, regarding SBIH development.

Moreover, time series analysis is useful for monitoring changes in a landscape over time (Alam, 2022). Using historical imagery, we get a spatial overview of activities happening in an area at different times. Time series analysis of the spatial growth and development of SBIH is undertaken using orthophotos

(rectified aerial imagery) (e.g. Figure 4.12). Using images from the Google Earth Application with its travel back in time feature looking closely at them and preparing for a presentation in ArcGIS, this section shows spatial growth and development of SBIH for the study areas for a period of 13 years commencing from the year 2011 to the year 2023.

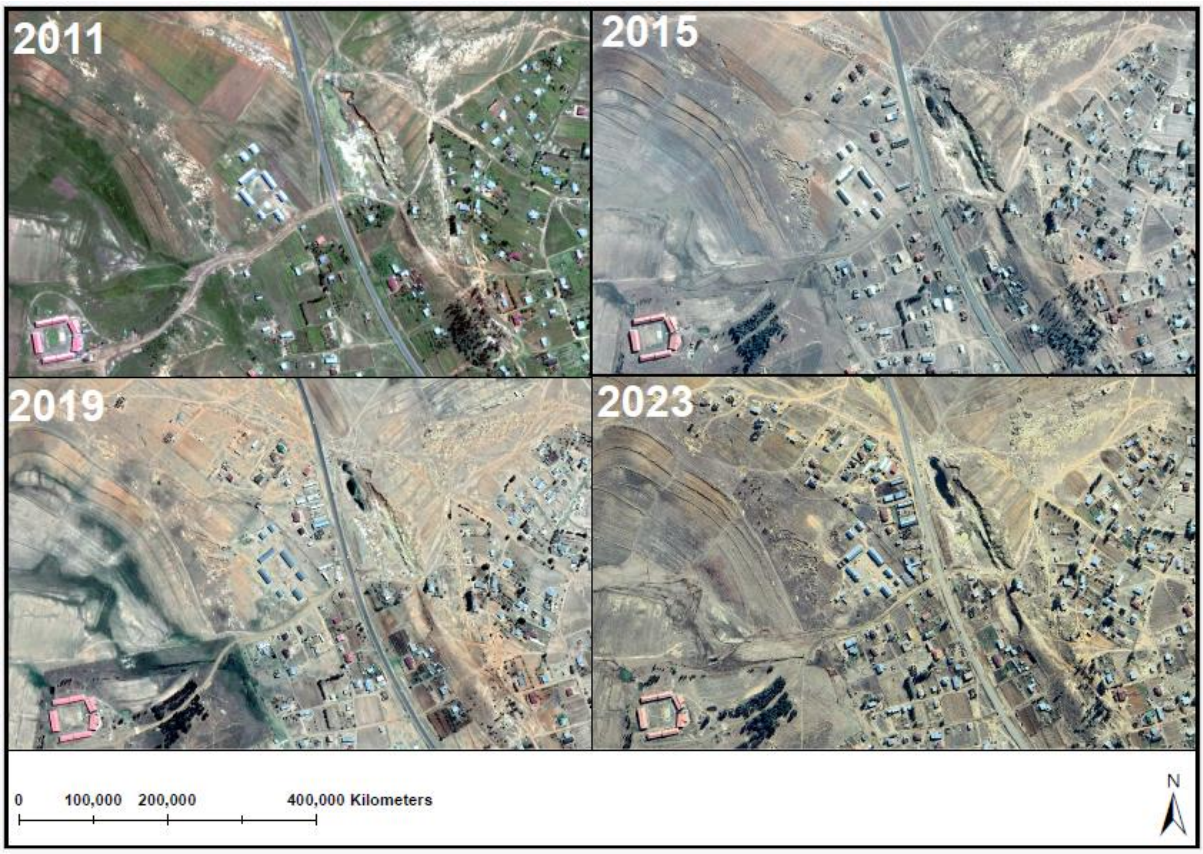

Figure 4.12 Example of a time series of SBIH spatial growth and development of Matholeng, Mafeteng Urban Council

Using Conflicting Rationalities and Spatial Planning in Processing Data to Develop the Narrative

Apart from the tools of ECSRM, the data acquisition and processing rely on two core theoretical frameworks – CR (see 3.3) and SP (see 3.4). Each of these is underscored by propositions. CR holds that role players have different ways of understanding their reality and lived experiences and explanations for how and why they do things (rationalities) (see 3.3). SP proposes that where fragmentation and silos exist, integration is desirable. Furthermore, the principles of adaptiveness, participation, and policy integration are held as positive within the SP body of knowledge (see 3.4).

Both in the data acquisition and in the drafting of the narrative, the conflicting rationalities and spatial planning theoretical frameworks are directives – they are a lens that guides the researcher from the outset.

The Resulting Narrative

The narrative is structured on key themes that shape the SBIH dwellings development, the LAS and HMS regulatory practices and the experiences. Reflected are the stories of the SBIH Dwellers, their struggles and aspirations for homes and safe housing, for secure access to land and basic services, and to understand how people engage in SBIH, starting from the processes of securing land to actual construction. The excerpts from the stories of two SBIH Dwellers drawn from interviews and observations, in the three regions are attached in Annexure C. The ECSN provides a deeper understanding of the SBIH in its natural setting (LAS and HMS contexts).

Trustworthiness and Bias

The choice of ECSRM means that some bias may be possible because the researcher holds multiple roles in this research context – she is an ethnographer, direct participant observer, and analyst. As already stipulated in Section 4.6.3, the researcher is an employee in the HMS-Directorate of Housing and, being the Chief Housing Officer (2017 - 2022), and subsequent acting Director of Housing in 2022, she holds both managerial and directorship positions. She has also been an employee in the pre-post and post-reform LAS, the LSPP (2005 - 2017) where she worked as Principal Technical Officer, Physical Planner and Principal Physical Planner respectively, thus, having a total of seventeen years in the urban and regional planning, land management and administration, and housing profession. The researcher also plays the key role of the participant observer and beneficiary (SBIH Dweller) of the LAS and HMS.

The status of the researcher is an advantage in research of this nature because she has access to the most crucial and sensitive information that could otherwise be held closely by the key informants (due diligence in adhering to ethics requirements is followed) (see 4.4.5). This adds to the data quality and the depth of the ethnographic case study.

The observer bias may be possible because the researcher cannot detach herself from the case study because of the multiple roles of the researcher in the research context. The researcher's former and current employment status placed her uniquely as a direct observer participant and conducted

participant observation in the research. Although this strengthens ethnographic research, the possibility of observer bias exists. However, the correct application of research tools, data acquisition, analysis, and theories combat bias, strong attention to internal validity and reliability (Yin, 2014), and the trustworthiness of the research results is achieved.

Validity and Reliability

An important aspect associated with the choice of an ECSRM framework is to guarantee the validity and reliability of the research (Saunders et al., 2009; Yin, 2014). Transparency through open research design improves internal validity. This is done to manage all forms of bias and results in comprehensive, valid, and reliable information about the systems under study.

The dominance of participant observation as the primary data acquisition tool may pose questions regarding the validity and reliability of research results. The triangulation of data from participant observation with that of interviews, documents, and other forms of data such as maps, photos, and figures improves validity (Yin, 2014).

To achieve internal and construct validity, data collected from multiple sources is triangulated; these data are matched and converged together, pointing to internal and ecological validity (Djamba, 2002). Validity of results in an ECSRM can also be achieved using multiple theoretical frameworks and triangulation within the analysis phase *using multiple analytical frameworks*. Triangulation in this research is conducted in processing the raw data using ECSRM to construct the narrative, in using both the lenses of CR and SP in constructing the narrative, and in the use of more than one analytical approach in analysing the ECSN.

4.4.8 Analysis of the Narrative – Overarching Analytic Framework

Data analysis follows both inductive and deductive approaches (Yin, 2014). The analysis of the narrative is undertaken using thematic analysis (Yin, 2014; Fugard & Potts, 2020) and an integrated analytical framework that draws from two bodies of knowledge within the planning school of thought – CR and SP (see 3.3, 3.4). Both theories are applied to the ECSN to inquire how LAS and HMS can contribute to understanding the SBIH development. Hence, the analytical chapter focuses on identifying the conflicting rationalities at play in SBIH development, and the linkages and fragmentations in the LAS and HMS based on the overarching analytical framework chosen for this study (see 3.3, 3.4).

The Suitability of Conflicting Rationalities in Analysis

This research seeks to explore various rationalities associated with the State LAS and HMS systems, processes, underlying policy, law, etc. as well as the SBIH Dwellers' rationalities in their access to land and construction of dwellings. It touches procedures and products — access to land, planning development, building controls, and housing construction, and should be sensitive to whether the experiences of the SBIH Dwellers match their aspirations or whether their aspirations are frustrated by the LAS and HMS. It is expected that the difference in worldview between the various parties may lead to a conflict of rationalities. This may reveal what is going wrong in these social systems, and what are the gaps - in the LAS and HMS that create conflicting rationalities in the process of SBIH development.

The Suitability of Spatial Planning Theory in the Analysis

Policy integration may be assessed using SP by studying factors such as *integration and coordination, connections and interactions, and consistency* in an SP system (see 6.3.1). For analysis of a systems adaptiveness, the SP seeks to understand how LAS and HMS as complex systems striving to achieve goals such as SDG 11 *cope, adapt, adjust to instability, and manage and correct uncertainties* to the achievement of adequate housing, while for SP citizens participation, the research examines the systems' capacity based on *inclusion, engagement, and communication* (see 3.4.2). The land and housing system is thus assessed for support of SBIH development and adequate housing. Fragmentations and silos that are identified may then be addressed by the Lesotho Government.

Application of Over-arching Integrated Analytical Framework

The domains of CR and SP have already been identified as overarching theoretical and analytical frameworks (see Figure 3.2). They have also been identified as over-arching suitable lenses through which to process the ECSRM data to compile the rich narrative (ECSN). Together, CR and SP may offer predictive, realistic, and explanatory models to identify problems in SBIH development. They offer a change in mindset, new empirical tools, and innovative approaches to visualise SBIH, for analysis and modelling. The LAS and HMS are complex systems because of the socio-techno-cultural and economic characteristics that cannot only be understood from a single lens, but the interaction of these State systems and the SBIH Dweller community adds a further layer of complexity. Together, the land and housing system is large, involved, unfolding and contextual — a truly complex system.

It is also socially constructed and interpreted, requiring analysis that is sensitive to knowledge of post-reform LAS and HMS experts and self-builders with unique local information.

At the stage of analysing the narrative, it is again useful to use these bodies of knowledge and their underlying principles. However, at this stage of the work, the analysis needs to be undertaken holistically in assessing the narrative against the principles from both. The narrative is assessed to understand the LAS (including LAA and LSPP), HMS and SBIH sectors as systems in terms of the extent to which they are siloed or integrated (SP) in policy, in State institutions processes and structures, in how they interact with the SBIH Dwellers. The narrative is also assessed to ascertain whether the rationalities of different State institutions ('*How and Why LAS & HMS do this*') are aligned (between LAS organisations – LAA and LSPP, and between LAS and HMS). Also, the narrative is assessed as to how well the State systems are adapted (SP) to meet the needs of the SBIH Dwellers for adequate housing (rationalities of the State systems vs. the SBIH Dwellers' rationalities) – this also speaks to the participation of the SBIH Dwellers in the design and implementation of State systems and policies.

The Contribution of Analysis Using CR and SP

The application of the combined CR and SP framework to this research informs the development of land and housing theory as well as SBIH theory. The principles of CR and SP inform the analysis and can provide new perspectives that are better aligned to the complex challenges faced by the SBIH and they both can form a stronger conceptual basis for studying SBIH in the context of HMS and LAS. This contributes to the recommendation of a conceptual framework (conceptualisation) of an integrated LAS and HMS leading to the development of an ideal model of the SBIH system. After this research, there is potential for the results to influence policy reform and development in Lesotho in the future. The results may also enhance the Lesotho government's capacity to manage and provide housing for all groups of the people and therefore inform the development of the SBIH for policy and constitutional reforms.

4.4.9 Generalising Case Study Results

Based on the interpretive philosophical stance, mixed methods, and ECSRM chosen, the study uses analytic generalisation and naturalistic generalisation over statistical generalisation (Yin, 2014).

Analytic generalisation is the prominent method used to find the underlying factors, causes and processes in a system (Yin, 2014). The aim is therefore to generalise to theory, in this case, theory within the domain of land administration and housing. Results, therefore, are generalised to the theory on SBIH and adequate housing, and their relationship to LAS and HMS policies and institutional frameworks.

The study also provides a deeper understanding of the land and housing domains; it extends and develops a richer knowledge about the interactions between land and housing institutions, policies and laws and the beneficiaries being SBIH Dwellers. Furthermore, it unpacks the various perspectives of the role players and their potentially conflicting rationalities.

The sample case study areas are representative of the context of Lesotho. The results of the research could be applied in similar contexts by others using a process of naturalistic generalisation (Yin, 2014). In this process, the results are assessed for their applicability in a new context.

4.5 Limitations of Study Due to Research Methodology

The adoption of a qualitative ECSRM imposes certain restrictions on the study. Ethnographic research fosters a longitudinal study – although the researcher is embedded in the LAS, the data collection is restricted to the period of the project, which aligns with doctoral registration timelines, due to the strict Ethics Clearance requirements of the University of Cape Town (see 1.8). The sampling method combined with qualitative techniques and case study narrative restricts the breadth of the study to a manageable size within the doctoral degree programme. The data processing and analysis using ECSRM, CR and SP is argued to lead to good validity, reliability, and generalizability of the conclusions. However, the same data may be assessed using other methodologies to achieve different aims and objectives.

Lastly, this study does not develop in detail the conceptual integrated LAS and HMS proposed in Section 7.4.2 since these are framed as emerging recommendations and are beyond the scope of this research design. Hence, the study does not assess or test the application of integrating the systems or addressing conflicting rationalities, through the SP system's integration. All these are beyond the scope of this study – it concludes with deep knowledge and in-depth understanding to contribute to future improvement and later analysis.

4.6 Chapter Summary

This Chapter lays out the methods and tools adopted to discern how the SBIH Dwellers produce a sense of their housing (understanding that adequate housing requires a dwelling and basic services (see 3.8), but also reflects its material, economic, and social value), and how this is facilitated by the LAS and HMS (see 3.7). It provides an account of the mixed methods research design including the methodological and analytic framework adopted in this research. The mixed methods contain the ECSRM and overarching theoretical and analytic lenses of CR and SP (see 4.4.8). The position of the researcher in the study as a direct and participant observer, along with the researcher's ontological base and epistemology (her research philosophy) are also explained. Bias, as well as research validity, reliability, and generalizability, are discussed.

Understanding complex realities and problems in the LAS, HMS, and delivery of adequate housing through SBIH, within a complex context, requires suitable tools and methods such as an ECSRM. The ECSRM has been used in housing studies to particularly understand housing provision and demand in various countries in Africa, but the integrated use of both CR and SP has not been explored in land administration and housing research (see 2.2.2, 2.2.3). Furthermore, the mixed-methods approach is adopted (for its strength) to explore and understand the LAS and HMS influence on SBIH development and the SBIH Dweller's everyday experiences in accessing adequate housing through SBIH. In addition, the mixed methods explore, the rationalities and needs of the SBIH Dwellers, the nature of relationships and patterns that underlie unpredictability and order in the LAS and HMS, and how these systems can contribute to the delivery of adequate housing through SBIH in a holistic manner.

The resulting narrative (ECSRN – Chapter 5) gives a powerful base and contribution towards integrated analysis and understanding of the role of LAS and HMS in promoting or hindering the achievement of adequate SBIH (Chapter 6) and to guide the recommended (proposed) development of conceptual frameworks (Chapter 7).

CR and SP theories provide the basis for analysis as they are best suited to understand and embrace the complexity including critical challenges, interlinkages, synergies (rationalities and linkages), misalignment, fragmentations, disintegration, silos, conflicts, and order existing in complex systems

of LAS and HMS for SBIH development. This analytical framework is identified as a suitable over-arching analytic framework to understand SBIH development in Lesotho. The application of the mixed methods approach in modelling LAS and HMS may promote learning, understanding, and guide areas for improvement, creativity, and innovation in the systems interventions and a vision for adequate SBIH development in Lesotho.

Chapter 5. The Ethnographic Case Study Narrative of SBIH Development - The Influence of Post-Reform LAS and HMS in Lesotho

5.1 Introduction

This Chapter draws on the strength of Chapters 2, 3 and 4 to respond to the main research question which seeks to describe the status of SBIH development in the context of the complex LAS and HMS of Lesotho. The reader is reminded that the investigation is a single case study of Lesotho's land and housing system with the units of analysis identified as the LSPP and LAA that together form the LAS, as well as in the DoH which forms the HMS (see 4.4.2). Data collection spanned all three main geographical regions of Lesotho (see 4.4.3 and 4.4.4). It included participant observation, Key Informant and SBIH Dweller interviews as well as other forms of evidence (see 4.4.6). This Chapter presents an integrated and thick ECSN of the phenomenon of SBIH development derived from the data collection and preliminary processing phases described in Chapter 4. The research focused on the implementation of policy and legislation within the LAS and HMS, their structural designs, processes, and practices that enable or disable the delivery of adequate SBIH. The investigation and preliminary processing were, also informed by the principles and goals of SP and CR theories (see 4.4.8). The ECSN describes the major achievements, opportunities, and challenges in implementation as perceived by the Key Informants as practitioners in LAS and HMS operations (see 5.4.2, 5.4.4, 5.5.6, 5.6.9, 5.6.10) and challenges faced by SBIH Dwellers in their everyday lived experiences of SBIH development (see 5.7, 5.8). Efforts made by the government to address the challenges of informal settlements and inadequate housing are also reflected (see 5.3, 5.3.3, 5.9). Referencing in this narrative follows the format of Key Informant interviews denoted by KI followed by the interview code and number (e.g. KI A1) and SBIH Dweller interviews are denoted by SB followed by the interview code and number (e.g. SB A1). For data that derives from ethnographic observation, no referencing to sources is possible. Furthermore, ECSN sheds light on the extent to which government capacity serves as a precondition to the achievement of high-quality services by the LAS and HMS for SBIH.

This research draws on the assumption that the LAS and HMS systems designs, structures and processes are the most important aspects for the development of adequate SBIH as argued in Chapters 2 and 3 respectively. Consequently, this chapter contributes to understanding the status of the SBIH

in the context of the post-reform LAS and HMS. The narrative is structured into sections based on the themes and required information as prescribed in the over-arching analytical frameworks.

5.2 Lesotho's Adequate Housing Political Space

This section provides an account of the complex context within which the LAS and HMS operate, and which impacts the delivery of adequate housing and SBIH development. This external environment influences the functioning of the land and housing systems. It includes the geographical, political, social, and economic environment.

5.2.1 The Physical Geography of Lesotho

Lesotho is an independent country in the Southern African region. It is surrounded by the Republic of South Africa as depicted in the locational map in Figure 1.1. The country is famously known as 'the kingdom in the sky' or 'the mountain kingdom' (UNECA, 2022). Situated at 1000 metres above sea level, Lesotho is a small country covering 30,355 square kilometres made up of lowlands, hills, rivers, and wetlands, while 75% of the total area is mountainous (Government of Lesotho [GoL], 2019). The population of Lesotho is estimated at 2.2 million (Bureau of Statistics, Lesotho [BoS], 2018; GoL, 2019).

The country is conceptually divided into three geographical administrative regions: Southern, Central and Northern as illustrated in Figure 4.3 (BoS, 2018). These are further divided into ten Administrative Districts (Figure 4.3). In the Central Region are Maseru, Berea, and Thaba-Tseka; in the Northern Region there are Mokhotlong, Botha-Bothe, and Leribe; while in the Southern Region, there are Qacha's Nek, Quthing, Mohaleshoek, Mafeteng. Each Administrative District has at least its town and villages overseen by urban and community councils. There are 12 towns inclusive of Maseru, the capital city. Within each Administrative District, there is at least one town. Maseru Administrative District has Maseru City and Semonkong town, while Leribe has Hlotse and Maputsoe towns.

In terms of the suitability of land for housing development, the mountainous physical geographic context impacts the SBIH development as a significant percentage of the country's land cover is not suitable for the development of urban housing. Suitable land amounts to less than 30% of the total land area (UN-Habitat, 2022c).

5.2.2. Socio-Economic and Political Context

The social, economic, and political contexts have a direct impact on access to adequate housing and influence the development of SBIH in informal settlements**.** Lesotho and its SADC counterparts in Southern Africa, such as Malawi and Mozambique, have a depth of poverty that is more than twice the African average (Leduka et al., 2015). The country is characterised by a weak economy, food insecurity, and high unemployment rates (Leduka et al., 2015). Poverty in both urban and peri-urban areas is a driver for urbanisation as poor rural people seek services and employment in urban areas (UNECA, 2022). For such people, access to housing is a huge challenge and is essential in Lesotho with its extreme cold winters (UN-Habitat, 2015a). The housing needs of urbanising poor people are compounded in states without housing subsidies. The state of housing finance in Lesotho is inadequate as summarised in (R. Leduka & H. Leduka, 2022).

SBIH is seen as a solution for most poor people seeking shelter (UN-Habitat, 2015a) (see 2.5.2). It can be a solution with government support but will fail to deliver adequate housing without such (KI A2, A3, A5, 2022).

5.2.3. Urbanisation and Increased Housing Demand

Lesotho like other African States, is being shaped by rapid urbanisation (UN-Habitat, 2015a). Urbanisation presents both opportunities and challenges for Lesotho's towns (Motsoene, 2014). Maseru City and other secondary towns including Mafeteng, Hlotse and Maputsoe are urbanising at an alarming rate (UN-Habitat, 2015c, 2015d, 2015e; Mphale et al., 2020). For instance, by the year 2020, 23.5% of the Lesotho population lived in slums and informal settlements (Mphale et al., 2020; UN-Habitat, 2022c). The urban population of Lesotho is growing at approximately 2.3% per year (R. Leduka & H. Leduka, 2022). It is estimated that by the year 2030, the urban population of Maseru will have doubled from its size in 2016 to approximately 550 000 people and an estimated 99 000 dwellings will be required to meet the housing need by the year 2025 (UN-Habitat, 2022b; UNECA, 2022).

The Lesotho Government is responsible for promoting sustainable urbanisation and increasing access to adequate housing (UN-Habitat, 2015b; GoL, 2023a). However, there is currently no national urban policy to guide sustainable urban development. However, the 2018 LNHP, Land Act of 2010 and Town and Country Planning Act, Act No. 11 of 1980 [TCPA] are in place to support the process of urbanisation. Recently, urbanisation has been integrated into the national development plan known as the National Strategic Development Plan II (NDSP II) strategic focus of 2023/2024 – 2027/2028

(GoL, 2023a). However, it has not taken shape across all spheres of development plans in central and local governments. The NSDP II considers urbanisation to be of importance – it aims to achieve sustainable urbanisation through among others: improved urban development, improved infrastructure development, improved economy, and increased supply of affordable housing for low-income households (GoL, 2019, 2023).

The MoLGCHP in partnership with the UN-Habitat and UNECA promotes urbanisation through the localisation and implementation of SGDs and the NUA (UN-Habitat, 2022b). The Ministry recognises a need for an appropriate policy and legal framework that can guide urban development and plans to develop an urban policy in 2024/2025, the proposed National Housing Bill 2024 and the National Spatial Planning and Development Framework in 2023/2024. The Ministry also recognises the importance of the contribution of Maseru City to the national economy (UN-Habitat, 2022b). Hence, it has adopted the UMF as a way to measure the performance of the City to monitor the delivery of urban SDG indicators including, but not limited to, security of tenure, access to adequate housing, and percentage share of the national GDP - Maseru City contributes the largest share of GDP (UN-Habitat, 2022b).

Figure 5.1 Unmanaged urbanisation at Maputsoe Urban Council, Leribe AD

Amid existing land and housing policies, migration from rural to urban areas and lack of planning have brought unmanaged urbanisation (see Figure 5.1). Most towns and their respective peripheries in Lesotho exhibit rapid growth of informal settlements lacking security of tenure, unplanned low-density urban sprawl, congestion, lack of affordable housing, informal development of housing, inadequate housing, development of unregulated SBIH, inadequate urban infrastructure and services, and poor solid waste management (UN-Habitat, 2015b). Maseru City, in particular, does not have a recent development plan; the last development plan was developed in 1990 and has not been effectively implemented or updated (KI A23, A24, 2022). The absence of land development plans in the city amid rapid urbanisation has increased the demand for housing and the shortage of land for housing (UN-Habitat, 2015b).

Due to the emergence of unmanaged urbanisation, the chaotic scattered development and extensive urban sprawl puts pressure on existing basic services and infrastructure (UN-Habitat, 2018, 2022c). Hence, the LNHP emphasises upgrading unplanned urban settlements (UN-Habitat, 2018, 2022c, 2023b). As a result of inadequate financing, Maseru City, Mafeteng and Maputsoe towns are unable to cope with the demand for land planned for housing and infrastructure development and services (UN-Habitat, 2015c, 2015d, 2015e; Mphale et al., 2020). Government support upgrading through improved urban roads takes place in Maseru and Maputsoe (KI A23, A25, A26, 2022).

To address the challenges of urbanisation, Lesotho joins the international world in addressing urbanisation challenges and tapping from its opportunities by implementing SDG 11 and the NUA (see 3.6). The opportunities brought about by urbanisation are job creation through industrialisation and manufacturing in Maseru, Mafeteng and Maputsoe (UN-Habitat, 2015c, 2015d, 2015e; Mphale et al., 2020). These towns can be used as the engines of economic growth and recovery in times of pandemics and economic crises. Hence, the Maseru Municipal Council (MMC) and urban Councils need to adapt to the changing roles of towns and cities and direct sufficient resources, in the form of finance and human capital, to manage urbanisation and achieve sustainable urban development to tap into these opportunities.

5.2.4. Urban and Peri-urban Informal Settlements

Lesotho is similar to other African countries with one primate city that is crowded and highly informal (Mphale et al., 2020; UN-Habitat, 2022a). Maseru is governed by Lesotho's only municipality and is its only city (Mphale et al., 2020; UN-Habitat, 2022d). The government faces problems of serious uncontrolled informal settlement growth encroaching on agricultural land (UN-Habitat, 2015a, 2018, 2022c).

It is a common practice that planning is not practised and that land tenure and housing development processes are not controlled through the existing legal regulatory frameworks or are not fully implemented and applied as discussed further in Sections 5.4.3 and 5.4.4. This results in SBIH Dwellings that are haphazardly developed. Figure 5.2 and Figure 5.3 shows an unplanned SBIH development in a peri-urban environment.

Figure 5.2 Unplanned SBIH development in a peri-urban area, Mohlakeng Community Council, Maseru AD

Figure 5.3 Informal SBIH development at Ha Matloheloa, peri-urban, Maseru AD

Both urban and peri-urban spaces in Lesotho are expanding in an informal and disorderly manner due to people-led urbanisation processes. This conflicts with the TCPA whose main aim is to guide orderly growth of settlements. Informality is highest in Maseru. This is not only attributed to poor implementation of land and planning laws, insufficient land use and physical planning, (KI A23, A24, 2022; GoL, 2023d) but also low economic growth and poverty (see 5.2.2). For instance, it is estimated that a quarter (25.6%) of urban dwellers in 2020 live in informal settlements in Lesotho (UN-Habitat, 2022b). This number reduced from 30% from 2016 – 2020 (UN-Habitat, 2022b) (see Figure 5.3). This situation mimics other Sub-Sahara countries that have top-heavy urban centres with primate cities that are crowded and highly informal.

Regarding access to adequate housing in the informal settlements, urban dwellers are mostly deprived of basic services including sanitation, and access roads (KI A2, A3, A4, 2022). Dwellings are not of a

durable construction – sub-standard materials and insufficient living areas are common. The household also lacks the security of tenure (UN-Habitat, 2015a; Mphale et al., 2020). The challenges of uncontrolled urban growth are further recognised in the NSDP II (see 5.3.4). Figure 4.6 shows the informal settlement spatial growth over time in three sample areas in which data was collected for this research.

Figure 5.4 presents a time series analysis of the spatial growth and development in a section of Ha Motloheloa for twelve years (2011 - 2023).

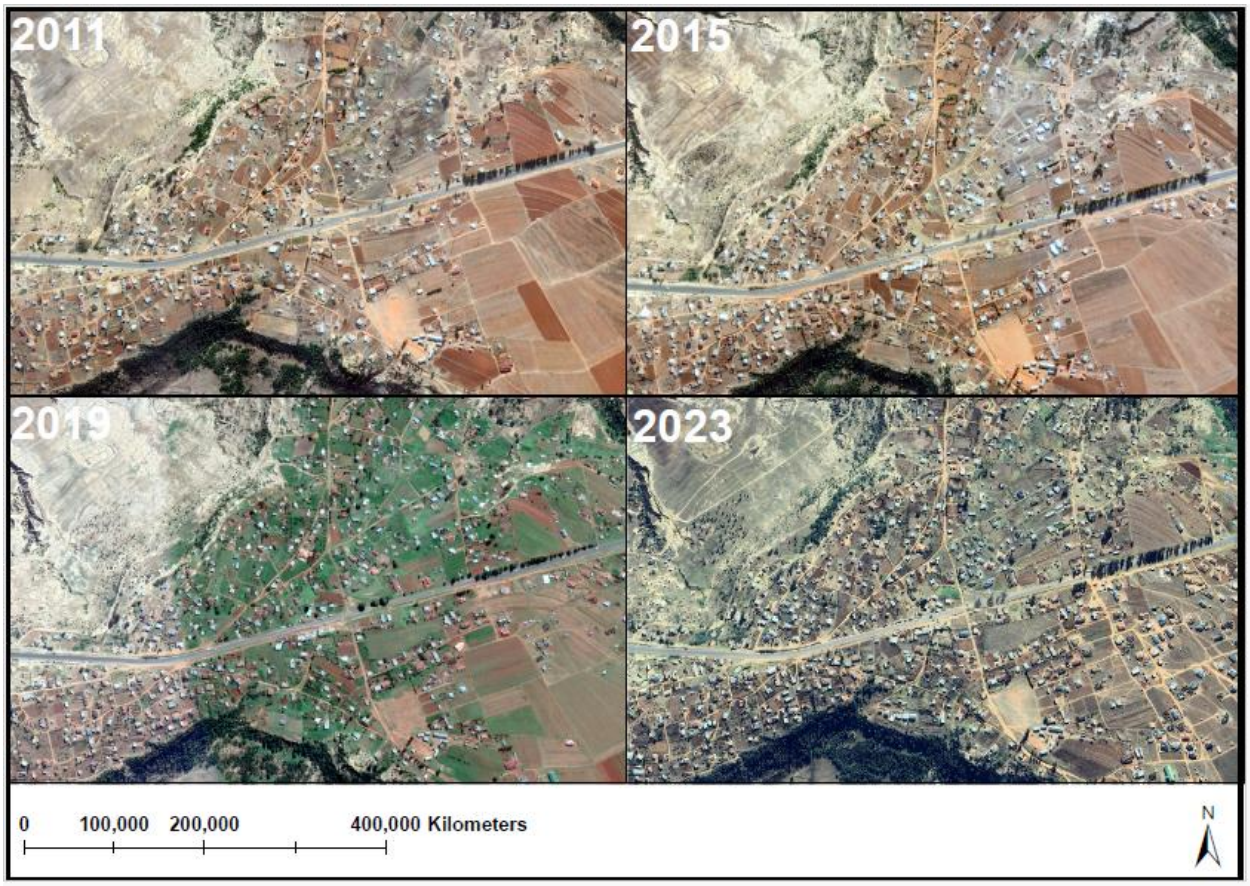

Figure 5.4 Spatial growth of SBIH at Ha Motloheloa village, Mohlakeng Community Council, Maseru AD

Similar illustrations for the Ha 'Mathata area (Figure 5.5 and the village of Matholeng (Figure 5.6) also show growth in informal development (2011-2023). The imagery for 2011, shows haphazard SBIH development encroaching into unplanned arable land. By 2015, there is continued encroachment with

no evidence of planning or upgrading. Imagery for 2019 and 2023 shows that this trend continues. The LAS, HMS and SBIH are not working together towards the achievement of adequate housing.

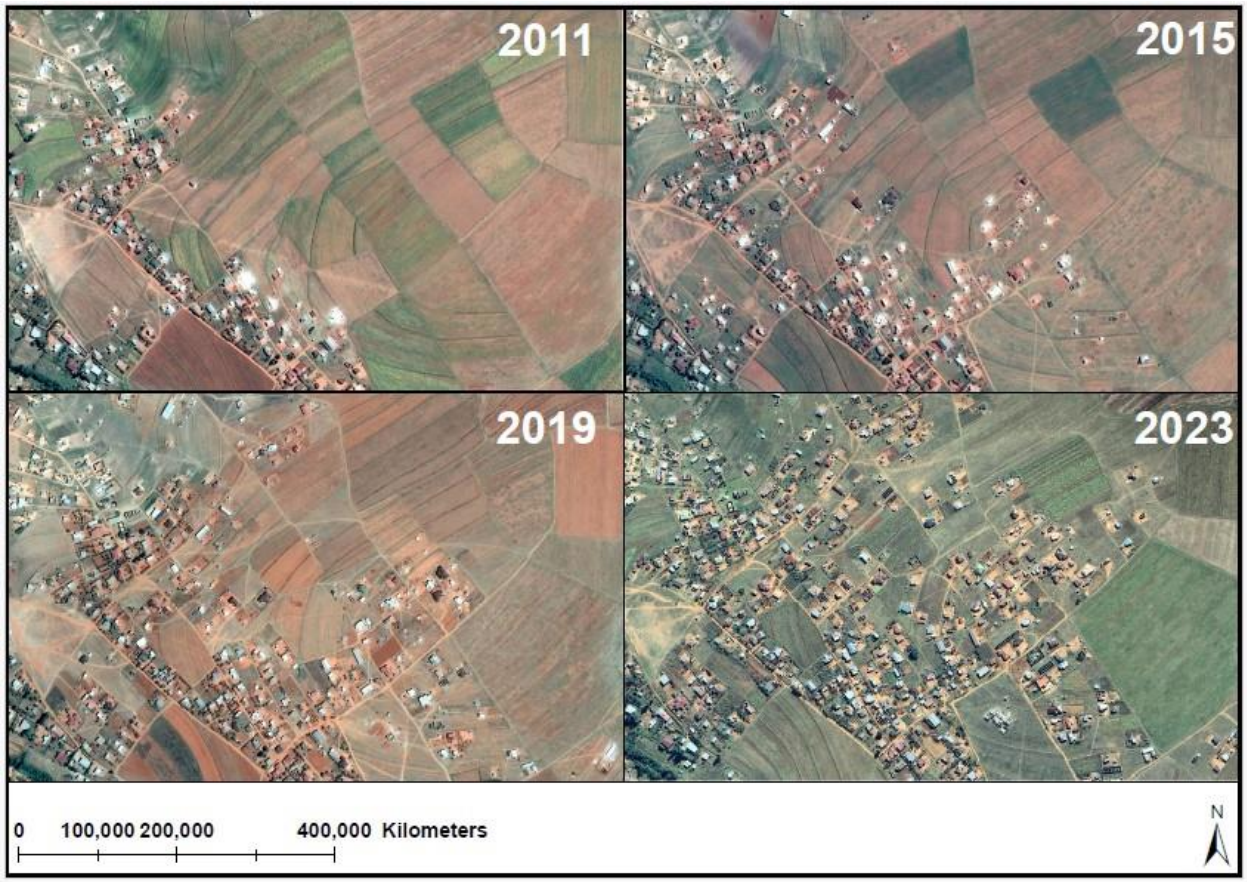

Figure 5.5 Spatial growth of SBIH at Ha 'Mathata, Maputsoe Urban Council, Leribe AD

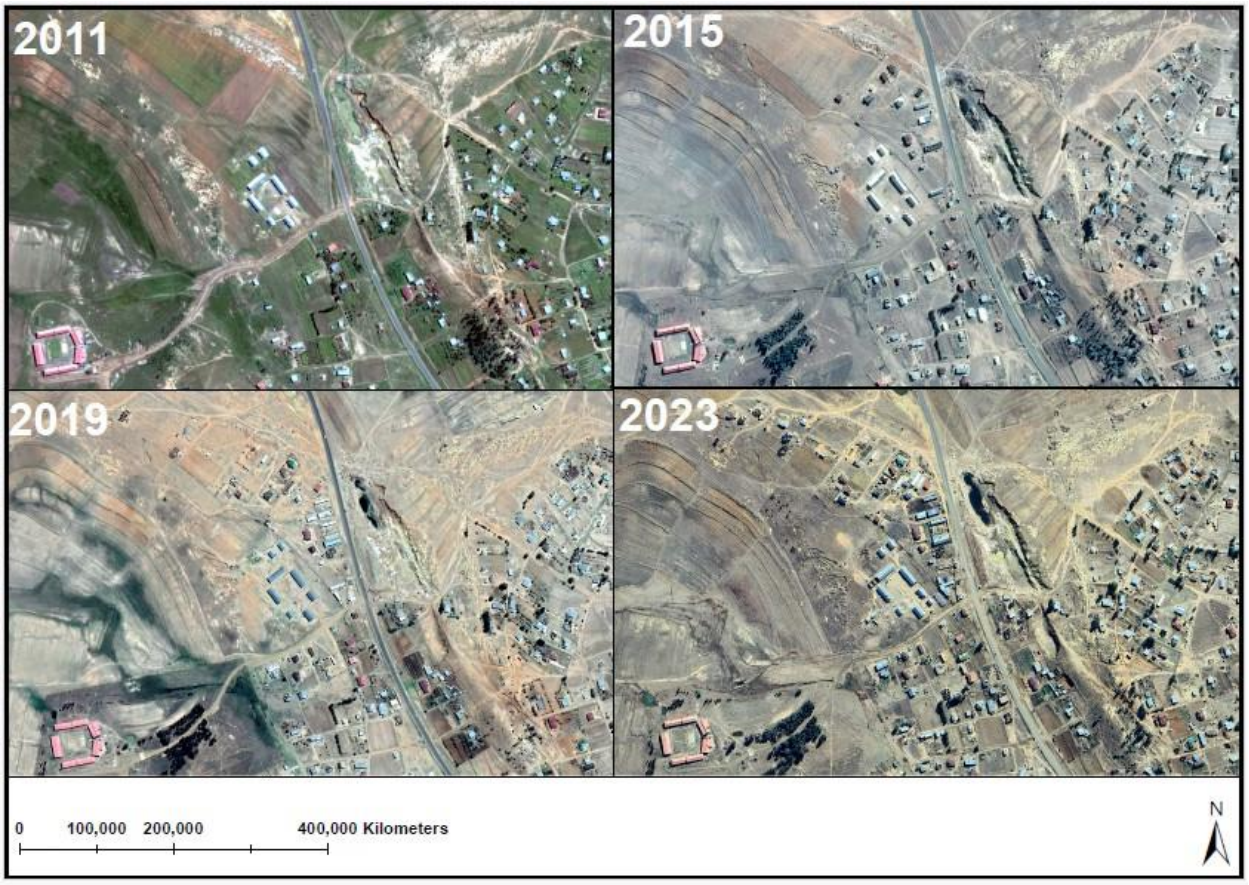

Figure 5.6 Spatial growth of SBIH Matholeng, Mafeteng Urban Council, Mafeteng AD

5.2.5. Gender and Land and Housing Rights

The post-reform LAS and HMS are gender-neutral. Land rights provided for by the Land Act of 2010 and the LNHP are both gender neutral, meaning that both men and women have equal access to land rights (UN-Habitat, 2018). SBIH Dwellers confirmed that land practices of the LAS, HMS, and Councils conform to the law regarding gender and land rights – women have access to land and property rights (SB A3, A17, A23, A28, 2021).

5.3. Lesotho - a Sphere of International, Regional and Local Human Settlements Agendas

This section (along with section 5.4) presents case study policy aspects to address research question ii (a)

ii) What is the status of LAS and HMS specifically to facilitate access to adequate SBIH?

a) What laws and policies underpin the LAS and HMS?

At the higher political level, the government of Lesotho, like other African state governments seeks to achieve both international and local-level land and housing policy objectives towards sustainable development. These policies have a bearing on the policies of Lesotho's land, housing, and urban development. The country signed and adopted treaties with different but closely related global and continental agendas (see 3.6). As a member of the African Union (AU) and the United Nations (UN), Lesotho strives to achieve sustainable development through several global and local human settlements policy frameworks and strategies. The frameworks include but are not limited to the Africa Agenda 2063, the Agenda 2030 for Sustainable Development (SDGs), and the Sendai Framework for Sustainable Housing (see 3.3 and 3.4). Lesotho is devoted to implementing these global goals for sustainable development and achieving adequate housing as a social and economic tool. This will accelerate the country's capacity towards achieving economic growth and sustainable development, to recover from economic crisis and thus improve the lives of the Basotho people.

5.3.1. 'The Africa We Want' and 'The Lesotho We Want'

The implementation of the objectives of the Africa Agenda 2063 towards the 2030 Agenda for Sustainable Development is important for Lesotho's economic growth and transformation. Lesotho, like other African Union member states, intends to transform its socio-economic status for inclusive and Sustainable Development through the Agenda 2063 strategic framework that runs from 2013 - 2063 (UN-Habitat, 2022a). The Africa Agenda 2063 prescribes the goals and objectives that need to be achieved for '*The Africa We Want'* (see 3.6.2). Consequently, Lesotho seeks to achieve this Agenda through local-level policy objectives such as Vision 2020 and NSDP II 2017/2018 – 2022/2023. Under the dispensation of the Africa Agenda 2063, the goals that are most relevant to the delivery of adequate housing, are those of a high standard of living, quality of life and well-being of citizens (see 3.6.1). The objective of these goals relates to achieving modern and liveable habitats with quality basic service delivery.

However, measuring the indicators for Agenda 2063 is a challenge due to the lack of an integrated framework for reporting, monitoring, and evaluation. Also, data collection is insufficient making it difficult to report progress based on valid and reliable data (UNECA, 2022).

5.3.2. Localisation and Implementation of SDGs and NUA

Lesotho is committed to localising and implementing SDG 11 and the NUA. They are effectively piloted in the Maseru City (UN-Habitat, 2022b). In line with the global, regional, and national commitments such as the SDGs Agenda 2030, the NUA and the Africa Agenda 2063 (see 3.6), the role of the Lesotho government in localising the Agenda 2030 for sustainable development and implementing the NUA (see 3.6.3). For SDG 11 and NUA, the localisation and implementation are the responsibility of the MoLGCHP through the DoH. The acting Director of Housing (at the time was the researcher), coordinates the localisation and implementation thereof.

Therefore, Lesotho is committed to achieving many SDGs through the LAS and HMS (see 5.3.2). These include SDG 2 of poverty elimination – using land and housing as socio-economic tools for sustainable development (see 5.3.2). This is explicit in the NSDP 2018/19 – 2022/23 (GoL, 2019). The goal is to accelerate the transformation of human settlements by meeting SDG 11 through various interventions (see 5.3.4). Therefore, SDG 11 has an official endorsement in national and institutional strategies and there are reports of its implementation (UN-Habitat, 2022b).

Under the umbrella of SDG 11, NUA, NSDP II and the LNHP, adequate housing space is expected to improve along with urban development and the livelihoods of the citizens (UN-Habitat, 2015a, 2018, 2019, 2022b; GoL, 2023). The current challenge towards the localisation and implementation of SDG 11 and NUA is revealed in the NSDP II assessment report of 2022. It notes that there is a lack of LAS and HMS capacity, poor commitments to deliver on the key targets, and a lack of public engagement and participation (KI A1, A3, A11, 2022; GoL, 2023a). Lesotho must accelerate the implementation of the NUA to achieve sustainable development.

5.3.3. Informal Settlement Upgrading and Transformation

Since 2013, the Lesotho government has embarked on the Participatory Slum Upgrading and Prevention Programme (PSUP) of the UN-Habitat to upgrade and transform slums and informal settlements (KI A4, A5, 2022). The LAS and HMS are the leading institutions for upgrading and prevention of informal settlements. The programme is coordinated by the HMS – Directorate of Housing. The aim of PSUP aligns well with Objective 4 of LNHP, which aims to upgrade informal settlements by providing infrastructure (UN-Habitat, 2017, 2018, 2023b). Therefore, the results of the PSUP implementation in Lesotho include the development of the Lesotho National Slum Upgrading and Prevention Strategy of 2022 (UN-Habitat, 2022c) and the Maseru City-Wide Slum Upgrading and

Prevention Action Plan of 2022 (UN-Habitat, 2022d). These will guide the upgrading and prevention of informal settlement projects in Lesotho. The intention is to upgrade existing informal settlements and prevent further growth by promoting guided land development through land use and physical planning, improving the security of tenure, and providing basic services to achieve access to adequate housing (KI A1, A3, 2022).

Figure 5.7 The launch of the Lesotho National Slum Upgrading and Prevention Strategy at Maseru AD in 2022

In recent years the government has engaged in a systematic land regularization project implemented by the LAA through the Land Regularization Regulations of 2011. The aim was to upgrade informal settlement tenure through a land titling project. This upgrading project mostly addressed or targeted informal settlements in Maseru City and Maputsoe Town. This has increased the number of parcels registered in the LAA's systematic land regularisation project, increasing the total number of registered parcels from 166 in 2018 to 814 in 2019 in Lesotho (KI A17, A18, 2022). Upgrading contributes to increased security of tenure and thus promotes access to adequate housing.

5.3.4. The National Strategic Development Plan (NSDP II)

At a country level, Lesotho implements Lesotho's Vision 2020 through the NSDP II 2018/2019 – 2022/2023. NSDP II is a five-year plan that aims to achieve social and economic development and reduce poverty in Lesotho (GoL, 2023). It is a short-term prioritising framework for central and local government in Lesotho. NSDP II has five Key Priority Areas (KPA I-V) with actions that should be undertaken by the government through the lead institution to strengthen or transform the built environment for the achievement of an enabling built environment and improved livelihoods (GoL, 2019).

Significantly, the NSDP II is explicit about implementing the Agenda 2030 for sustainable development. Under the umbrella of SDG 11, NUA, and NSDP II - KPA III, an enabling environment for effective land administration and adequate housing is expected to be created along with improved urban development and livelihoods (SDG is implemented through multi-stakeholder engagement and participation) (GoL, 2019). Ultimately, the interdependence of the LAS and HMS is explicit in the goals and objectives of NSDP II – these systems are reported under KPA III. Meeting the objectives can be achieved through effective processes which will require improvement in systems and adequate financing.

The implementation of NSDP II strategic objectives has not been successful to date. This is one of the reasons the government extended the plan for another five years to 2023/2024 – 2027/2028 (GoL, 2023a). The challenges include the following:

- Duplication of efforts and a lack of coordination of goals, objectives and activities have led to the ineffectiveness of the plan (KI A4, A5, A8, 2022).
- NSDP II is not linked to any spatial plan as there is currently no National Spatial Development Plan Framework to guide adequate housing and infrastructure development and other forms of development (KI A3, A8, 2022). The lack of a spatial component makes NSDP II spatially silent (GoL, 2022; KI A3, A10, 2022). The development of a National Spatial Development Plan Framework is one of the key priority goals in the year 2023/2024 (KI A3, 2022).
- The NSDP II strategic focus on creating an enabling built environment (GoL, 2023a) may be over-ambitious to be achieved by the current systems of LAS and HMS within the five years of the plan (KI A3, A11, 2022) (see 5.4.2, 5.4.4, 5.5.6, 5.6.10).

5.4. Creating an Enabling Built Environment – Policy, Legislation and Governance

This section of the narrative (along with section 5.3) presents case study information relevant to research question ii), which is also partly addressed in Sections 5.3, 5.5 and 5.6:

ii) What is the status of LAS and HMS specifically to facilitate access to adequate SBIH?

a) What laws and policies underpin the LAS and HMS?

b) What are the structures and processes of the LAS and HMS?

An enabling built environment is a determining factor for effective and responsive LAS and HMS in the achievement of the goal of adequate housing. This includes policies, and legal and regulatory frameworks relevant to SBIH development in the aftermath of the LARAP (see 5.5.1). Therefore, this section examines key policies and legislation that describe the legal and regulatory framework context of adequate housing delivery and SBIH development supporting the relevant functions of the LAS and HMS at all levels of governance in Lesotho.

5.4.1. The Lesotho's Constitution and the Right to Adequate Housing

Access to adequate housing as a basic human right by all people motivates the government to intervene in housing provision and reform the land and housing sector for the betterment of Basotho. This is particularly important where people have little capacity to see to their needs themselves, such as people living in informal settlements lacking access to basic services. To this end, Lesotho has not yet recognised housing as a fundamental human right in law (see 5.4.3) although it is a signatory to international treaties relating to human rights (see 3.8.1) and thus agrees to protect and fulfil the rights to adequate housing.

Unlike the 1994 Constitution of the Republic of South Africa (Tissington, 2011), the 1993 Constitution of Lesotho ("the Constitution") does not adopt the rights-based approach to housing delivery. For instance, Section 34 of the Constitution states:

Lesotho shall adopt policies which encourage its citizens to acquire property including land, houses, tools, and equipment; and shall take such other economic measures as the State shall consider affordable.

Although property acquisition in the form of land and housing is thereby encouraged, there are no rights to access land and housing by all those who need it (KI A4, A5, A8, A9, 2022). Thus, access to land and housing cannot be enforced in the Lesotho courts of law. There is no explicit reference to housing rights or housing welfare for Basotho (Leduka & Setsabi, 2008), as would be in the case of the Republic of South Africa, where such rights are justifiable (see 3.8.1).

5.4.2. Government Structures

In Lesotho, the Constitution is transmitted through two levels of government - central and local governments. This research assumes that the delivery of adequate housing through SBIH is the responsibility of both central and local governments through different interactive functions. Both levels of government carry visible powers embedded through policies, legislative frameworks, and strategic plans. Hence, both levels of government are expected to be effective and responsive to the goals of adequate housing and the development of SBIH.

Central Government

Good governance leads to the effective implementation of laws and improvements in service delivery (see 3.7.1). A former British colony, Lesotho is now a Basotho monarchy with the King fulfilling ceremonial duties. The government structure follows the British system with a bi-cameral Parliament of two houses – the upper house and the lower house. The central government oversees the implementation of the decentralisation process for improved service delivery across the country. Hence, there is representation in Administrative Districts through the offices of the District Administrators in all 10 Administrative Districts of Lesotho (see Figure 4.3). The District Administrators oversee the administration and implementation of central government goals and plans. For instance, the LSPP office is at the Administrative District level (see 5.5.3).

The primary role of central government in adequate housing is to oversee the design and formulation of the legal, regulatory, and institutional frameworks to deliver land and housing services to the people as per the Constitution. Examples of such policies, laws and regulations concerning land and housing rights are discussed further in the section 5.4.3. In addition, the central government promotes access to safe, affordable, and adequate housing for all Basotho people by creating an enabling built environment through policy design, control, and transmission of resources to Councils. It therefore creates opportunities for SBIH development and access to basic services (UN-Habitat, 2015a). This is in line with SDG 11, NUA, LNHP and the NSDP II strategic focus (see 5.3.4).

A state Decentralisation Policy of 2014 (GoL, 2014) provides guidance. The central government plays a supportive role to local government in support of the implementation of devolved functions including land planning and capacitating local government authorities through mobilising capital and human resources. It assists in project design and monitors and evaluates the implementation of strategic plans and projects at the local government level. It also monitors programmes and projects to be implemented across the country by various organs of the State including Councils (Maseru Municipal Council, Maputsoe and Mafeteng Urban Councils) and parastatals (LAA and the Lesotho Housing and Land Development Corporation – LHLDC). The private sector is also involved in delivery. In particular, the central government funds the Councils' capital development projects.

Local Government Authorities - Councils

The local government Councils are made up of Councillors appointed through the local government elections subject to the LGA. This Act also provides for the transfer of powers and functions from Central to local government Councils. The Council's office infrastructure is provided by the Central government – MoLGCHP (see Figure 5.8).

Following the LGA, the powers to declare an area as either Municipal (Maseru Municipal Council is the only one), District, Urban or Community Council is vested in the Minister responsible for local government and decentralisation – currently, the MoLGCHP (GoL, 2014; UN-Habitat, 2015a, 2022d). The MoLGCHP established autonomous Councils under Section 3 (1) of the LGA. There are currently 86 Councils - 64 Community Councils, 10 District Councils, 11 Urban Councils and 1 Municipal Council (BoS, 2018).

Figure 5.8 Example of a Local Government Council Office at Maseru AD

Urban Councils are the governing bodies of Lesotho towns except the Maseru Municipal Council – which governs the only municipality in Lesotho (UN-Habitat, 2015a). Therefore, Maseru City is governed by the Maseru Municipal Council (MMC), Mafeteng Town is in the jurisdiction of the Mafeteng Urban Council (MUC), while Maputsoe Town is governed by the Maputsoe Urban Council (MUC) (UN-Habitat, 2015c, 2015d, 2015e). On the other hand, Community Councils are governing bodies for rural villages and peri-urban areas – Mohlakeng Community Council (MCC) governs Motloheloa village. MCC shares a boundary with MMC. These local Councils are made up of elected members through the local government elections which are held every five years. The existence of Councils represents community participation in governance, planning, and implementation. Importantly, traditional authorities (Chiefs) form part of the Councils through nomination as per Section 4 of the LGA.

Within a highly centralised government system like in Lesotho, it is the local Councils that implement the land management and administration functions as provided for under Section 5 of the LGA and Section 14 of the Land Act of 2010 (see 5.4.3, 5.6). Data collection areas have been identified in Maseru Municipal Council (MMC), Maputsoe Urban Council (MUC), Mohlakeng Community Council (MCC) and Mafeteng Urban Council (MUC) (see 4.4.3). Hence, their roles in so far as the promotion of adequate housing and SBIH development through LAS and HMS will be examined (see 5.6).

The local Councils' functions are as follows: physical planning, land allocation, development control, construction permits, and basic services provision including upgrading of urban roads, paving urban access roads, as well as waste disposal and management.

The central government is expected to assist these Councils in developing adequate capacity for the effective delivery of LAS functions and physical economic development planning (UN-Habitat, 2015a). The State also supports Councils to budget for and fund their mandates (KI A30, 2022). Development grants and recurrent budget transfers from the central government (MoLGCHP) support these functions (UN-Habitat, 2015a) since non-municipal local Councils have no local source of income from taxes or fees. For instance, the central government support the Maseru Municipal Council (MMC) through development fund grants (UN-Habitat, 2015a).

Also, the LNHP emphasises a need to use decentralisation and local Councils to achieve its objectives, and yet the Councils are not aware of the role of the HMS and their role towards the development of adequate housing.

Challenges in Central and Local Governments

Disconnected Governments

In Lesotho, the relationship between the central government and the local government Councils is estranged and disconnected (KI A1, A29, A30, 2022). The presence of Councils should bring about improved service delivery in the urban and rural areas through the support of central government – this requires close cooperation. There is also reported inadequate support of Councils by the central government through insufficient budget allocation to support the Council's mandate and shortage of capital for development projects (KI A28, A29, 2022). Key Informants state that even when there is a budget allocation to support Council plans, the MoLGCHP delays transferring the funds to Councils – even impacting the ability of Councils to pay basic salaries (KI A30, A31, 2022).

Incomplete Decentralisation and Weak Implementation of Policies and Laws

Despite these notable achievements by the central government to decentralise through the enactment of the LGA of 1997 and the Decentralisation Policy of 2014, they have not been effectively and fully implemented in Lesotho (see 5.4.4) (UN-Habitat, 2015a; KI A28, A30, A31, 2022) compromising the Councils' autonomy and negatively impacting the capacity of Councils to deliver services to citizens (KI A27, A28, 2022).

There is a noticeable presence of a weak LAS structure and functions and an absence of HMS in the Councils. These signify weak implementation of land use planning and land tenure laws and processes (see 5.6.1, 5.6.2) in the Councils. An example is seen in the land use and physical planning functions of the LSPP and the formal land registration function of the LAA that are partially decentralised to Councils (see 5.4.2, 5.5.3, 5.5.4, 5.5.6). Hence, there appears to be a lack of political will for full decentralisation through a devolution model from the central government (KI A27, A28, 2022; UNECA, 2022).

Furthermore, Section 42 of the LGA provides Councils with the power to develop their by-laws, but to date, no Council has developed any by-laws concerning land use, physical planning, or land allocation (KI A27, A28, A31, 2022). Not even the MCC has developed by-laws (KI A29, A30, 2022). The MCC claims that the MoLGCHP does not support it – MCC draft by-laws have not been approved to date (KI A23, A24, 2022). The majority of the Key Informants in Councils claim that a lack of by-laws prevents them from exercising their full powers to enforce development control. However, Key Informants counter-argue this – demonstrating that MCC has not developed the by-laws to the extent that no by-laws have been publicised in newspapers for public review and comment to date (KI A2, A31, A33, 2022). This indicates a lack of capacity by Councils to develop by-laws (KI A29, A32, A33, A34, 2022).

Lack of Fiscal Decentralisation - Inadequate Capacity to Manage Council's Functions

Fiscal decentralisation is critical to the local Councils' resource mobilization, management, and improved LAS and HMS service delivery and development (UN-Habitat, 2015c, 2022e). However, there is currently no fiscal decentralisation to enable effective collection and management of revenue and expenditure. Most Key Informants also argue that the capacity of Councils to allow fiscal decentralisation is weak – they have inadequate capacity to manage revenue and expenditure.

Importantly, lack of fiscal decentralisation impacts the efficient functioning of the Councils; they suffer limited resources because there is no revenue for local government Councils except for the MMC, whose revenues are committed to salary payments and hardly sustain salary payments due to a shortage of funds. MMC has seen a great fallout during the 2020/2022 COVID-19 pandemic and its salaries and wage payments in that time required central government support through capital injection.

Furthermore, there is no locally acquired revenue for local governments communities and urban Councils. Councils are unable to generate revenue at the local level through the performance of land administrative functions or through property taxes. They are also unable to borrow funds or seek development partners to secure funds for the acquisition of land for planning and allocation through the provision of site and service or other housing schemes (KI A23, A24, A30, A33, 2022). This is in contrast to local government revenue generation through fees and property tax collection common in many other countries. The lack of local-level income also reduces democracy at the local government level. A highly centralised revenue collection impacts negatively on Councils which therefore lack autonomy.

Low Budget Allocations

Amid low budget allocation, delays in transfers, and the absence of fiscal decentralisation, Councils are overloaded with responsibilities while lacking fiscal autonomy or resources to support their capacity to carry out their everyday overarching role in land administration (KI A31, A32, A33, 2022). Tax revenue is collected by the central government from where it is disbursed (UN-Habitat, 2015b, 2022e; KI A25, A27, A30, A33, A34, 2022). Evidence points to a lack of support at worst and at best limited support of Councils by the central government (KI A28, A29, 2022). Hence, it shows that the central government accords a low status to the local government (KI A28, A29, A30, A33, 2022) and (UN-Habitat, 2015a; GoL, 2022; UNECA, 2022). These aspects negatively impact the implementation of the land and housing policy, and legislative and regulatory frameworks, impacting the delivery of adequate housing (KI A30, A34, 2022). Councils do not abide by the respective laws - most of them act informally in their land planning and allocation mandates. The reason for this as reported by Key Informants in Councils (KI A23, A27, A29, A30, A31, A35, 2022) is that the central government does not support the local authorities through funding and capacity building. They are therefore incapacitated by the central government to tap into the land value capture opportunities. Ultimately, the land use planning and land allocation processes to serve SBIH development suffer because there

is an overwhelming reality of underfunded urban infrastructure and management of land (KI A31, A32, A33, 2022). The bottlenecks to land and housing planning and budgeting in the central government affect the performance of the local government.

Inadequate Capacity Building

The majority of Key Informants from both central government LAS and HMS and Councils (both levels of government) share the same sentiments and agree on an estranged relationship between the central government and Councils in terms of human resources. The reason that came out loud from the majority of Key Informants (KI A11, A23, A26, A29, A29, A33, A34, A36, 2022) is that the central government does not support the local government through sufficient capacity building. Hence, Councils perform their mandates under limited resources and are incapacitated – this combines with their inability to raise local income and, therefore are unable to tap into the land value capture opportunities by generating revenue through their land functions performance.

Disconnection Between Policies and Practices

There are rationalities to planning for land development and land allocation between the central government and the local Councils. This symbolises weak governance. The local authorities operate in silos disconnected from the central government policies. This is indicated by the malpractice in the Council's operation in allocating land outside of planning and allocation procedures. Councils allocate land without approved physical development plans for the area (see 5.4.4).

Lack of monitoring and evaluation is another challenge faced by Councils. To date, there is no consolidated report on the performance of the Councils (KI A29, A30, 2022). It is not clear who should carry out supervision and monitoring. The Department of Decentralisation is mandated to monitor the Councils, but this activity has not been carried out in at least five years because of a lack of funds, and insufficient capacity to carry out monitoring (KI, A27, A29, A30, A34, 2022). One Key Informant specifically claims that the central government allocates the budget to Councils but does not monitor and evaluate the expenditure of such funds nor the success of projects (KI A34, 2022). Misuse of funds by the Councils is possible such as in using capital funds for unplanned unapproved activities (KI A34, A35, 2022).

Weak Governance and Clashes of Rationalities

Effective consideration of the principles of good governance (Whittal, 2008) in designing and implementing LAS (Mabesa, 2011; Mabesa & Whittal, 2014) and HMS policies through capacity building and coordination is critical if Lesotho is to achieve the goal of poverty reduction and improve access to secure land and adequate housing. Poor land and housing governance has resulted in ineffective LAS and HMS across all levels of government, and thus impacted negatively on SBIH development.

There is a lack of active participation by both central and local governments towards effective and good land governance (Mabesa, 2011; KI A1, A3, A11, A16, A23, A33, A36, 2022). Poor implementation of land laws, disconnection from the people, and weak governance systems prevail (UN-Habitat, 2018, 2022c). The roles of the different levels of government are poorly distinguished and conflicting, there is a disconnection between central and local governments (KI A23, A27, A29, A30, 2022).

The impact of the weak LAS and HMS is seen in the lack of land tenure security and inadequate housing access. These constraints have caused massive growth of unplanned and informal settlements with substandard housing and lack of access to basic services by communities in both peri-urban and urban areas (UN-Habitat, 2015b, 2022c, 2022e; UNECA, 2022). Almost any *Mosotho* proposes land development projects in the form of new settlements and secondary towns within the Maseru Administrative District. Several of these are seen advertised on Facebook. Often, these types of projects are proposed to take place on agricultural land, and project owners do not seek permission from the LSPP or Councils (KI A2, A3, A9, A11, 2022).

Social and Economic Issues

The economic challenges affecting citizens include a high unemployment rate, low-income level, increasing poverty levels, weak rule of law, low economic growth, and weak governance systems (Mabesa & Whittal, 2014) (see 5.2.2).

5.4.3. Key Policy and Legislation Instruments

In Lesotho, the right to housing is not enshrined in the Constitution (see 5.4.1), but land and housing enabling environment is provided through laws, policies and practices of LAS and HMS. The LAS and HMS policies and laws are central to driving good land and housing governance and promoting

access to adequate housing. The current legal and regulatory framework governing LAS and HMS to guide the provision of adequate housing through SBIH is diverse. Key policy instruments analysed include the LNHP, the Land Act of 2010, the TCPA, the Building Control Act No. 8 of 1995 [Building Control Act of 1995], the Development Control Code 1989, and the Planning Standards 1995.

Policy analysis presented in Section 5.4.3 and Table 5.1 assumes that there is an effective political economy, and strong national and local governments able to implement the policies. It, therefore, relies on a limited number of indicators of the LAS and HMS functions and the principles of adequate housing provided in policy and legislation (see 3.8). These include but are not limited to the processes of land use, land tenure, land development, and basic service provision.

Table 5.1 Land and housing policy and legislative framework

Policy /Law, Regulations, Strategies	Function in LAS and HMS Processes	Impact on SBIH Development Concerning Adequate Housing	Custodian and Responsible Institution about SBIH and Adequate Housing
Land Act of 2010 Land Regulations of 2011	Land Tenure Provides for administration and management of land. Land registration for security of tenure– issuance of leases and Form Cs as titles to land rights. Defines roles of Land Allocation Authority – Councils in land management.	Security of tenure legal protection against disputes and eviction housing delivery. Land allocation procedures	LSPP LAA Councils DoH
Regularisation Regulation of 2010	Land Tenure Promote security of tenure - increased number of sites registered - provides for conversion of customary tenure titles to leasehold.	Access to free lease as land rights title for secure tenure.	LSPP LAA Councils DoH
Land Policy	Land Administration and Management	Absent - policy gap that needs addressing.	LSPP LAA Councils DoH
Land Administration Authority Act of 2010.	Land Tenure Established the LAA to provide efficient services of land administration. Services	Access to 90-year residential use leases as titles to land rights.	LAA LSPP Councils DoH

	include formal registration of land and provision of secure tenure. Establishes the LAA Board of Directors to govern the operations of the LAA	Efficient land registration services & transactions	
Town and Country Planning Act of 1980 [TCPA]. Planning Regulations	Land Use and Land Development. Provides for the orderly development of settlements. Development of all levels of plans: national, regional, district and local plans. It establishes the Planning Authority (Commissioner of Lands) and Planning Board. The TCPA goal is to guide the orderly growth and development of towns through land use and physical development plans.	Access to planned land for SBIH development.	LSPP Councils LAA DoH
Planning Standards of 1995	Land Use Planning and Land Development.	Access to effective planning.	LSPP Councils DoH LHLDC
Development Control Code of 1989.	Land Development and Control. Provides for control of development on land.	Access to development control.	Councils, LSPP, DoH LHLDC
Lesotho National Housing Policy of 2018	Land Development. Promote access to safe, affordable, and adequate housing and basic services by all. 'Progressive realisation of the right to adequate housing.	Access to Adequate Housing through the progressive realisation of the right to adequate housing as a basic right.	DoH, LHLDC, LSPP, LAA, Councils.
Building Control Act of 1995. Building Control Regulations	Land Development and Control. Establish a Building Review Board & Building Authority and Building Control Officers. Uniformity in the construction of buildings - in consideration of the building standards.	Access to quality and durable dwellings.	Councils LSPP DoH
Local Government Act of 1997	Land Use, Land Tenure, Land Development and Control. Basic services provision. Provides a decentralised and local government system for improved delivery of services to citizens through devolution of functions e.g., land use and physical planning, land allocation and development control.	Access to land planned for housing. Access to basic services: access roads and waste management services.	Councils LSPP LAA DoH

Decentralisation Policy of 2014.	Promotes decentralisation through devolution - increase participation in governance. and service delivery.		
Proposed Development of National Housing Legislation.	Land Development The first primary legislation to guide adequate housing development in Lesotho - and thereby provide housing delivery legal recognition and status in the national plans. Drafting of the National Housing Bill to commence in the year 2023/2024.	Absent – policy gap that needs addressing.	Directorate of Housing in partnership with UN-Habitat and other key stakeholders: LHLDC NGOs Councils, LSPP, LAA.

5.4.4. Vacuums and Implementation Issues in Policies and Laws

This section evaluates the land and housing policies and laws implementation regarding SBIH development. The focus is on explaining the challenges and obstacles to the implementation of land, planning and housing policies and laws and their exclusionary effects within the domain of adequate housing and SBIH development. An analysis of the gaps between policies and practices reveals an overall ineffective, uncoordinated, and fragmented implementation of the policies, legislation, and practices in SBIH development.

Figure 5.9 Ineffective land and housing policies at Ha Penapena, Maseru Municipal Council, Maseru AD.

Lack of Implementation of Policies and Laws

Policies and laws governing land and housing development are not effectively applied in practice (Mabesa, 2011; GoL, 2023d). This has led to poor administration and management procedures that fail to deliver the required services for adequate housing, leading to uncontrolled growth of settlements and the development of inadequate housing (see 5.4.3). In a nutshell, the main barriers to an effective enabling environment for SBIH development are extra-illegal practices in the land administration and housing legal and regulatory frameworks (GoL, 2023d). The citizens and Councils do not comply with land and planning laws. For example, the land allocation process does not follow the due process of approved plans before allocation as per the provisions of the Land Act of 2010 and the TCPA (see 5.4.3, 5.6.1, 5.6.2). Councils allocate land without titles because Councils are allowed to collect Form Cs from the Commissioner of Lands (CoL) only on condition that there is an approved physical plan to allocate land which in most cases is not prepared and approved. The lack of compliance and

ineffective implementation of land and housing policies and laws has generated massive growth of unplanned settlements and inadequate housing development (see 5.4.4). To compound this practice, twice (in 2007 and 2016) the Lesotho government released a moratorium that stopped land allocation and land use change transactions. This fuelled informal development – citizens continued to build dwellings on land used for agriculture without any approved land use change and plans.

To compound the problem – there is no oversight in terms of supporting, monitoring, and evaluating the SBIH (KI A1, A8, A17, A23, 2022).

There is also, a peri-urban bias in land and housing legislation – there is a focus on urban development issues while the peri-urban housing space is neglected – e.g. although the Land Act of 2010 applies to all areas (rural and urban), it puts more emphasis on the provision of security of land rights through leases for urban SBIH dwellers, over peri-urban and rural SBIH dwellers. The regularisation projects, in particular, focus on urban areas.

The growth of SBIH in unplanned settlements is a symbol of differences and gaps between the State's power, law, structures, processes, and the citizens' power and agency (see 5.3, 5.4, 5.6, 5.7, 5.8). SBIH Dweller's agency for adequate housing has increased the supply of SBIH in unplanned settlements - outside of the planning and land laws. This is despite Lesotho's efforts to promote the orderly development of settlements and prohibit the growth of informal settlements and informal housing development through legislation (see 5.4.3). Evidence shows that the performance of the LAS and HMS post-reform has resulted in massive growth of informal developments in all Councils, particularly the Maseru Municipal Council (see 5.2.4). The evidence must be given or crossed (UN-Habitat, 2015a, 2022c, 2022e). The land and planning laws are ineffective due to weak governance (see 5.4.2, 5.4.3). The lack of planned and serviced land for housing development is also linked to the poor political economy of land and housing governance amongst others (see 5.4).

Fragmented Policies and Laws

Most of the Key Informants recognise the fragmented and siloed approaches to the implementation of policies, laws, and strategies – with a lack of any formal coordination mechanism. The planning and budgeting are not aligned (KI A1, A8, A11, A19, 2022). The operations of these systems are not coordinated even though the Ministry would be expected to have delivered on the key targets of NSDP II strategic focus and the SDG 11 within the frameworks of LAS and HMS by the year 2030

(KI A1, A7, A8, A11, A12, A17, 2022). LAS and HMS would be expected to have created inclusive and sustainable human settlements, delivered affordable and adequate housing, and contributed to the social and economic development of Lesotho. These will be difficult to achieve if the key activities of the MoLGCHP continue to remain uncoordinated. SBIH Dwellers claim there is no land planned for housing in Councils (UN-Habitat, 2015a, 2022c)– this can be linked to the encroachment of informal settlements and SBIH development on agricultural land seen in Lesotho's urban and peri-urban areas.

The fragmented, siloed, and uncoordinated operations of the LAS and HMS have generated massive growth of informal settlements and an increase in the SBIH development in Lesotho (KI A1, A3, A10, A12, 2022; GoL, 2023d). With little or no coordination between the policies and activities; land and housing policies are not always coordinated or aligned to drive adequate housing and sustainable development. An integrated approach or a coordination strategy for its implementation does not exist.

Limited Capacity Building and Lack of Awareness and Understanding

There is a lack of knowledge about the land and housing policies, laws, plans and actions due to a lack of awareness and understanding (SB A2, A3, A4, A5, 2011; KI A1, A2, A3, A4, 2022). This is linked to the inefficiencies of the LAS and HMS in providing access to knowledge about land and housing policies. The LAA provides flyers and broadcasts its services on the radio to inform its customers (KI A17, A18, A19, 2022). It also uses cell phone short message services, while LSPP and DoH lack resources to buy time on radio broadcasts (A17, A18, 2022). The TV programme by MoLGCHP has not been working and when it did, it neglected land and housing institutions (KI A3, A9, 2022).

Inappropriate and Outdated Laws

Although Lesotho is a signatory to the human rights convention, it has not adopted a legislative framework that promotes and enforces the right to adequate housing for all (see 5.4.1, 5.4.3) Access to adequate housing as a human right and the necessity to provide adequate housing to people is accorded a low status in law and practice (KI A1, A2, A3, A4, 2022).

Currently, there is no land policy and spatial planning framework to guide land development processes throughout the country. Local plans have no basis and are in most cases not approved nor implemented (KI A8, A11, A14, A16, 2022). This is linked to weak land governance (see 5.4.2). In addition, the majority of the Key Informants argue that the TCPA is outdated, and not socially relevant given the state of the political economy in the country (KI A8, A9, A10, A11, A14, A16, 2022). It is

hence discredited by the officials themselves, stating that it is also highly urban-based (KI A8, A9, A10, A11, A14, A16, 2022). Furthermore, the law is not aligned with the current Land Act of 2010 (KI A8, A9, A10, A11, A14, 2022). It is not effectively implemented nor enforced, and people hardly know about the law (see also 5.4.4, 5.6.10) because of a lack of public awareness campaigns and ineffective implementation and absence or limited public education and knowledge sharing about the land laws (UN-Habitat, 2015a; UNECA, 2022). All these pose challenges to both the urban and peri-urban adequate housing development space.

5.5. The Institutional Framework

This section of the narrative presents case study data relevant to embedded research question ii (b) which is also partly addressed in Sections 5.4 and 5.6:

ii) What is the status of LAS and HMS specifically to facilitate access to adequate SBIH?

b) What are the structures and processes of the LAS and HMS?

For Lesotho, land and housing are managed and performed through state-owned agencies – the three units of analysis – LSPP, LAA and DoH. The State's capacity to support SBIH development and achieve adequate housing is assessed through the capacity and performance of these agencies as key role players in the LAS and HMS. Their performance is central to the production of SBIH that meets adequate housing goals and societal needs.

The analysis of the institutional framework for land and housing in Lesotho focuses on structures, roles, processes, and practices in relation to SBIH and policies, laws, and regulations (Section 5.4). Literature indicates (see 2.4.1) that in most cases the existing systems of LA and HM are disjointed, Lesotho is no different. LAS and HMS are fragmented and operate in silos. It is well-known that there is a lack of poor process sequencing, including confusion regarding the availability of services, or how they work, duplication and gaps in service provision and intervention.

5.5.1. The Aftermath of the 2010 Land Administration Reform Activity

Subsequent to the LARAP 2010 (see 1.1), the establishment of the LAA led to the reorganisation of the LAS. The LSPP was restructured into two LASs – the LSPP (public) and the LAA (parastatal). These systems perform the land administration functions: land tenure, land use, land value and land

development in a fragmented manner (Mabesa, 2011). As explained in Section 4.4.2, the LSPP and LAA systems (of the LAS) are considered to be the key nested units of analysis together with DoH (HMS). Since this research was conducted after the 2010 LARAP reforms were implemented, the systems are analysed in their current state (post-reform). Mabesa (2011) investigated the LAS in Lesotho at the time of transition but did not include the HMS. Key Informants raise concern over a lack of holistic approach to the LARAP - the LA reform process was sectoral and focused only on the land tenure and land registration function of the LAS, leaving out the land use and land development functions (KI A3, A11, A13, A20, 2022).

5.5.2. LAS and HMS in the Ministry of Local Government, Chieftainship, Home Affairs and Police (MoLGCHP)

The MoLGCHP is the parent ministry governing land and housing institutions such as the DoH, and the LSPP with other core departments as illustrated in the organogram in Figure 5.10. The Ministry performs six core functions which include decentralisation and local governance, chieftainship, land management and administration, housing management, and provision and upgrading of both rural and urban roads through its departments. Home affairs and policing are other functions not related to this research. The MoLGCHP is supervised by the Principal Secretary who is also the Chief Accounting Officer (CAO). The PS oversees the implementation, monitoring and evaluation of the land and housing policies and laws. In December 2023, at the time of writing but after the data collection and processing phases, the researcher was appointed through merit to the position of the Principal Secretary (PS) in the MoLGCHP.

The LAS and HMS are central government systems that deal with land and housing delivery and are responsible to the minister of the MoLGCHP. Through the MoLGCHP, LAS and HMS aim to achieve NSDP II through the promotion of effective, efficient, and sustainable land management and administration and facilitate the delivery of affordable and adequate housing to Basotho people. Hence MoLGCHP supports the LSPP, LAA and DoH through the design of policy, laws, and resources.

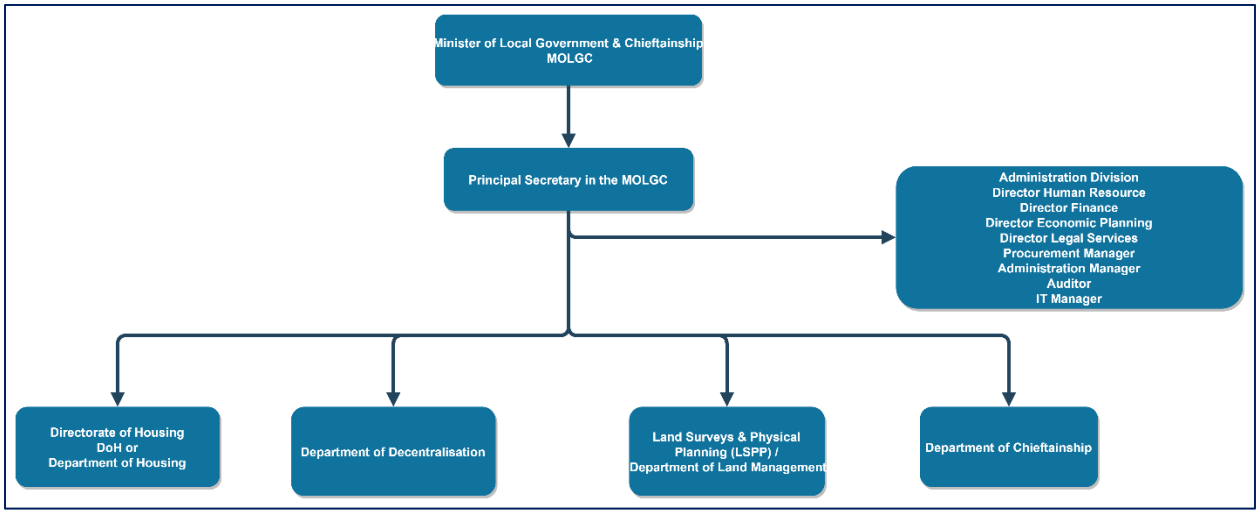

Figure 5.10 MoLGCHP organisational chart.

Other parties involved in housing delivery include local government Councils, NGOs, the private sector, and core parastatals being the LAA and the LHLDC – these are autonomous systems controlled by the MoLGCHP (Minister) through Boards of Directors. The PS is, therefore, the Chairperson of the Boards of Directors for both the LAA and the LHLDC.

Currently, the MoLGCHP does not have a strategic plan to guide implementation and measure its performance in line with the goals of the NSDP II. However, it does have an annual operational plan prepared based on the NSDP II and the Budget Framework Paper. Therefore, the objectives of the MoLGCHP are outlined in its 2020/2021 and 2021/2022 operational plans. These include the improvement of the local government's technical and financial capacity to enable local government Councils to perform their land management functions effectively, to provide an effective and sustainable land administration and management, to improve access to affordable and adequate housing, and to improve basic services (UN-Habitat, 2015a, 2022c, 2022e; UNECA, 2022). These strategic objectives provide an opportunity for good land and housing governance that promotes sustainable development.

To date, the MoLGCHP has achieved the following: design and adoption of land and housing policies and legislation (see 5.3, 5.4, 5.5). Land and housing legal documents are adopted to inform the development of sustainable human settlements and drive the achievement of SDG 11 and the goal of adequate housing (see 3.6.2). However, there are many challenges in the MoLGCHP operations

summarised as follows: ineffective implementation of the policies, laws, strategies, and plans, inadequate capacity to translate policy into practice - insufficient budget allocated to the MoLGCHP (KI A1, A3, A9, A11, A38, 2022), shortage of personnel (KI A1, A3, A9, A11, A38, 2022), disconnection between the Ministry and the citizens and a lack of skilled personnel (see 5.4.2, 5.4.4, 5.5.6, 5.6.10, 0, 5.8).

5.5.3. Land Surveys and Physical Planning

Sections 1.1 and 5.5.1 introduce the current LSPP as a result of the 2010 LARAP. Figure 5.11 illustrates the organisational structure of the current LSPP as it performs the LAS functions through the four divisions: Physical Planning, Land Use Planning, Surveys and Land Tenure divisions. The head of LSPP is the Commissioner of Lands (CoL) who is responsible to the Principal Secretary in the MoLGCHP. The CoL heads the planning authority assisted by the divisional heads – the Chief Physical Planner, Chief Surveyor, Chief Land Use Planner and Chief Lands Officer – no Chief Land Use Planner has been appointed since 2011.

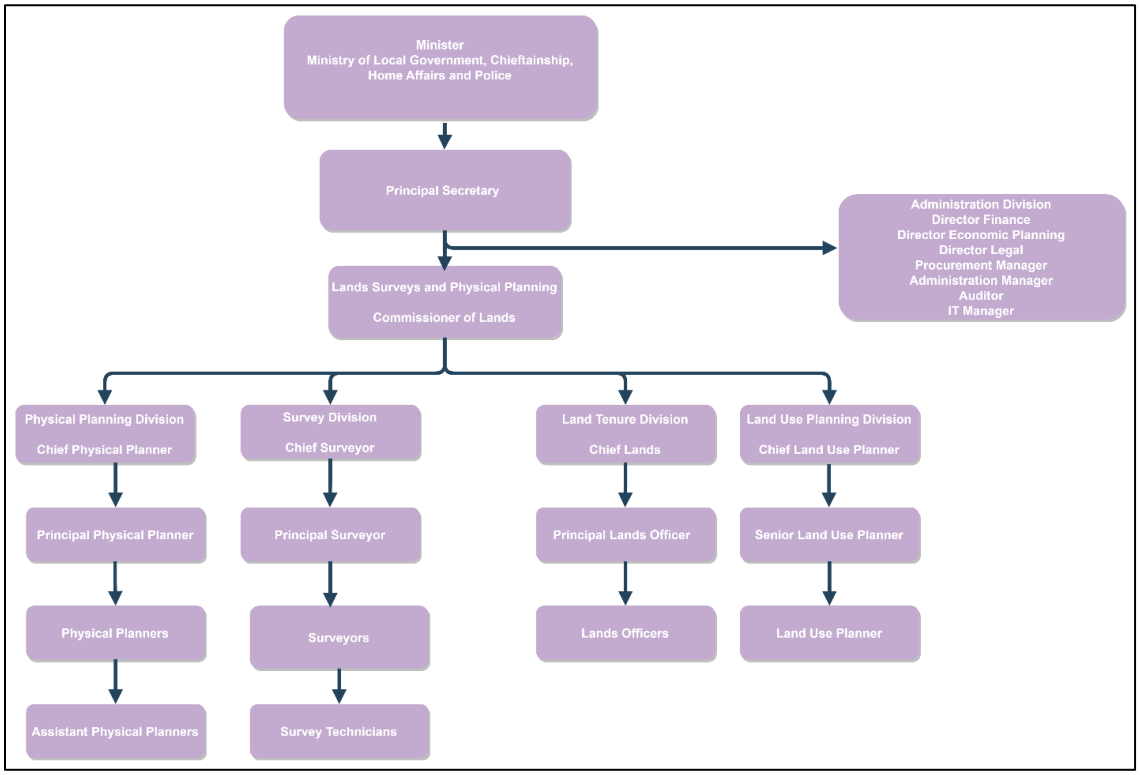

Figure 5.11 Institutional structure of the LSPP.

The main objective of the new LSPP is to promote effective, efficient, and sustainable land management and administration for urban and peri-urban development provided for in the TCPA and Land Act of 2010 (see 5.4.3) and to achieve the sustainable human settlement's objective in line with SDG 11.1. LSPP therefore, performs the four functions of LAS: land use and physical planning, land value and land tenure and development and their subsidiary regulations as explained in Section 5.4. It is, therefore, a major land use and physical planning and land acquisition and allocation player in the SBIH – as per Section 12 of the Land Act of 2010. These functions have also been delegated to Councils (see 5.4.2). The LSPP does not directly allocate land but provides technical support to capacitate and enable Councils to allocate land within the law, particularly the allocation of land on approved settlement plans. Allocation decisions are fully the Council's mandate. LSPP also exists to develop mechanisms for effective land management at national, district and local levels, to develop national land policy, land use policy and plans, and to enforce land and planning laws, policy guidelines and regulations (UN-Habitat, 2015a, 2022e). LSPP's main outcome is to provide for planned land for housing and controlled development thereof.

The research does not dwell on the deep process of land use planning but, will highlight important planning processes aimed at the inclusion of citizens (see 5.6.1). The focus is thus on the operations at the Administrative District and Local Government Council levels. Drawing from Section 5.4.2, all Councils are both land planning and land allocation authorities and hence are involved in the land delivery for housing (see 5.4.3), hence for the LSPP, a centralised decentralized approach has been used to design the system. The land planning functions of the LSPP have been partially decentralised to Administrative Districts, Municipality, and Urban and Community Councils. These government bodies play a key role in the delivery of planned land for SBIH development and should develop their own regional, district, and local physical plans and implement them.

The structure of the LSPP physical planning division in the ten Administrative Districts is composed of a Physical Planner (PP) and two Assistant Physical Planners (APPs) assigned to Urban and Community Councils. The recruitment of the PPs is done by the Public Service Commission. They serve both the LSPP Head Office and local government Councils. Recruitment of the APPs is carried out by the Local Government Service Commission – they are assigned to Councils.

Both PPs and APPs are expected to perform land use and physical planning functions as per the TCPA, and Land Act of 2010, particularly the planning of land for orderly growth and development

of human settlements (KI A8, 10, A10, 2022). It should be noted that the structure is not static, and it differs with each Administrative District. For instance, most PPs are based at the Offices of the District Administrators, e.g. in the Leribe Administrative District (KI A10, 2022).

A disconnect between the LSPP operational plan, the budget and human capacity is often a barrier to the effective implementation of the land use planning process and to the designing of regional, and district plans as well as local physical plans to enhance the delivery of SBIH in planned settlements (KI A8, A9, A10, 2022). SBIH develops on unsuitable land which makes it difficult and costly to deliver services and infrastructure such as roads, electricity and water, and sanitation (KI A4, A10, A25, A27, 2022).

LSPP faces recurrent budget cuts, and the allocated budget is low to carry out the mandate even just to complete a one-year operational plan (KI A8, A9, A11, 2022). Sometimes, the budget is on paper, and no actual cash is forthcoming. The LSPP's capacity to prepare land use plans is strangled by its lack of capacity and insufficient support from the government (KI A3, A6, A11, A29, A32, 2022). It lacks the financial muscle to carry out its mandates by the law and is inefficient in performing duties. Also, an issue raised in the functioning of the LSPP is that Physical Planners and Surveyors lack access to equipment such as survey equipment, computers, printers, and internet access (KI A9, A10, 2022). There is also a lack of continuous training for physical planning staff as well as a shortage of support staff (KI A9, A10, 2022).

An assessment of the capacity of LSPP in the Councils and DoH to deliver land use planning and development control is inadequate and reveals several interesting facts. The LSPP has a weak institutional capacity to carry out its mandate of land management and administration. The majority of Key Informants lament that a shortage of staff and lack of capital resources remain a hindrance to their processes. Even with the decentralised land use and physical planning in Administrative Districts and Councils, there is a prevailing lack of motivation among planners to perform their LAS functions well (KI A11, A14, A14, A15, A32, 2022). The majority of decentralised LSPP staff claim a lack of motivation is caused by the predominant disconnection of decentralised staff at the LSPP head office. They complain of a lack of support from the LSPP head office (KI A1, A3, A9, 2022). APPs in Councils are also demotivated by a lack of approval of the prepared land use plans by the Planning Authority - CoL.

Poor and weak institutional capacity for land use planning development control and building control results from a lack of up-to-date land use plans and a lack of enforcement of the laws and regulations. Lack of qualified staff and inadequate staff or lack of capacity to carry out development and building control and lack of finance to support development and building control.

5.5.4. The Land Administration Authority

The Land Administration Authority is an autonomous state-owned agency, or parastatal, established under the Land Administration Authority Act, No. 9 of 2010 [LAA Act]. LAA is created as a result of the 2010 LARAP (see 1.1 and 5.5.1). The LAA started operating in September 2011. The goal of the LAA is to deliver effective land administration to enable an improved and efficient built environment as ascribed in the NSDP II (Leduka, 2006a; UN-Habitat, 2015a, 2022c; Land Administration Authority [LAA], 2019; UNECA, 2022).

The LAA is governed by the MoLGCHP. It is governed by a Board of Directors chaired by the Principal Secretary of the MoLGCHP (see Figure 5.10). The operational divisions deliver the core processes and products of the LAA through three departments: Survey and Mapping, Lease and Customer Care, and Legal and Land Registration. These operational departments are supported by the corporate department which delivers administration, human resource, and finance services. The role of each department is prescribed in the LAA strategic plan 2020/21 – 2022/23 (UN-Habitat, 2015a, 2022c; LAA, 2019; UNECA, 2022). The strategic plan is ideally aligned with the goals of the NSDP II.

LAA's mission is to provide quality, cost-effective, and efficient land administration services to citizens (Mabesa, 2011; LAA, 2019). It aims to protect the land rights of the citizens through the provision of security of tenure thereby protecting the people (LAA, 2019). The role of the LAA in SBIH development is explained through its main land administration processes and products relating to land tenure, land registration and land valuation (see 5.6). These are directed by the legal and regulatory framework: the LAA Act, the Land Act of 2010, the Land Regulations of 2011, and the Land Regularisation Regulations of 2011 (see 5.4.3). The processes as per Section 5 of the Land Act of 2010 include processing of lease applications for grant of title in residential land – either residential, commercial, industrial, or agricultural. The system, therefore, provides security of tenure through formal land registrations – issuance of leases, consents for lease transactions in case of mortgage, and

transfer applications. These include SBIH Dwellers as land rights holders. It also regulates surveys and provides maps and other forms of geospatial information (LAA, 2019).

Following the Land Act 2010 Section 5, the LAA conducts the following LAS functions: administer the land registration system; administer surveying and mapping functions; perform land administration functions under the Deeds Registry Act, No. 12 of 1976; solve registration and cadastre complaints and disputes; collect ground rent, fees and issue notices from time to time, prescribe the fees be paid for the LAA services; advise the Minister and the government on suitable changes and additions to land administration laws and policies; co-operate with the Ministry and other non-governmental and private bodies regarding all matters relating to land administration (Land Act of 2010 Section 5(2)).

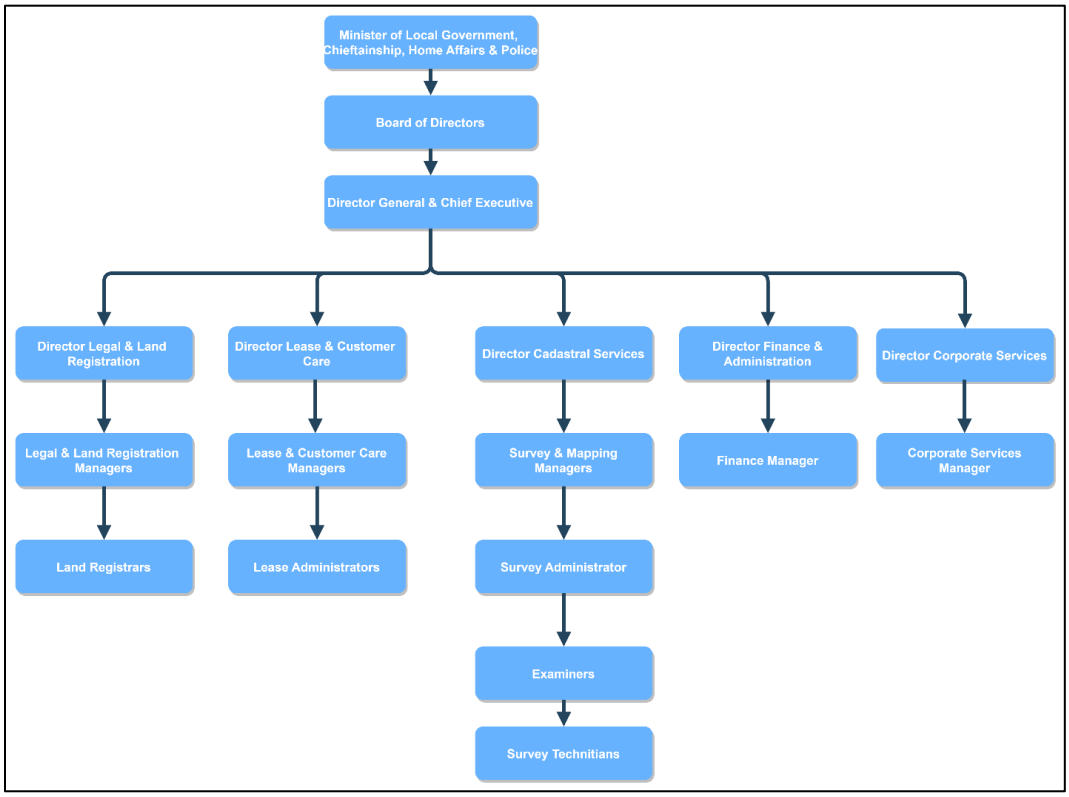

Figure 5.12 Organisational chart of the Land Administration Authority (LAA)

The organizational structure of the LAA is depicted in Figure 5.12. The chart demonstrates the five operational departments including cooperation with five directors and five managers. The LAA has decentralised lease services in the Southern (Mohale's Hoek) and the northern regions (Leribe) – offices are based in the Administrative Districts of Leribe and Mohale's Hoek (KI A17, 2022).

The process of conversion from customary landholding to statutory landholding is assumed to contribute to the economic development of Lesotho while the land administration operations are assumed to lead the country on its path towards sustainable development (UN-Habitat, 2015a; LAA, 2019). However, conflicting goals and programmes between LSPP and LAA arose out of this regularisation project - the LAA carried out the upgrading of settlements through land rights titling without the involvement of the planning authority - the CoL.

As the LAA matures, it is assumed that its services will boost the construction industry and create jobs (KI A17, A18, 2022). However, currently, 13 years after its creation, the Key Informants claim that LAA is not fully fledged as planned, hence they anticipated that once fully operational, the authority is expected to deliver improved land administration and information services and recover all associated costs from the services that it provides (KI A17, A18, A20, 2022). It is also anticipated that full and effective cost recovery should in future enable the LAA to become self-financing (KI A17, A17, A18, 2022). In the meanwhile, the LAA has become expensive to run - the MoLGCHP allocated budget is not reliably received and budget cuts are common. This inhibits effective operations (KI A18, A19, 2022).

The ultimate result of the operations of the LAA is the provision of security of tenure through a statutory leasehold tenure system in the form of registered leasehold title to land in Lesotho (KI A17, A18, A22, 2022). The leasehold replaces the customary land tenure titles known as Form C Certificates and Affidavits in Lesotho. As per the Land Act of 2010, the conversion of customary landholding to leaseholding is mandatory in urban areas. However, implementation depends on the household's financial capabilities since the LAA services must be paid for (KI A17, 2022).

5.5.5. The Directorate of Housing

Housing development and delivery in Lesotho is guided by the LNHP and performed through the Directorate of Housing under the MoLGCHP (UN-Habitat, 2018, 2023b). The Directorate (sometimes called a 'Department') oversees and coordinates the design, implementation, monitoring, and review of the LNHP (see 5.4.3) (KI A4, 2022). The DoH is mandated to achieve the overarching goal of adequate housing for all through several objectives and functions. They include housing research, development, review, and implementation of the LNHP, developing legislation, formulating standards and codes, maintaining a national housing database, and coordinating housing programs and projects (UN-Habitat, 2018) These are performed in collaboration with all key stakeholders,

including the LHLDC, private sector, non-governmental organizations (NGOs) such as Habitat for Humanity Lesotho, and Rise International, as well as Councils and citizens (KI A1, A2, A3, A4, A5, A6, A7, 2022). They should coordinate the development and upgrading of settlements, develop and regulate the housing market, and promote low-income and affordable housing.

The DoH must provide a legal framework to guide and regulate housing development (UN-Habitat, 2018, 2022c, 2023b; R. Leduka & H. Leduka, 2022). The legal framework will guide the development and delivery of housing processes and practices. It will also provide national and international recognition of the Directorate. The drafting of a National Housing Bill commenced in the year 2023/2024 through the support of the UN-Habitat (UN-Habitat, 2023b).

In the MoLGCHP, DoH is referred to as the "*International Department*" because of its tight relations with the UN-Habitat, African Union Commission and UNECA and its role in coordinating the localization and implementation of SDG 11 and NUA (see 5.3). The Director of Housing is also a focal position for UN-Habitat, UNECA and Shelter Afrique housing and urban development activities in Lesotho. The incumbent has responsibilities to deliver on global agendas and international treaties adopted by Lesotho to meet the SDGs (see 5.3). Their achievement depends solely on Lesotho's capacity to design and adopt appropriate policies, legal frameworks, and plans, and to facilitate and enforce the implementation of these.

The DoH structure is a highly centralised static structure (Figure 5.13). DoH is not decentralised – the operations are not decentralised to either Administrative Districts or Councils. The LNHP however, emphasises a need to deliver some of the LNHP objectives through the stakeholders including local authorities. The DoH plays a coordinating and monitoring role in the housing sector and collaborates with other departments, ministries, agencies, and stakeholders and should thus ensure that housing delivery activities are undertaken per the LNHP implementation strategy. The duties and critical roles as identified from the DoH Operational Plan 2022/2023 (DoH, 2022) and the recent achievements of the DoH (UN-Habitat, 2022c, 2022e; GoL, 2023b, 2023c) are the 2023 national dissemination of the National Housing Policy to key stakeholders, development of the National Slum Upgrading and Prevention Strategy, Maseru Citywide Slum Upgrading and Prevention Strategy and draft Lesotho National Housing Bill.

The DoH also faces an inadequate capacity to deliver on its mandate. In particular, it has a shortage of staff (KI A1, A2, A3, A4, A5, 2022). At the time of writing (2023), there were only six staff members

entrusted with an overarching goal of promoting access to adequate housing for all Basotho subject to the LNHP (UN-Habitat, 2022c). There is also a lack of staff training and, lack of motivation due to low salaries and inadequate finance (KI A3, A4, A5, 2022).

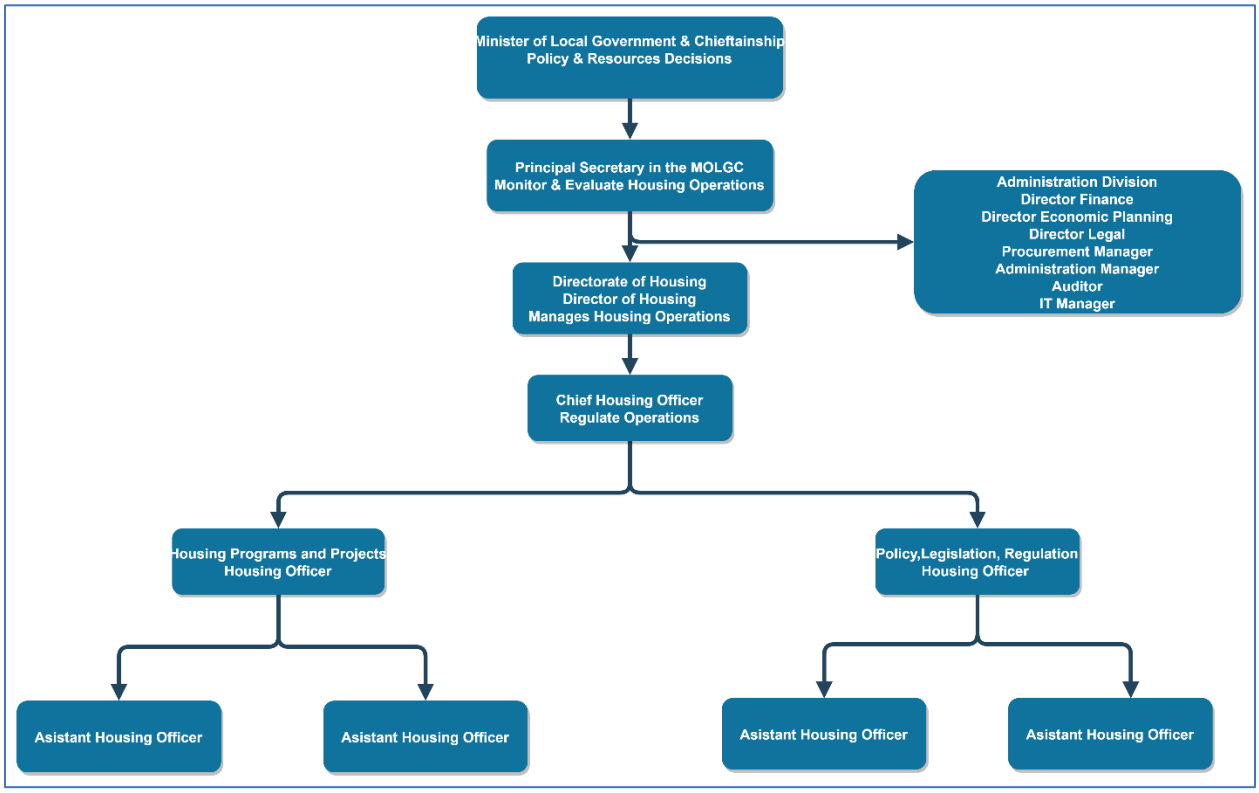

Figure 5.13 Organisational chart of the Directorate of Housing (DOH).

Lesotho Housing and Land Development Corporation (LHLDC)

To promote access to affordable and adequate housing, the LHLDC is a government agency, or state-owned enterprise governed by the MoLGCHP (UN-Habitat, 2015a, 2022e) (see also 4.4.2, 4.4.6). The LHLDC is mandated to implement LNHP through housing programmes and projects (Mphale et al., 2020; UN-Habitat, 2022e) particularly Objective 2 which is to increase the supply of housing through site and service schemes and newly built housing (KI A6, A7, 2022) (see also Figure 5.14). These include site and service schemes and affordable housing projects (UN-Habitat, 2015a). The LHLDC was established under the draft National Housing Policy of 1987, through the Lesotho Housing and Land Development Order 1988, No.12 of 1988 [LHLDC Order No. 12, 1988] by the Minister of Interior, Chieftainship Affairs and Rural Development which is now the MoLGCHP (Lesotho

Housing and Land Development Corporation [LHLDC], n.d.). The Corporation has two shareholders, the government of Lesotho (majority shareholder 75%) and the Lesotho National Development Corporation (minority shareholder 25%) (KI A6, A7, 2022).

Currently, there is no clear mechanism for the central government to support the mandate of the LHLDC rendering implementation of the LNHP challenging. LHLDC claims to be indebted and unable to meet the increasing demand for affordable housing for the citizens as per its mandate (KI A2, A3, A6, A7, 2022).

The existing SBIH stock in both urban and peri-urban informal settlements typify inadequate housing scenarios (UN-Habitat, 2015, 2018, 2022e).

Figure 5.14 A Low-Income Housing Project of Linakotseng, by the DoH and LHLDC within the Maseru Municipal Council.

5.5.6. Cross-cutting Challenges in the Institutional Framework

The previous sections have highlighted the various aspects of the institutional framework relating to land and housing. These were tackled in a sectoral manner. This section reflects cross-cutting issues and challenges that have not been reported up to this point.

- The institutions are fragmented, operating in a siloed, and uncoordinated manner (KI A1, A3, A7, A10, A12, 2022). A rich picture of this fragmentation is illustrated in Figure 5.15.

- A lack of a dedicated ministry as raised in the LNHP for land and housing, indicates a lack of government commitment to land and housing goals. This could also be attributed to a lack of Constitutional support for housing rights – hence housing is not made a national priority (see 5.4.1). Consequently, the MoLGCHP has such a broad mandate and responsibility that includes local governance, decentralisation, chieftainship, and others, that this compromises the ability to prioritise the LAS and HMS functions within its current centralised structure.
- There is poor task/process sequencing, including confusion regarding the availability of services, or how they work, duplication and gaps in service provision and intervention.
- There is a lack of communication framework between LAS and HMS, and no clear communication with other government organisations such as Councils (GoL, 2023d). This results in a lack of knowledge of land administration and housing policies (see 5.6.5, 5.6.8).
- This spills over into a lack of citizen knowledge about the relevant laws and ideology of adequate housing. SBIH dwellers confirm they do not know the difference between the LAA and LSPP (see 5.6.5). Most citizens interviewed, including data gathered through key stakeholder consultation for the NSUPS development - some members of the Contractors Association of Lesotho, do not know about the existence of, and the services of the DoH (KI A2, A3, A4, 2022). The majority of respondents in the DoH agree with this statement – there is a vacuum between the LAS and HMS and the citizens, demonstrating a lack of citizen engagement and participation in policy design and implementation (KI A1, A2, A3, A4, A5, A6, 2022). There is no online accessibility for these instruments because the MoLGCHP does not have an active website for online data accessibility (KI A1, A2, A3, 2022). The TV and radio broadcasting programmes have also not been active for years because of financial constraints.
- There are differences, gaps, and frictions in understanding between the State and the citizens, clash in thinking and practices between the State's LAS and HMS and the citizen's thinking and practices.
- The lack of government support and the disconnection between governments affect the effectiveness of the LSPP, LAA and DoH in implementing policies, and laws. This affects the capacity of LAS and HMS and thus weakens the provision of security of tenure and access to adequate housing.

The result is housing in poor locations, stress related to the unaffordability of adequate housing, informality, lack of tenure security, incrementality - unfinished structures, lack of basic services like access roads, sanitation and waste disposal and expensive mortgage loans. All of these challenges compound the financial stress of SBIH Dwellers. The majority of urban dwellers live in informal settlements and inadequate and substandard housing (UN-Habitat, 2015b, 2015c, 2015d, 2015e, 2022c).

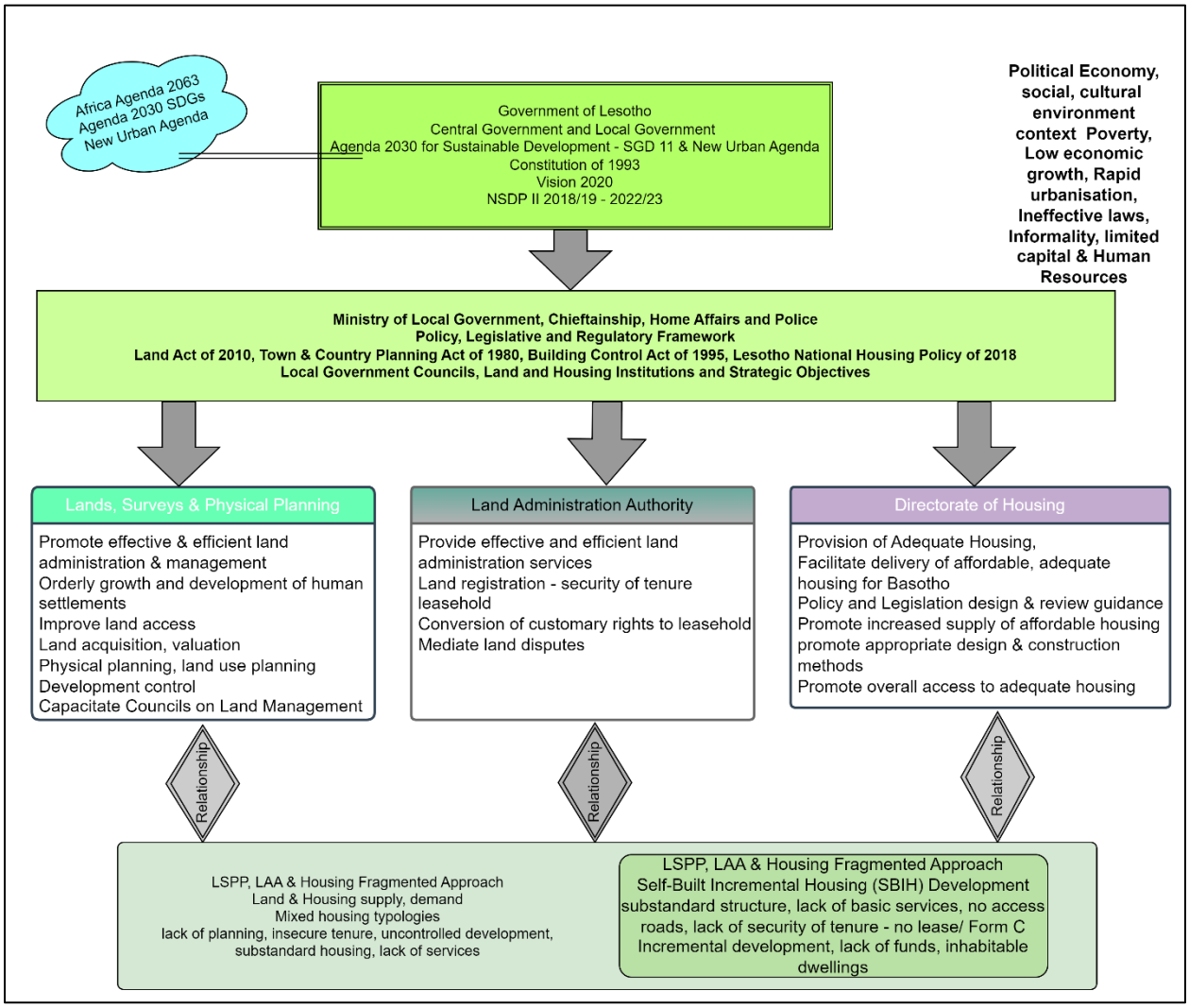

Figure 5.15 A rich picture of fragmented LAS and HMS operations.

5.6. Processes in LAS and HMS

This section of the narrative presents case study data relevant to embedded research question ii (b) which is also partly addressed in Sections 5.4, 5.5 and 5.6 :

ii) What is the status of LAS and HMS specifically to facilitate access to adequate SBIH?

b) What are the processes of the LAS and HMS?

5.6.1. Processes of Land Use and Physical Planning

The processes of land use and physical planning are carried out through the implementation of the TCPA, and the Planning Standards and Development Control Code of 1989. The planning processes are also strengthened and enforced in the Land Act of 2010 (Sections 13 and 24) (see 5.4.3, 5.4.2). These processes are regulated through the land use and the physical planning divisions of LSPP, Councils, and LHLDC respectively (KI A7, A8, A9, A11, 2022). Councils choose an area to plan for future land development. In some cases, Councils consult the citizens, while in some they are not engaged. Upon completion of the plan, it shall forward the approved layout to the CoL for scrutiny as to the availability of land and conformity of the plan to the TCPA and the Planning Regulations and Standards (see 5.4.3). Upon being satisfied with the plan, the CoL, as the planning authority, approves the development plans through their Chief Physical Planner. Upon approval, the respective Council advertises the plan to generate citizen interest and future leasing. Figure 5.16 shows a housing scheme on planned land prepared by the LHLDC in Mafeteng town.

Figure 5.16 Example of a planned land for housing scheme by LHLDC in Mafeteng Urban Council, Mafeteng AD

These processes are also delegated through the LGA to the local government authorities – Municipal, Urban and Community Councils. Hence Councils are responsible for designing land use and physical plans through the support of the LSPP (KI A8, A11, A27, A28, 2022) while these plans are still approved by the CoL. There are currently no specific land use regulations - the land use planning process is driven under the TCPA, Land Act 2010, Act No. 8 of 2010 and the Land Regulations 2011 (KI A11, 2022).

Furthermore, Lesotho is experiencing an alarming rate of competition between land uses, particularly between residential and agricultural land (see Figure 5.1). SBIH in both urban and peri-urban is currently developing on agricultural land (Mphale et al., 2020; UN-Habitat, 2022c). Councils are not enforcing land use planning tools (KI A4, A6, A10, A22, A26, 2022). A change of approved land use can be performed on land included in a Selected Development Area**.**

5.6.2. Land Tenure and Legal Pluralism

Housing is not adequate if its occupants do not have a title for delivery of security of tenure (see Figure 3.6). Strong land tenure security affords legal protection against forced eviction, harassment, and other threats. In Lesotho's history, landholding has developed a plural nature where land is both held through African customary law and through formal statutory law. This signifies that legal pluralism in land administration is a feature of Lesotho – both customary and statutory landholding and tenure systems operating concurrently. The Key Informants are of the view that the existence of both customary and statutory landholding systems is beneficial to most of the people, in both urban and rural areas, who cannot afford the cost of registering landholding through the LAA processes (KI A8, A10, A12, 2022).

It should be noted that the detailed process flow of land allocation and grant of title are not dealt with in detail here. The section only highlights their importance to SBIH development for the achievement of the adequate housing goal.

Customary Land Tenure

The customary land tenure system plays a significant role in the provision of land for SBIH development in Lesotho – most of the land in Lesotho is still held under the customary tenure system granted by the Community Councils, especially in urban, peri-urban, and rural areas (Mphale et al., 2020; UN-Habitat, 2022c). This land holding continues to persist even in urban areas where unauthorised informal land sub-divisions on agricultural land are prominent (Figure 5.26). Examples of these urban areas are Ha 'Mathata in the Maputsoe Urban Council and Ha Motloheloa, Mohlakeng Community Council.

Form Cs or Affidavits are certificates of allocation issued in rural areas – these are provided by the relevant Council as proof of land rights holding. Both customary and statutory forms of land holding are valid, but Section 3 of the Land Act of 2010*,* calls for the conversion of customary tenure to leasehold, especially in urban areas.

The persistent allocation of land under customary tenure suggests that extra-legal (conducted outside of existing legislation in the form of the Land Act of 2010) land allocation practices are common. Section 13 of the Land Act of 2010 stipulates that all land allocation should be in line with an approved development plan as per the TCPA (see 5.4.3).

Leasehold

Leasehold is the principal form of statutory land holding in Lesotho and takes the form of long leases. It is provided through the Land Act of 2010 and administered by the LAA. The LAA aims to protect every Mosotho's land rights by granting a lease title document. The formal registration of land with a lease document is either processed as a new land registration or conversion of customary land titles including Form C – this is done to provide security of tenure as prescribed in the Land Act of 2010.

Land Registration

Access to secure land rights is a prerequisite to the provision of adequate housing (see 3.8). The land tenure function involves land allocation and registration. It included processes of land acquisition, land allocation and holding, and land registration for security of tenure (see 5.4). These are prescribed and delivered through Sections 3, 13, 14, 20, 23 and 24 of the Land Act of 2010 and Land Regulations of 2011 processes spread across the LSPP, the LAA and the Councils (see 5.4.3). Section 14 of the Land Act prescribes that the land-allocating authorities are the Councils who are also expected to deliver land administration and management services. Allocation should be done in consultation with the respective Chief as per Section 25 of the Land Act of 2010 (see 5.4.2).

Hence, the Council should allocate land through Land Allocation Committees that comprise Councillors (KI A9, A10, A23, A27, A29, 2022). Such committees make recommendations to their Council (KI A9, A10, A23, A27, 2022). In addition, the land allocation committees are responsible for site extension approval, lease applications, inheritance approval, and dealing with land disputes (KI A11, A23, A25, 2022).

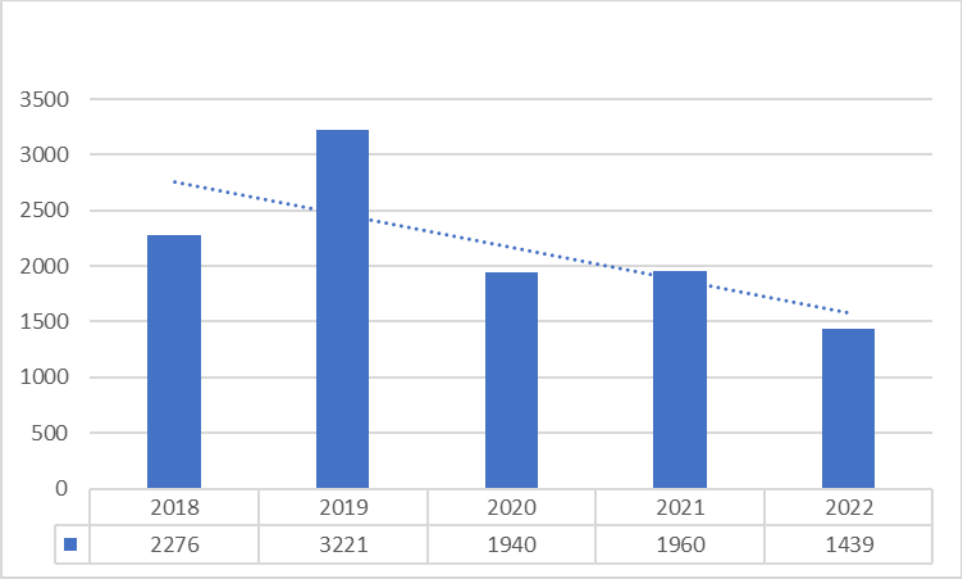

Figure 5.17 The total number of lease titles registered by the LAA in time – after (KI A17, A18, 2022)

The LAA recorded performance concerning land registration and issuance of leases is provided through the bar chart in Figure 5.17. There are fluctuations in the total number of leases issued from 2018 to 2022. The chart illustrates the number of leases registered through owner-driven or regularisation (government) methods – in 2018, the total number of leases issued was 2276, while 1439 lease titles were registered in 2022, demonstrating a decline in the registration (KI A17, A18, 2022). However, the regularisation projects that took place in some parts of Maseru and Maputsoe have increased the security of tenure.

The state of the political economy within which formal land registration and planning regulations processes occur impacts the delivery of (land registration and planning permits) (see 5.2.2). The cost of formal registration of land is deemed expensive (KI A3, A9, A10, 2022). Also, conversion of these rights to leasehold tenure is minimal because it is costly for most poor people (KI A18, A20, A23, A27, 2022). For instance, there is reported also a low turnover of applications for sporadic registration (KI A18, A19, A20, A22, 2022) and this is attributed to a lack of finance to access the LAA services by the majority of the people who cannot afford the LAA services – this impacts on their security of tenure (see 5.2.2). The low number of registered land parcels in the LAA – less than 30% – is symbolic of the constraints faced by SBIH Dwellers to access the LAA. An estimated 70% of land in Lesotho is still unregistered (UN-Habitat, 2015a; UNECE, 2022).

5.6.3. Land Development and Building Control

The TCPA is the dominant law that governs the orderly development and growth of human settlements through various levels of plans (see 5.4). According to Section 5 of the TCPA, land development should align with the approved development plan of the relevant Council. As per the TCPA and Building Control Act of 1995, land development includes development and building control and involves both the respective Council and citizen collaboration and conformity to the processes. Councils deliver land development control through the issuance of construction or building permits (KI A11, A23, A24, 2022).

The LSPP officials within Urban and Community Councils are directly involved in land development. They lead participatory land use planning processes in preparation for the allocation of land planned for housing. This is done through approved settlement plans. The detailed process flow will not be reflected in depth here, rather, this section highlights their importance to SBIH development and achievement of adequate housing.

Planning practitioners suffer a lack of knowledge of the planning laws and regulations, Key Informants also confirmed they are not conversant with the planning laws and yet they are expected to adhere to and deliver the practice of land use planning (KI A9, A10, A11, 2022). An example of planning gone wrong is when a certain Council (kept anonymous) designed a settlement plan without following proper procedures as per the TCPA and started allocating sites before the plan could be approved by the CoL (KI, A9, A11, A12, 2022).

There is no national spatial plan framework to guide land use planning and development (KI A8, A9, A11, A12, 2022). Therefore, the design and implementation of regional plans, district plans, and local plans are not guided by a national spatial plan framework (KI A9, A10, A11, 2022). LSPP plans to develop the national spatial development framework during the 2023/2024 fiscal year (KI A9, A10, 2022).

According to the Building Control Act of 1995, building control functions should be performed by building control officers in Councils, but councils do not have such officers. Councils only have Assistant Physical Planners (APPs) who are regarded as inadequate since the plans have not been forthcoming (KI A10, A11, A16, A32, A36, 2022). Councils also lack adequate planners to carry out development plans (KI A11, 2022). There are no Building Control officers in Councils. The duties of the Building Controller as prescribed in the Building Control Act of 1995 Section 12 are left to PPs

who are not trained to carry out the function. This case applies also to Maseru City. There is no enforcement and policing policy for development control (KI A9, A11, A23, A24, A24, 2022) (see 5.4.4, 5.5.6, 5.6.10).

Figure 5.18 Unplanned settlement – Matholeng Village, Mafeteng Urban Council, Mafeteng AD

5.6.4. Housing Finance and Affordability

Drawing from the provisions on housing delivery in the Constitution (see 5.4.1), the financing for SBIH development is left in the hands of the citizens. There is no government funding dedicated to subsidising housing development, although this has been proposed in the LNHP (KI A2, A3, A4, 2022). This means that Lesotho is not a welfare state with respect to housing. The land and housing market is not regulated – both formal and informal land is considered expensive in urban and peri-urban areas (Mphale et al., 2020; UN-Habitat, 2022c). It is already documented in the National Housing Profile of 2015 (UN-Habitat, 2015b), and the LNHP that a substantial proportion of the people in Lesotho cannot afford housing finance (UN-Habitat, 2018).

In the absence of a national housing fund, commercial banks in Lesotho (Standard Lesotho Bank, First National Bank Lesotho, and Nedbank Lesotho Limited) are the major providers of housing finance (UN-Habitat, 2015b; R. Leduka & H. Leduka, 2022). This is articulated through housing loans - mortgages and access bonds to people who meet their requirements. There is also a small microfinance called Lesana Financial Services such as banks, the microfinance provides credit to incremental housing improvements (UN-Habitat, 2015b). Accessibility to housing finance through banks is limited to a certain population in the bracket of middle - and high-income groups (UN-Habitat, 2015b). According to the Centre for Affordable Housing Finance report (R. Leduka & H. Leduka, 2022), four out of ten urban households can afford mortgage finance (UN-Habitat, 2015c, 2015d, 2015e; Mphale et al., 2020; UNECA, 2022). This situation is worsened by low salaries and high unemployment rates in Lesotho (R. Leduka & H. Leduka, 2022). For instance, the average annual household income needed for the cheapest newly built house by a formal developer, in 2020, is $5 191 (R. Leduka & H. Leduka, 2022). The majority of people in Lesotho live below the poverty line, and most earn below Maloti 1000 (Rands)per month – noting that most of the people are unemployed or on low wages (UN-Habitat, 2022e). The average income in Lesotho is LS700 (UN-Habitat, 2022e). Many Key Informants also agree that the housing mortgage market is only accessible to middle-income and wealthy people, leaving out the poor, hence why most people convert to an incremental approach to building a dwelling (KI A1, A2, A3, A4, A5, 2022).

Therefore, LNHP proposes to develop a national housing fund as a way to make housing finance accessible to the majority of the citizens – particularly low-income people (UN-Habitat, 2018). Currently, the government still do not have any financial strategy to assist with affordable housing finance as per the LNHP Objective 6, and to increase the affordable housing supply and social housing (KI A1, A2, A3, 2022).

Key Informants expressed concern that the LAA appears to be a short-term solution to the insurmountable and persistent problems of land administration and management in Lesotho (KI A3, A9, A11, 2022). Moreover, security of tenure is not the only problem in land issues and the formalisation of land rights in urban areas does not necessarily address planning problems. The regularisation project caused problems for the planning and upgrading initiatives (KI A3, A9, A10, A13, 2022).

While the government improves access to adequate housing, SBIH Dwellers are concerned about the affordability of the low-income housing project that the State built in 2016 to address housing needs, which was by no means affordable for the poor or low-income households (see 5.6.4, 5.6.6). In 2016, the government invested 16 million Maloti into low-income housing implemented by DoH in partnership with the LHLDC to address the shortfall of an estimated 5195 dwellings needed per year to meet the housing need by 2025 (UN-Habitat, 2015a). Seventy-seven houses that were sold by LHLDC were too expensive for the majority of the people. Sold between M250,000 and M350,000, they were mostly purchased by public servants (civil servants) and other individuals who are in the middle- and high-income earning groups (KI, A3, A7, 2022). To date, these are the only dwellings built by the DoH in partnership with the LHLDC (KI A2, A3, 2022). These 77 dwellings built are but a drop in the ocean in terms of addressing needs.

Developing affordable and innovative financial mechanisms is required to address financial challenges faced by low-income earners and poor people and improve access to adequate housing. This should be a key priority of government policies. Also, reducing, the costs and expanding access to affordable housing finance can go a long way too (UN-Habitat, 2015a, 2022e). These should be the central concerns of LAS and HMS.

5.6.5. Land and Housing Information

Availability of land and housing information is a major factor for improvement in relation to land acquisition, allocation, and registration. Open access to land and housing information is a critical component that promotes access to adequate housing. Information empowers, encourages, and increases citizens' participation and capacity to access adequate housing (see 3.4.2). This process involves the development of a communication strategy for the dissemination of land and housing information to the citizens and the sharing of information between LAS and HMS.

The land information processes of the Land Administration Authority include maintenance of records of all land allocation and registrations in the land cadastre; maintaining the cadastre, and administration of the cadastral system, which includes retaining accurate information and maps on the land cadastre (LAA, 2019). The LAA must also register land and record this on the cadastre on request from the title holder; update the cadastre with details of any consolidations, subdivisions, or other changes in legal boundaries; and provide maps and other information regarding the cadastre upon request (UN-

Habitat, 2015a). They must resolve registration and cadastre complaints and disputes concerning land parcel boundaries; and disseminate land information to the public.

For the LAS, the management, storing, processing and dissemination of land administration information are the functions and roles of the LSPP, LAA, Councils, and partly also of the Chiefs, as per the land record roles in the Land Act of 2010 and Land Regulations 2011.

5.6.6. Affordable and Low-Income Housing

The site-and-services schemes approach is the most popular affordable housing scheme and is commonly delivered by the LHLDC (see 5.5.5) and MMC (UN-Habitat, 2015a). Figure 5.19 illustrates an example of a site-and-service scheme undertaken by the LHLDC at Mafeteng.

Figure 5.19 Affordable housing scheme by LHLDC, Mafeteng Urban Council, Mafeteng AD

In this scheme, the land and basic services connections are provided without any top structure. The Mafeteng Urban Council identifies land that is considered suitable for the development of housing

using predetermined criteria for land. LHLDC beneficiaries are also selected on predetermined criteria – their capacity to pay. This scheme is one of the most important mechanisms through which the government ensures planned urban development and access to land for housing (UN-Habitat, 2015a; UNECA, 2022), but it should be noted that this is on a limited scale (KI A1, A3, 2022). There is no data on the quality of structures.

5.6.7. Provision of Basic Services and Infrastructure

Access to basic services and infrastructure is a prerequisite to effectively support the goal of adequate housing and thus also SBIH (see 3.6.2, 3.8). In Lesotho, the responsibility to deliver basic service lies with the Councils through the Local Government Act of 1997. These services are not yet decentralised due to a lack of capacity in the Councils. They are still highly centralised functions that are delivered through three Ministries with little coordination. These are the Ministry of Natural Resources, the Ministry of Public Works and Transport, and MoLGCHP. The connection of urban water and electricity is provided by the parastatals of the Ministry of Natural Resources. These are the Water and Sewage Company (WASCO) and the Lesotho Electricity Corporation (LEC) respectively. It is estimated that about 77% of households in Maseru have access to clean water (UN-Habitat, 2022d, 2022e, UNECA, 2022). Urban roads are provided through municipal, urban, and community Councils. A lack of national, district and local land use and physical plans for SBIH have resulted in poor servicing of access roads in most settlements. However, Lesotho faces wide gaps in infrastructure and basic services provision holding back the achievement of the adequate housing goal (UN-Habitat, 2015b). Citizens in informal settlements suffer the most due to a lack of development planning and planned service provision.

5.6.8. Citizen Engagement and Participation

The LAS and HMS include the relationship between people and the systems of land and housing, and therefore, there is a need for citizen engagement and participation in processes. This involves the identification and consultation with key stakeholders at all levels. All functions of the LAS and HMS should include citizen engagement, but the land use planning and land development functions require this in particular, (see 5.6.1, 5.6.5). The consultation process should involve hearing the views of citizens and hearing of objections (see 3.4.2). In Lesotho, citizen's participation is enhanced through public gatherings.

5.6.9. Matrix of LAS Functions and Adequate Housing Indicators

LAA, LSPP and DoH are expected to deliver their mandate in support of the promotion of adequate housing. Their processes are the preconditions to achieve adequate housing through SBIH development (see 5.5, 5.6). Hence, the actions of the SBIH Dwellers in SBIH development are driven by the performance of LAS and HMS in the delivery of land and housing services. Table 5.2 presents a matrix of adequate housing indicators aligned with the functions and processes of LAS and HMS.

The processes of the current LAS and HMS systems seem to have insignificant effects on the outcome of a well-functioning SBIH. This section reflects cross-cutting issues and challenges that have not been reported up to this point in the themed subsections above dealing with processes in LAS and HMS.

Table 5.2 A Matrix of the Functions of LA & HM systems in support of adequate housing

Indicators of Adequate Housing	LSPP	Councils	LAA	DoH
Location and Accessibility	Planned land for housing - Land Use, Planning and Development Control	Land Use and Physical Planning – settlements layouts.		Encourage effective land use planning and management to avoid houses built in unsuitable locations - flood plains – Objective 3 of LNHP.
Security of Tenure	Land acquisition, assist Councils in land allocation & registration. Keeps records of land allocated in council areas.	Land Allocation and Recording	Land Registration – leases and land transactions.	Encourages formal registration for the provision of secure tenure to protect against eviction.
Durability and Habitability of Dwelling	Planning standards - Planning permissions.	Development control: planning and building permits.		Quality and durable structure through LNHP Objective 7.
Basic Services and Infrastructure	Assist Councils in upgrading informal settlements through land use and physical planning process - planning permissions for electricity and water connections.	Facilitates the provision of basic services: access roads, waste disposal, and management.		Upgrading of slums & informal settlements through Objective 4 of LNHP.

5.6.10. Cross-cutting Process Challenges

Fragmentations and Silos Affecting Processes

The processes associated with the land and housing goals of NSDP are implemented in an uncoordinated manner. This is largely due to the siloed design of the LAS – the LSPP and LAA (see 5.5.6) (KI A1, A2, A6, A11, A13, 2022). Each performs part of the land administration function separately without any coordination mechanisms, deeply affecting the SBIH Dwellers (Mabesa, 2011).

Lack of Uniformity and Conformity.

In Lesotho, land allocation and registration are carried out through both formal and informal channels (KI A10, A11, A12, A13, A24, 2022) – land delivery for SBIH development is mostly through informal channels (Leduka, 2006b; UN-Habitat, 2022e). The formal channels are the Councils, while the informal channels are typically transfers of land between owner and buyer outside of the formal system – without the involvement of Councils and the LAA (KI A8, A9, A18, 2022). 'Estate agents' conduct informal layouts of residential lots on agricultural land that is not zoned for housing and not part of an approved development plan (KI A8, A9, A11, A12, A14, A18, 2022).

Key Informants also revealed that corruption is common in the land allocation processes, whereby some Councillors and Chiefs continue to allocate land as individuals outside of the Council's approvals (KI A8, A9, A11, A14, A27, A29, 2022). Hence, both Councils and Chiefs are notoriously known to allocate land outside the provisions of the land and planning laws (KI A8, A9, A10, A15, 2022). This has exacerbated illegal allocations of land for housing purposes through allocating land without issuing Forms Cs as a certificate of title (KI A3, A7, 2022). In some instances, a Council confirms allocation for illegally subdivided land. They also confirm land allocation for land whose use has been illegally changed – through the issuance of either an affidavit or Form C (KI A9, A10, A11, 2022). Some selected development areas have been grabbed through illegal land allocation, and Councils have contributed to the land grabbing that took place in such areas (KI A10, A11, A13, 2022).

The LAS processes in Lesotho are not uniform across the country (KI A8, A9, A11, A12, 2022). Key Informants acknowledged and confirmed that each Council has its way of delivering services, planning permits, land allocation and rights verification – and this does not necessarily follow any law. Different Councils use different methods of land allocation, and their land allocation certificates also vary (KI A8, A9, A10, A11, A18, 2022). There is no uniformity in land allocation - different parties are involved,

depending on a Council's informal method of land allocation (KI A10, A11, A15, 2022). This lack of conformity to the laws is common practice in Councils (KI A9, A10, A19, A23, A31, 2022). Most of the Councils continued to allocate land without approved plans, outside of the legal provisions, even after the enactment of the Land Act 2010 whose Section 13 restricted the allocation of land without approved plans (KI A11, A13, A18, 2022). Fraudulent land allocation and certificates are the order of the day in the areas managed by Councils (KI A8, A9, 2022).

Overlapping Processes

There are overlaps of key land use planning and development processes in LSPP, Administrative Districts, and Councils (KI A8, A9, A10, A11, A13, A34, 2022). Overlaps are caused by the straddle of powers within the LSPP in the Administrative Districts and Councils – each office feeling that they are superior to the others.

Failure of Monitoring

With the inconsistent and extra-legal ways of land planning and allocation conducted by Councils, it is difficult for these same Councils to implement and monitor through development control functions (KI A8, A9, A11, A22, A27, A34, A35, A36, 2022).

Land Registration Irregularities Linked to Planning Issues

An interesting finding about the practice of land tenure function in Lesotho is that both the LAA and Councils struggle to confirm the land allocations, made before the Land Act of 2010, for registration by the LAA as per the Land Act of 2010 (Sections 13 and 26). New allocations by Councils are conducted without approved development plans (see 5.4.4), and LAA also continues to register these land rights without an approved land use plan – outside of Section 24(2) of the Land Act of 2010 (KI, A19, A20, 2022). Key Informants argue that they continue to register land without approved plans because the plans are non-existent due to lack of capacity of the LSPP to steer the planning process in the country, and refusal to register will impact the security of tenure (KI A19, A20, A21, 2022). The majority of land registered by the Councils is registered outside of the law – without approved development plans in the jurisdictions to which such registration is made (KI A17, A19, 2022).

Lack of Public Awareness about Processes

Knowledge about the processes of accessing the land and housing is important to meet the goals of accessibility, participation, and adaptiveness to the needs of SBIH Dwellers. However, land and housing information is not transparent and accessible. There is limited information about these processes, especially for those who aspire to register land through the LAA and adhere to the law and good housing practices. Also, most SBIH Dwellers do not know about the DoH and the LSPP. They have heard a little about the LAA and its operations over the radio stations (SB, A3, A6, A10, A12, 2021). However, LAA does not engage in public education and awareness campaigns, hence they affirm that they never receive any help from such systems – their services are a mystery (SB A3, A6, A10, A12, 2021). Hence, a lack of citizen awareness of land registration has precipitated land disputes such as boundary overlaps, lack of access roads, double allocation, encroachments, and limited access to justice (KI A2, A3, A10, 2022).

The DoH also lacks a communications system to inform the public about housing development processes. There is no plan for future development on this. The Lesotho television and radio broadcaster, LTV, stopped broadcasting information on MoLGCHP due to a lack of equipment and budget to finance the programme. Hence any chance of dissemination of land and housing information through public TV and radio has been hampered. Accessible, reliable, and usable land and housing information can be used to support and stimulate the development of adequate housing through SBIH. A lack of government support is revealed by a lack of information on the availability of planned sites (see 5.6.1, 5.6.2, 5.6.5).

There is no public education and awareness to capacitate citizens on waste management. The public is also reluctant to participate in the disposal of waste. Waste is dumped and scattered across the main roads and streets (KI A27, A28, A29, 2022). The Councils, including MCC, fail in their duties to operate and manage waste. The MMC also fails to manage potable water and sewage for Maseru City (KI A32, A33, 2022).

Registration Conflicts Between Institutions

The LSPP and Councils lack up-to-date and reliable land allocation registers and a lack of records for planning and building permits issued (KI A8, A9, A10, A29, A31, A32, 2022). This has been attributed to a continuation of land allocation without approved land use and physical plans in Councils (KI A8,

A25, A27, A28, A29, 2022) and a lack of integrated land information system across land and housing institutions (KI A4, A9, A17, 2022).

Siloed LAA and LSPP Processes

Also hindering the process and linked to poor communication between the silos of the LSPP and LAA, is that the CoL (in the LSPP) is not represented in the Board of Directors of the LAA. The Principal Secretary in the MoLGCHP is the Board Chair but cannot overcome this lack of representativity. A lack of representation further compromises the chances of the LSPP to know what the LAA is doing and vice-versa. Hence this impacts negatively on the effective implementation of the Land Act 2010 and the TCPA.

Spatial Data Infrastructure and Process Conflicts

Information is not accessible, reliable, and usable across the institutions of the LAS and HMS. There is a responsibility for the custodianship of spatial data. The LAA Act (Section 5, subsection 2a(i)) places this responsibility with the LAA, but the LSPP also claims the authority over national spatial information (KI A8, A9, A20, 2022). Irrespective of the law, the majority of Key Informants believe the LAA can deliver on this mandate more effectively than the LSPP can because the LSPP lacks both the resources in terms of budget, equipment, and human resources (KI A8, A11, A17, A20, 2022). The LSPP does not have up-to-date spatial data (KI A8, A9, A10, 2022). Key issues are that there is no data-sharing system or link between these two systems; there is a lack of any integrated information system; and there is inadequate data for the land and housing market (KI A1, A2, A3, A8, A9, A11, A12, 2022). In summary, it is vital to develop a spatial data infrastructure to allow the integration of spatial data.

The land allocation and registration records are ideally to be found in the Councils as per the Land Regulations 2011, but these are not accessible (KI A9, A10, A11, A12, 2022). There are also no land records in the Chief's offices, even though the Chiefs still have powers to confirm land allocations done before the Land Act 2010 (KI A9, A10, A11, A12, 2022). The Chiefs are also reported to continue to allocate land in the urban and peri-urban areas (KI A18, A24, A26, A29, 2022), inclusive of the MMC and people still believe in the fraudulent Form Cs and affidavit forms provided by the Chiefs (see 5.6.2). Councils, especially Community Councils and Urban Councils lack records of land allocated and registered.

Citizen Engagement and Participation in Processes

Key Informants lament that the engagement participation of citizens as key stakeholders is limited by the capacity of the LAS and HMS to engage the citizens (KI A3, A8, A17, 2022). There is also hindered by the lack of awareness of land use planning processes. Public gatherings have over the years proven ineffective forms of citizen engagement, communication, and participation. This is blamed on the lack of capacity by LAS and HMS to effectively engage citizens in planning, decision making and implementation, and also poor attendance by the citizens (KI A2, A3, A10, A23, 2022). In the urban setting, SBIH Dwellers are productive and are in most cases preoccupied with jobs and business commitments, this limits their attendance to public gatherings hence their lack of capacity to participate (KI A2, A10, A23, 2022).

Furthermore, there is a weak participation of citizens through local government in the housing processes. For instance, LNHP has limited provision for a decentralised approach to the delivery of adequate housing, except for a small provision in the policy Objective 4, which aims to improve infrastructure provision in the informal settlements through coordination between DoH and Councils (see 5.4.3, 5.5.5). However, this provision is not currently part of the decentralised government system as housing functions are centralised.

Lack of Coordination and Monitoring

There is also a lack of coordinated supervision, monitoring, evaluation and reporting on the progress and performance of the LAS and HMS. This continues to cause fragmented approaches to the land and housing process in the LAS and HMS. Coordination with the LAA and other sectors is crucial but is minimal and there is no coordination strategy to enforce and monitor, communication is on an ad hoc basis. Many Ministries have mandates which have a land use-related impact, but there is little or no coordination between the policies and activities (e.g., data sharing) between these Ministries (UN-Habitat, 2022c). Local Area Plans (LAPs) are produced at the district level but the higher-level planning and policy framework within which these LAPs should be produced is not operational.

Although each system has its area of competence, a lack of coordination of activities poses a serious challenge regarding access to planned and secure land and authorised development through a grant of titles to land and planning and building permits. There is also a disconnection/disjuncture between the processes of these systems (LAS and HMS) and the SBIH Dwellers; this is caused by many reasons

including a lack of knowledge about the systems, and even when they know they still do as they wish (KI A3, A19, A23, 2022). This is linked to poor processes of State institutions in their lack of assistance to access planned land and adequate housing (see 5.4.1).

5.7. The Nature of SBIH Development

This section of the narrative presents case study data relevant to the first part of embedded research question iii):

What is the status of SBIH: how do people practice SBIH development in Lesotho…?

It is important to understand the phenomenon of SBIH in Lesotho and the role it plays in providing housing, before understanding how this system is viewed by the SBIH Dwellers themselves.

5.7.1. SBIH - An Overarching Mode of Housing in Lesotho

The emergence of SBIH for housing provision dates to the earliest settlements of the forebears of the Basotho, but importantly to at least the 17th century when the Basotho Nation was formed by the late King Moshoeshoe the First. Thus, giving SBIH a share of history as a predominant housing mode. Throughout the centuries, Basotho have built and owned houses through SBIH in the form of Basotho cultural/traditional houses such as a hut (*known as mokhoro in Sesotho language* - is a round-shaped house with thatch roofing designed in different sizes) (Annexure D) and modern houses build with brick and mortar or stones, (see Figure 5.20). Some of these forms and processes of construction are rooted in cultural practices and may be seen as part of the heritage of the nation. SBIH is an overarching mode of housing delivery and a hidden treasure and has made most human settlements in Lesotho. SBIH has historically been the predominant housing mode in Lesotho and continues to remain the major supplier of housing in the country (UN-Habitat, 2015a). SBIH is an affordable and suitable mode of housing for many people – this remains the case despite the land administration reform activity and SBIH remains the dominant mode of housing provision in Lesotho. Seventy percent of the households in Lesotho build their own houses through SBIH development and live in informal settlements (UN-Habitat, 2015a, 2015b).

Figure 5.20 A brick-and-mortar SBIH Dwelling constructed in Maseru peri-urban area, 2023.

More recently, Basotho have demonstrated some agency and power through SBIH development within the context of the country's post-reform LAS and HMS (see 5.5.1). This context includes the legislative and regulatory frameworks (see 5.4.3), and the contexts of the existing political economy of land and governance including, social, cultural, economic, and political conditions (see 5.2, 5.2.2). The historical development and current context form the pre-conditions for the current SBIH and shape its current and future development.

SBIH in Lesotho means housing that is provided incrementally by the households using their means (planning and finance) to access land and build a dwelling. This SBIH is characterised by informality, illegality, insecure tenure, unauthorised development, temporary structures (shacks), incrementality and incomplete structures, lack of basic services, lack of access roads, and un-demarcated boundaries,

sub-standard housing, hence inadequate dwellings. For instance, Figure 5.21 demonstrates a start-up temporary SBIH dwelling whose owner plans to build a permanent standard dwelling in future. The ethnographer has also observed that the LAS and HMS seem to have come to terms with the illegal development of SBIH especially on agricultural land, even though land and planning laws instruct otherwise (see 5.4.3). The technical and financial burden of SBIH development falls on the households and not the government. The ineffectiveness of the LAS and HMS, poor governance combined with the degree of poverty, increasing urbanisation, a lack of a housing welfare state, and a lack of government commitment to the human right to adequate housing for all goals (see 5.4.1), are some of the causes of the informality that shape the SBIH development (see 5.7).

Figure 5.21 A start-up temporary SBIH at Maseru Municipal Area, Maseru AD

Figure 5.22 Example of incomplete SBIH Dwelling at Maseru Municipal Council, Maseru AD

5.7.2. Increased Housing Demand – A Pull Factor to SBIH Development

Increased demand for housing coupled with a shortage of urban land for housing supply and a shortage of affordable housing in Lesotho towns remains a challenge for the government and the citizens (Leduka, 2006a; UN-Habitat, 2015a). The demand for affordable housing in Maseru City, Maputsoe and Mafeteng towns has increased with rapid urbanisation and influx of people migrating from rural to urban in search of better life opportunities (UN-Habitat, 2015b). Most urban and peri-urban SBIH Dwellers are either bonafide citizens or migrants from the highlands including Thaba-Tseka, and Mokhotlong (UN-Habitat, 2015b). SBIH Dwellers migrate from rural areas to towns in search of better job opportunities in anticipation of better lives (SB A33, A34, A36, 2022). This population needs to be accommodated in the context of development plans and limited land availability.

Shortage of housing and rising demand has increased the development of rental houses in the form of combined standard house design ("malaene" in Sesotho language) (UN-Habitat, 2015b; 2022e) which remains the most accessible housing for urban dwellers (SB A4, A15, A18, 2021). The latest 2015 National Housing Profile estimates an urban housing deficit of 98 711 dwelling units which will need to be constructed by the year 2025 (Mphale et al., 2020). The urban housing need was estimated at 5195 dwellings per year (UN-Habitat, 2015b) but this has not formed part of the priorities in the NSDP II (see 5.3.4) and in the Ministry's capital budget. The LNHP of 2018 declared that there is an increasing need for affordable housing and an absence of low-income and affordable housing for low-income and poor people (UN-Habitat, 2018). Additionally, the overall recurrent operational budget for land and housing initiatives has decreased over the years – impacting any plan to coordinate the implementation of the LNHP and other housing delivery plans including the development of the proposed National Housing Bill (KI A4, A5, 2022). The DoH has depended on external funding from UN-Habitat to deliver on most of its mandate – for example development of the LNHP, and the Lesotho National Slum Upgrading and Prevention Strategy of 2022. Amid budget cuts, increasing demand for urban housing, and shortage of supply thereof, SBIH continues to remain the powerful mode of housing delivery – increasing both inside and outside of the planning regulations.

5.7.3. The Shape of SBIH Development

Since the Constitution of Lesotho does not uphold the right to housing, SBIH development is a complex phenomenon that poses less involvement of government than non-self-built forms of housing. As such, the government's role in SBIH development is always a guarded one. As described in Section 3.9.3, SBIH development is the common and preferred mode of housing that offers stability, a sense of security and social status to households. It takes a mixture of types and sizes in informal settlements as illustrated in Figure 5.23.

Figure 5.23 A mixture of different types and sizes of SBIH in unplanned settlements in the Maseru peri-urban area.

SBIH Dwellers incrementally invest and improve on their SBIH dwellings (see 3.9), in a strive to achieve adequate housing and thereby improve living standards.

SBIH is mostly constructed by small-scale informal builders, usually considered less expensive than registered and established building contractors (UN-Habitat, 2015b). Such small-scale informal builders generally do not hold an architectural or construction certificate (SB A1, A2, A6, A10, 2021). SBIH Dwellers fully participate in the design of the houses with or without necessarily having formal architectural drawings on paper (SB A11, A13, A20, A30, A31, 2021 and 2022). No registered architects and or structural engineers are involved (SB A1, A2, A3, A5, A6, 2021) as required under the provisions of the Building Control Act 1995. To some SBIH Dwellers, registered architects and construction engineers are expensive and unaffordable (SB A3, A4, A6, A7, 2021).

The informal builders are commonly referred to as "sehahi" or 'meselara" in the Sesotho language; this loosely translates as a builder (SB A6, A8, A10, 2021). These builders are either formally trained in the local vocational schools or untrained gaining their building knowledge and skills as labourers (UN-Habitat, 2015b). The formal builders training institutions in the three regions of Lesotho are Lerotholi Poli-Technic, Bishop Allard Vocational, and Thaba-Tseka Technical School in the Central Region, Leribe Technical School in the Northern Region, and the Southern Region, Leloaleng

Technical School. The majority of SBIH Dwellers confessed that they do not require a certified builder to verify the veracity of the contractor's building knowledge and skills, but a recent dwelling built in the village or neighbourhood serves as evidence for the skills and subsequent referrals (SB A2, A4, A6, 2021).

The resulting SBIH dwellings are mostly unfinished because they are built incrementally over years, or even over a lifetime, due to a lack of sufficient housing finance (see Figure 5.20). The characteristics of SBIH dwellings in Lesotho reflect the diverse financial status of the households that construct them (see Figure 5.23).

SBIH development is a fragmented yet overarching mode of housing delivery in Lesotho that takes place in a complex context of formal and informal development. This means that its development is either supported or unsupported by the government or between the two but supported by informal governance. Its development in informal settlements demonstrates different perceptions, and rationalities of citizens and an opposition to Lesotho's LAS and HMS legislative and regulatory frameworks. This apparent existence and increase of SBIH development in informal settlements (see Figure 5.27) in the context of the operations of the formal systems governing land and housing signals underlying conflicts of interest and capacity gaps for LAS and HMS (see 5.5.6). This poses challenges towards the progressive realisation of the right to adequate housing for all Basotho people as aimed in the LNHP of 2018.

5.7.4. The Value of SBIH to Owners

Drawing from Chapter 3, SBIH is a form of housing provision characterised by complex socio-economic, cultural, political, and environmental challenges and benefits (see 3.5). In Lesotho, SBIH is a realistic means of house ownership and is mostly preferred by citizens as it is deemed affordable (SB A1, A3, 2021). The majority of SBIH stock falls under affordable housing ownership. This form of housing is valued by SBIH Dwellers for their freedom of choice, affordability, improvement over time and a deep sense of ownership (SB A4, A5, 2021).

The types of self-built dwellings common for house ownership in Lesotho are diverse as described in Section 5.7.1. However, the most common construction since 2010 in the study areas is a modern housing design including rectangular houses, bungalows, and double-storey houses (see Figure 5.23). Even though the styles of dwellings have changed over the centuries, Basotho have adopted the traditional incremental housing building process (UN-Habitat, 2015b). The idea of the owner being

the architect, contractor, and supervisor prevails (SB A3, A7, A9, 2021). Thus, the owner decides the layout, arranges for finance, fends for local building materials, engages family labour, and participates in construction work. SBIH suits the financial and technical capacity of households as opposed to appointing a profit-driven developer or contractor. The model gives the household greater control in the construction process.

Rapid development of SBIH in unplanned settlements, and with connectivity to existing settlements has been observed in the data collection areas illustrated in the aerial photo maps showing SBIH development over time in Figure 4.6, Figure 5.4 and Figure 5.6. For the majority of SBIH Dwellers house ownership gives them a sense of security, freedom and pride, and a certain standard compared to renting in the '*malaene'* (rental units) (SB, A1, A3, A5, 2021). Rental housing offers a quick and affordable shelter in preparation for their SBIH development (SB A4, A7, A20, A25, 2021). Some SBIH Dwellers are satisfied with the choice of their SBIH location (SB A2, A3, A4, A5, 2021). They have access to basic services such as water and electricity and access to a main road, and shopping complexes (SB A21, A2, A4, A5, 2021).

Figure 5.24 demonstrates an example of an incomplete and inadequate SBIH dwelling built in 2016 by the researcher in an informal settlement. The owner is stretched by housing costs and is in debt. The land rights are secured with a lease title. In 2022/2023 the house is still incomplete: toilets are without sanitary fittings, bathrooms are without sanitary fittings and floor fittings, and internal fittings and finishes are still pending. The wardrobes, cupboards, sanitary fittings, ceiling cornices and some floor tiles are not yet fitted. The high cost of housing compromises access to other basic needs and the SBIH Dweller declares to face affordability stress.

Figure 5.24 Example of an incomplete SBIH Dwelling built in 2016 by the researcher – it is unaffordable since it is incomplete due to lack of finance.

5.7.5. Major Challenges of SBIH Development

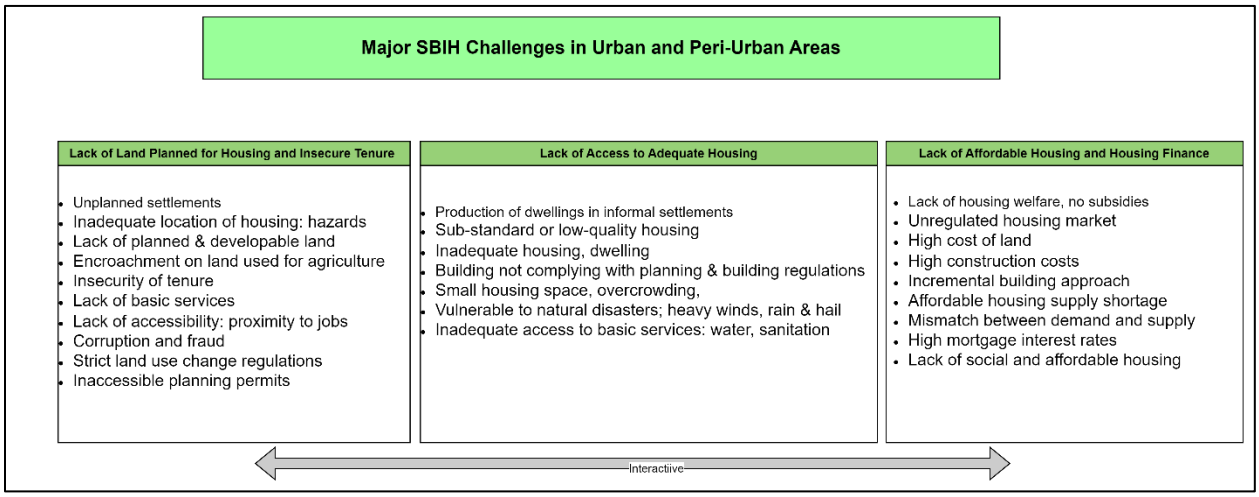

Figure 5.25 Consolidated challenges of SBIH development in urban and peri-urban areas.

SBIH is deduced in the analysis as a complex and long-term problem arising out of the poor political economy (see 5.2.2) weak land and housing governance (see 5.4), ineffective implementation of land and planning laws and weak implementation of housing policy (see 5.4.4) and ineffective operations and interactions of the LAS and HMS (see 5.3.4, 5.4). Figure 5.25 illustrates cross-cutting challenges in SBIH development. Adequate housing is not a cross-cutting goal for both LAS and HMS – the LAS Key Informants do not understand what adequate housing means, and they believe they are not involved in the SBIH development or should not be involved (KI A13, A14, A17, A18, A19, A20, A20, A21, A22, 2022).

5.8. SBIH Dweller's Everyday Experiences and Struggles

This section of the narrative presents case study data relevant to the second part of embedded research question iii):

…. what are the experiences of the people regarding SBIH development?

This section reflects the everyday experiences of SBIH Dwellers on their SBIH development based on their perspectives, practices, aspirations, successes, and challenges, and the ethnographer's observation on the SBIH development processes – detailing the interactions of SBIH Dwellers with LAS and HMS structures and processes. It therefore presents a rich picture of how the SBIH Dwellers make sense of their everyday experiences of their SBIH development activities – a thematic narrative of the views of the SBIH Dwellers' experiences. These relate to access to the following: institutional processes and services, land for housing, land development and restriction rights, basic services, and housing finance. It also reflects the design and quality of dwellings.

5.8.1. Desire for Control and Home Ownership

There exists a strong home ownership instinct in Lesotho (UN-Habitat, 2015b)– SBIH is a free choice that addresses the need for housing and ownership while also improving the social status of the household (SB A1, A2, A3, 2021). Built outside of State oversight and control, the building of SBIH Dwelling is often carried out in an incremental (step-by-step) approach which is fully in the control of the homeowner (see Figure 5.20).

5.8.2. Access to Land and Housing Information and Lack of Participation

Citizens experience difficulties regarding access to reliable up-to-date and integrated land use and development information regarding land for housing (see 5.6.5) hence, there is limited knowledge about where to find land for housing. SBIH Dwellers are not aware of the existing information on land and housing policies and their participation in the implementation of such policies is also limited (see 5.6.10).

Furthermore, SBIH Dwellers do not know the land use and development laws and regulations governing housing development (see 5.4.4). SBIH Dwellers do not participate in law implementations – no opportunities are granted by the LSPP, or DoH to encourage citizen participation (see 5.4.4, 5.5.6). Information reaches SBIH Dwellers through informal channels (SB A3, A4, 2021). Citizens are not aware that it is also their responsibility to know about laws governing access to basic needs and services.

5.8.3. Access to LAS, HMS, and Council Services

Poor communication about the systems processes and benefits has led to SBIH Dwellers not knowing about the systems operations (see 5.5.6). For instance, some SBIH Dwellers in the Maputsoe Urban Council and MMC-administered areas are not aware of the Council's functions for land and planning (SB A17, A18, A20, A30, A31, A33, A36, 2021 and 2022), while some do not understand the functions (SB A35, A37, A38, 2022). They do not consult anybody when they construct their houses because they are not aware of Councils' land use planning and development control functions. This has also led to citizens not having Form Cs or a lease as secure land title to land and building inadequate structures (see 5.5.6). Some SBIH Dwellers claim they do not know about the LAA, LSPP, or DoH (see 5.5.6). They also have no familiarity with LSPP functions, so they just build (see 5.5.6).

However, some SBIH Dwellers know about the LAA, LSPP, and DoH services, particularly the grant of leases for land rights titles (SB A3, A5, A7, A9, 2021). Some SBIH Dwellers do not necessarily feel insecure or threatened about possible eviction or loss of rights because a social form of tenure security exists. The land allotee holds stamped agreements with the landowner who does not feel the need for a formal lease in the name of the allotee. This is even more prevalent for those who do not need a housing mortgage because, in most cases, they do not meet the requirements for one (SB A3, A5, A7, A9, 2021).

For some SBIH Dwellers, the LAS and HMS services are accessible (SB A4, A6, 2021). Some SBIH Dwellers are happy with the services they have received from the LAA, and they have registered their land rights and have leases as a form of land title. This means they have accessed the LAA services in that regard (SB A41, A42, 2022).

In a nutshell, access to the LAA, LSPP and DoH services by SBIH Dwellers remains a challenge. Two main themes were identified. Firstly, the inaccessibility of the LAA, LSPP and DoH emanates from poor knowledge of these organisations and their processes by the SBIH Dwellers. Lastly, most SBIH Dwellers do not know about the current functions of the LSPP, while to some, LAA is not accessible, and some people know about the DoH.

5.8.4. Access to Land Planned for SBIH Development

Access to land that is planned for housing development remains a challenge for SBIH Dwellers – there are no approved plans following the TCPA in many Council-administered jurisdictions (see 5.6.1). Knowledge about approved plans is also lacking - the advertisement for the availability of land for leasing by interested SBIH Dwellers is the responsibility of the planning authority and the land allocating authority which is the LSPP and Councils (see 5.6.1). However, there is a lack of information about the availability of land use and physical plans for public interests in Councils administered areas (SB A4, A7, A10, 2021) (see also 5.6.5). This inhibits the capacity of SBIH Dwellers to access land planned for housing (see also 5.7.2).

An SBIH Dweller mentioned that in the Mohlakeng Community Council, there has never been any advertised land use plan for public review and comment or leasing purposes since 2010 (SB A17, 2021). Consequently, this SBIH Dweller accessed land through her means – purchasing from holders of agricultural land. This involved her risking the purchase capital because, at the end of the day, no secure tenure was provided upon purchase by the holder of the agricultural land. The SBIH Dwellers claim that they are forever waiting for planned land – the prolonged waiting for plot adverts by Councils is frustrating – and they are not forthcoming (SB A1, A3, A6, A17, 2021). Aspirational SBIH Dwellers therefore seek out agricultural landholders in the village of choice to purchase from (SB, A1, A2, A3, A5, A17, A20, A23, 2021).

The shortage of available land for housing, and the lack of finance to purchase land from site and service schemes other than in the MMC and LHLDC, are push factors for informal settlements (see 5.6.1, 5.6.5, 5.6.6). SBIH Dwellers are forced to choose affordable and accessible locations for their

housing developments (SB A11, A15, A18, A21, 2021). The site and service schemes provided by the MMC and LHLDC (see 5.6.6) are also considered expensive by the majority of SBIH Dwellers (SB A10, A33, A40, 2021 and 2022).

However, the SBIH Dwellers' view of access to land and land allocation processes by Councils are mixed. SBIH Dwellers are not aware of the land allocation processes exercised by Councils. The majority claim they do not even know the role played by Councils, or how Councils execute that role. SBIH Dwellers' dilemma regarding access to land planned for housing is that they have no clue how to access land planned for housing, as they do not know their Community Council's land administration functions, especially their role in land planning and allocation (SB A1, A4, A5, A6, A10, 2021). SBIH Dwellers purchased the plots from field owners (SB A1, A2, A4, A7, 2021) of productive farms, particularly maize farms. The results are unplanned and un-surveyed plots with overlapping boundaries and no plans for access roads or services. The ethnographer observed that one plot crosses over to another SBIH Dweller's plot without the use of any access road, a passage, or a gate.

Although some SBIH Dwellers have inherited land from their parents and other relatives (SB A29, 2021), the majority of SBIH Dwellers are migrants from rural areas and the highlands. Some have purchased land in wetlands without being informed. Consequently, they struggle with the everyday battle of the consequences of building in poor locations - wet houses and shaky foundations, especially on rainy days (SB A1, A2, A3, A4, A5, A6, A7, A8, 2021). SBIH dwellers find Ha 'Mathata and Motloheloa to be better places compared to where they originated (SB A3, A6, A7, A35, A36, A37, 2021 and 2022).

The most common and unlawful way to access land by SBIH Dwellers is through estate agents. These opportunists purchase agricultural land, change its use, and subdivide it illegally (KI A3, A5, A11, A13, 2022). Like landholders, these estate agents advertise through social media platforms and this practice has spread across the country (KI A3, A11, A13, 2022). The majority of SBIH Dwellers saw an advertisement for land from estate agents on social media platforms, particularly on Facebook, while others were contacted through word of mouth (SB A1, A4, A5, A6, A10, 2021). They did not follow the necessary procedures in acquiring land (did not consult the Community Council). Some SBIH Dwellers consulted with the local Chief, who directed them to holders of agricultural land (SB A2, A3, A7, 2021). SBIH Dwellers who purchased through the estate agents assume their land parcels are

planned and have been formally registered in the cadastre through the LAA, and yet they do not hold leases for titles (SB A11, A18, 2021).

Figure 5.26 SBIH development encroaching on agricultural land at Ha Motloheloa, Mohlakeng Community Council

It is important to note that the agricultural lands are, in this process, informally and illegally subdivided and allocated, outside of the provisions of the Land Act 2010 (Section 42) (SB A2, A3, A7, 2021). This is confirmed by the Key Informants in the LAS (KI A8, A9, A13, A19, A23, 2022). Hence the consequences of lack of titles and access roads because the respective Council argues that services will not be provided until the correct procedures are followed for change of land use and until the layout is prepared and approved (SB A2, A6, A9, 2021). It is very difficult for them to acquire title deeds.

Figure 5.27 Unplanned settlement at Ha 'Mathata, Maputsoe Urban Council, Leribe AD

The laying out of plots of agricultural land for SBIH is often accomplished using a tape measure to measure the plot, and the majority of plots are between 20m by 30m square and are below 1000 square metres in area. Some SBIH Dwellers do not remember or know the exact plot size they were allocated.

Some SBIH Dwellers still hold a traditional view of land holdings and allocation (see 5.6.2). To some, the land still belongs to the Chiefs (SB A2, A3, A7, 2021) and the Council's role is not yet understood. The culture and norms also persist in peri-urban areas. For instance, the culture of land inheritance, land as a gift from God, the norms, practices, and socially tight communities, are linked to customary tenure forms which lack secure titles (Mabesa, 2011). However, Community Councils are reluctant to assist because, since 2010, no land planned for housing has been advertised (see also 0). There is a serious struggle for land access.

There is also evidence of some landholders selling off a piece of land more than five times to different people, obviously avoiding any formal process (SB, A31, A32, 2022). This results in conflict, even

escalating to violence, between the buyers and sellers over the land (SB A31, A32, 2022). Some SBIH Dwellers attest to experiencing corrupt practices and violence over land access (SB A1, A11, A31, A32, 2021 and 2022). In one instance, a holder of agricultural land sold one plot to two households, and that caused a land dispute that led to a physical fight between the two SBIH Dwellers (SB A11, 2021). Land disputes and mediation processes are administered in the Councils and the LAA (KI A17, A27, A29, 2022)

5.8.5. Access to Secure Tenure

Access to secure land tenure is a critical component for adequate housing development (see 5.6.2). However, the majority of SBIH Dwellers lack security of tenure as per the provision of the Land Act 2010, as explained in Sections 5.3.3 and 5.6.2. In particular, the majority of the SBIH Dwellers at Ha Motloheloa do not have access to the formal land registration authority, the LAA, because of a lack of proper documentation to support lease applications at the LAA. They do not hold leases nor Form Cs or affidavits as proof of title to land holding. They blame this on the Mohlakeng Community Council, complaining that the Council refuse to help them in the issuing of Form Cs even though they claim that they have lawfully purchased land from agricultural landholders and can present proof in the form of written agreements between the two parties, the seller and the SBIH Dweller – these agreements are endorsed with a Chief's stamp (SB A1, A3, A19, A21, 2021). SBIH Dwellers' main struggle is access to secure land through Form Cs or Leases.

SBIH Dwellers further complain that the Councils do the opposite of what the LAA tells customers. Consequently, SBIH Dwellers hold on tightly to the purchase agreement as evidence of security of tenure (SB A33, A34, A35, A36, A37, 2022). They, however, have hope and high expectations of government assistance on access to secure tenure – Form Cs or leases (SB A13, A17, A18, 2021). A lack of knowledge and understanding of land and planning laws by SBIH Dwellers results in conflicting views on land access and security of tenure – SBIH Dwellers see nothing wrong in building dwellings on land that was actively used for agriculture.

For some SBIH Dwellers, there is no need to acquire leases – people do not feel a need to register land in the Council's land register. Also, access to land registration using formal leases is dependent on the ability to pay the cost of the process through the LAA. They regard LAA land registration processes as costly because of a need to engage private land surveyors (SB A4, A12, A25, 2021). Hence, they do not have leases.

Figure 5.28 Unplanned & unregistered plots at Ha Motloheloa, Mohlakeng Community Council, Maseru peri-urban.

5.8.6. Access to Housing Finance and Cost of SBIH

Since there is no government housing finance assistance from the government in any form - SBIH Dwellers do not wait on the government (see 5.4.1, 5.6.4). They also do not have such expectations. The cost of construction for SBIH dwellings is provided by households and most struggle to finance their SBIH. For the majority of SBIH Dwellers, access to housing finance hinders SBIH development (SB A1, A2, A4, A5, A10, A29, 2021). Most SBIH Dwellers use a combination of savings and funds from credit societies, and credit from family and friends. Some access personal loans from either commercial banks, and or microfinance like Lesana (UN-Habitat, 2015b) to secure finance (SB A2, A4, A10, 2021). Since the full cost of building cannot be accessed at one time, an incremental building strategy is adopted (SB A1, A3, A5, A6, A32, A33, 2021 and 2022). SBIH Dwellers use incrementally accessed finance to purchase land, pay for house drawings, buy building materials, and pay a builder

(SB A3, A5, A12, A15, 2021). These are considered expensive while the prices for building materials increased during the COVID-19 pandemic and immediately after (SB A9, A13, A17, 2021).

SBIH development is reported to consume a large portion of the household's monthly income (more than 30%) (UH-Habitat, 2015; SB A2, A5, A10, A22, A40, 2021 and 2022). The financial stress caused by this form of access to housing would be relieved with some form of government support, which is non-existent since Lesotho is not a housing welfare State. The lack of government support through housing subsidies, which are mainstream in the neighbouring Republic of South Africa, exacerbates the problems of accessing adequate housing (SB A1, A2, A3, A31, A33, A37, 2021 and 2022).

The SBIH completion is dependent on the SBIH Dweller's financial muscle, and priorities – the construction competes with other basic needs such as education, food, and health care (SB A3, A4, A10, A13, A16, A20, A36, 2021 and 2022). Even with spreading the cost of development over years through incremental models, this can be quite frustrating and depressing (SB A1, A3, A40, 2021 and 2022). One particular SBIH Dweller who wishes to remain anonymous shared her frustration about access to housing finance (SB A13, 2021).

> *"My rented house did not have sufficient living space for my children. I decided to build a house and took a personal loan from Post Office Bank, which is expensive due to high interest rates. The loan was not enough to cover the cost of the structure to its completion, but at least the foundation started. I kept topping up the loan until I could afford no more loans. Building a house is expensive and frustrating. It hurts so bad to see other people moving from rental houses to their SBIH dwellings, while I am struggling to complete the house. It feels like I am forever waiting to finish my house and I do suffer from anxiety and depression over waiting and worrying" (SB A13, 2021).*

SBIH Dweller elaborated that, she started collecting building materials for her SBIH dwelling in 2019, and it took a year to assemble the material and to start constructing a foundation a year later in 2020. The structure remained without roofing for two years. Half of the roofing was completed in 2021 – the household could not afford to buy all the building and roofing materials. In 2022, the dweller took an additional personal loan from a commercial bank to purchase corrugated iron sheets for roofing. At the time of write-up, the household still lives in an unfinished SBIH dwelling (SB A13, 2021).

Moreover, SBIH Dwellers claim home loans from commercial banks are out of reach because of both inaccessibility and affordability (SB A2, A15, A20, 2021). Inaccessible credit for housing finance from

banks is attributed to many reasons including not meeting requirements - lack of required documents such as registered lease title, lack of architectural plans and building permits (SB A12, A16, A23, 2021). Some SBIH Dwellers are temporarily employed in the Republic of South Africa. These include domestic/kitchen workers and truck and taxi drivers (SB A30, A31, A32, A33, 2021 and 2022). Others have informal employment, or self-employment and lack income security; hence most do not qualify for home loans (SB A1, A3, A5, 2021). Others have formal employment but earn low wages. Some migrate to South Africa to work as commercial kitchen labourers to raise money to build a house back in Lesotho (SB A30, A31, A33, 2021 and 2022). Those in government public service earn low salaries and do not necessarily qualify for home loans (SB A1, A3, A5, A6, A19, 2021).

SBIH Dwellers also consider housing finance credit unaffordable; this hinders access to housing finance (SB A12, A16, A19, A23, 2021). Consequently, the majority of SBIH Dwellers, attest to struggle to access housing finance and face affordability problems (SB A1, A2, A3, A5, A12, A15, A16, A20, A23, 2021). For most SBIH Dwellers, a lack of employment makes it difficult to complete houses and exposes them to long-term financial stress and they, therefore, consider the mortgage market out of reach. The majority of SBIH Dwellers maintain that it is cheaper to self-build compared to buying an already existing house such as government houses sold through the LHLDC (see 5.6.6. 5.7.2) - they cannot afford such houses or sites (SB A2, A15, A20, 2021).

However, the respondents could not provide the total cost of an incrementally built dwelling. These amounts were either forgotten or SBIH Dwellers gave estimations of between M50,000 – M300,000 (2,677 – 16,062 US Dollars) (SB A20, A36, 2021 and 2022). Incremental development undertaken on an ad hoc basis means that the SBIH Dwellers did not track and record their spending (SB A3, A10, A20, A36, 2021 and 2022). However, this study did not link the cost of SBIH to income – it was a sensitive issue to ask the respondents. Hence, I did not gather how much of their income is spent on SBIH.

5.8.7. Dwelling Built Form, Durability and Amenities

Objective 5 of the LNHP recognises and acknowledges the informal housing contractors because the bulk of SBIH development in peri-urban and urban areas is provided through informal means (UN-Habitat, 2018). However, there are differing views regarding the construction quality and design of SBIH Dwellings. The majority of SBIH Dwellers have fully participated in the planning, design and building of their dwellings. No government assistance was received, and there also appears to be no

consideration of culture in the planning and design of the houses (SB A3, A5, A6, A9, 2021). The aspirations of the majority of SBIH Dwellers are for block brick and mortar constructions with iron roofing for the durability of dwellings. Block bricks are produced locally (see Figure 5.29). The traditional housing typology seems to be abandoned.

The management and supervision of construction are usually jointly done by the SBIH Dweller and the builder (SB A4, A6, A10, A11, 2021). This is because of a lack of financial means to engage construction managers (SB A4, A6, A10, A11, 2021). The purchasing of building materials is to some extent left in the hands of the builder, who usually inflates prices to increase their profits – this contributes to affordability stress (SB A35, A38, A40, 2022).

The majority of SBIH Dwellers consider building contractors / building men affordable and within their reach since the government does not assist in any form including advice, subsidies, or finance. The informal housing sector has also been acknowledged in the LNHP. For instance, Objective Five aims to strengthen the capacity of this sector through capacity building for improved performance and motivation (UN-Habitat, 2018, 2022c). This is by far the largest dwelling construction delivery mode over formal construction (see also 5.7.4).

Figure 5.29 Production of local building block at Ha Penapena Village, Maseru Municipal Council

Moreover, there are prevailing challenges and barriers towards SBIH development. Many SBIH Dwellers faced several challenges during their housing construction. This includes affordability of building materials, and unsuitable available land for example in wetlands (SB A1, A2, A3, A5, A8, A37, A37, A38, A40, A41, 2021 and 2022). Some SBIH Dwellers changed builders at least once or twice before the structure could be completed because the informal builders are not trustworthy – they disappear before finishing the work (SB A16, A26, A30, 2021). Some of the builders do not build properly, and errors require rectification, hence more money is spent (SB A26, A32, A30, A34, 2021 and 2022).

SBIH Dwellers expressed different perceptions of the design and quality of dwellings. Many are satisfied with the designs and the quality of their structures (SB A1, A2, A3, A4, A5, A7, 2021). The quality of material and construction is appreciated by the SBIH Dwellers whose houses are resilient in the face of extreme weather such as heavy rainfall, storms, and strong winds (SB A1, A5, A7, 2021). However, there are SBIH Dwellers who are dissatisfied – their houses do not stand up to heavy

rainfalls SBIH (SB A9, A12, 2021). Other SBIH Dwellers expressed dissatisfaction with their house designs (SB A3, A10, 2021).

Most of the SBIH dwellings look beautiful and large (see Figure 5.24), while others lack sufficient living areas. The number of rooms ranges between one and ten (that is between one bedroom and four bedrooms per dwelling, with kitchen, lounge, and bathrooms) (SB A3, A10, A19, A26, A30, 2021). Most dwellings were incomplete at the time of data collection. Bathroom and kitchen fittings and fixtures were not in place to allow adequate conditions for habitation. Ceilings and floors stand unfinished, while walls are not yet painted, and interior doors are not yet installed (SB A1, A2, A4, A17, A19, A23, A26, 2021). Even once Dwellers occupy their houses, they may remain unfurnished while they raise money to buy furniture. For low-income households, basic needs — particularly school fees for children – compete in the household budget (A2, A3, A17, A28, A31, 2021 and 2022).

5.8.8. Access to Infrastructure and Basic Services

Access to basic services and infrastructure is a pillar of adequate housing (see 3.8.2). The fact that the development is unplanned (see 5.6.1) makes it impossible for services to be constructed. The majority of SBIH Dwellers chose their house location in areas with access to the main road, electricity supply, and water, while sanitation is facilitated with improved pit latrine toilets, and some have septic tanks. The houses are also adequately located with access to services and opportunities: proximity to public transport, schools, hospitals, and shopping centres.

The bulk of SBIH Dwellers in informal settlements in MMC, MCC and MUC are on land that is connected to water and electricity supplies, thus there are no complaints about electricity supply (SB A5, A17, A19, 2021). However, the SBIH Dwellers complain that despite having access to electricity, their settlements are generally lacking in infrastructure development - access roads are poor, and waste disposal management is lacking (SB A11, A14, A15, A16, A17, A19, A32, A34, A41, A42, 2021 and 2022).

While waste management is the core mandate of Councils (see 5.6.7), they are not coping with its management. The solid waste disposal and management services provided by the Councils are lacking or ineffective – Councils cannot manage waste (SB A20, A25, A26, A33, A41, 2021 and 2022). The bulk of solid waste in Councils administered areas is managed by households themselves, while some

are managed by the Councils - Maseru City, Maputsoe and Mafeteng urban Councils are eyesores in terms of uncollected and illegal dumpsites (UN-Habitat, 2015c, 2015d, 2015e; UNECA, 2022).

In Maputsoe, despite the obvious unmanaged solid waste, the Council counterargues that citizens are reluctant to cooperate as even the garbage bins are stolen – leaving many mushrooming illegal dumpsites along the streets. Upgrading efforts by the MoLGCHP are undermined by citizens themselves – the new road network in Maputsoe is being blocked by solid waste. Consequently, Maputsoe town is now considered a health hazard to the citizens because of the inability of both citizens and the Council to manage waste – the Council lacks sufficient finances to facilitate effective management. The Council also lacks adequate equipment due to the small budget allocated by the central government.

There is also a general lack of compliance with waste disposal management and policies by both citizens and Councils. This makes it more difficult for Councils to manage waste effectively. In MMC, citizens are to pay for waste collection, but they refuse to pay. Consequently, MMC does not efficiently collect household waste. There are very many mushrooming illegal waste dumps along the streets and roads in villages. The Councils are not able to cope and are at loggerheads with citizens for illegal dumping sites and stealing of dust bins meant to manage waste disposal (see also 4.4.4).

In terms of access to water, 77.7% of the households have access to clean water and almost 80% have a standpipe tap in the yards (UN-Habitat, 2015b, 2022e). However, during data collection, most households in Mohlakeng Community Council had illegally connected water from the Metolong Lowlands Water Project – due to a long-term struggle of lack of access to clean water, compromising their livelihoods. In 2022, the government decided to formalise the connection and connect the users free of charge.

Access roads are a nightmare. Councils should be planning the settlements, providing access roads, and making way for water and sewage infrastructure, but no planning takes place and Councils are not involved in land allocations. Agricultural landholders do their own thing with SBIH Dwellers without involving Councils. It was even difficult to walk in between the SBIH dwellings during data collection; the researcher could not see how vehicles access the houses as there are no access roads. Also, the plot boundaries are not marked and are fenceless and gateless because access roads – gravel or paved roads are non-existent.

Additional State infrastructure such as schools, hospitals, clinics, and potable water processing plants are often not available. There are also challenges to accessing clean flowing water. This also compromises water-born sanitation with SBIH Dwellers depending only on pit latrines (SB A32, A36, A37, 2022). Also, private sector infrastructure such as adequate shopping malls, are not available since such infrastructure is not built in areas with insecure tenure and lack of basic services (SB A31, A33, A35, A38, 2022). SBIH Dwellers must travel to access formal shops. Despite the lack of facilities, SBIH Dwellers choose such undeveloped and unplanned areas because these are the only areas they can afford (SB A37, A37, A38, A40, A41, 2022).

5.9. Proposed Interventions to Improve SBIH Development

The State has adopted several initiatives to improve adequate housing and human settlement areas. The following are the government policy interventions which attempt to address the land and housing issues in Lesotho.

The Key Informants recognise and acknowledge the national government efforts through the interventions and strategic objectives contained in the NSDP II (GoL, 2019). The strategic objective of improving and enabling the built environment could shape adequate housing space and promote urban development. These programmes are coordinated and championed by the DoH in collaboration with other key stakeholders including the LSPP, LAA and the Ministry of Development Planning and Finance. However, they need to be better aligned and strengthened with sufficient budget for the LAS and HMS to be effective towards creating a better adequate housing and urban development future. The programmes are discussed below.

5.9.1. Interventions Proposed by Key Informants

All Key Informants interviewed concur that there is a failure of both central and local governments and the LAS and HMS to govern land and housing and address and resolve the land administration and housing questions effectively and coherently. The recommendations and plans listed below were gathered from the Key Informant interview responses:

- It is important to establish a dedicated ministry of lands and housing to make adequate housing a priority as proposed in the LNHP (KI A2, A3, A4, 2022).

- Policies, laws, and regulations governing land, planning, and housing should be harmonized. This calls for a review of all land- and housing-related policies to align these with the current international trends in land administration and housing, and with the goals of NSDP II (see 5.3.4). Therefore, the LSPP aims to review the TCPA and its subsidiary regulations (see 5.4.3), while the LAA aims to spearhead the review of the Land Act of 2010 and other land-related laws as far as they relate to the LAA's functions (see 5.5.4). Together, the LAA and LSPP are coordinating the proposed development of the Sectional Title Bill, according to the Land Act of 2010 (Section 9).
- The DoH plans to improve on the provision of adequate housing through the development of the Lesotho National Housing Bill, in the 2023/2024 fiscal year (see 5.4.3). The Lesotho National Housing Act will regulate housing development towards achieving the goal of adequate housing (KI A1, A2, A3, A7, 2022).
- Some Key Informants suggest a merger between the LSPP and the LAA, arguing that the dismantling of the LSPP was a mistake (KI A9, A11, 2022), while the other respondents suggested dissolution of the LSPP and strengthening of the LAA such that the LSPP functions can be performed through the improved LAA (KI A17, 2022). According to Key Informants, the separation of LAS services hampers the effective management and administration of land and negatively impacts the development of urban and peri-urban housing (KI A1, A3, A9, A17, 2022).
- The government should also provide social housing to meet the needs of the urban poor, and also introduce housing subsidies to assist with the housing costs of SBIH Dwellers (KI A2, A3, A4, 2022). Key Informants allude to the proposed National Housing Fund in the LNHP that could aid the people and meet their housing finance needs, although this has not yet been developed (KI A3, 2022).
- The development of the proposed National Spatial Development Framework (NSDF) by the LSPP (planned for 2023-2024), and the proposed Information System to be developed by the LAA (KI A10, A11, A12, A15, A19, A20, 2022) will go a long way to address deficiencies in adequate housing delivery. The NSDF will guide the land use and development in Lesotho (KI A10, A11, 2022).

- To address communication and connections between the LSPP head office and the LSPP in Councils and Administrative Districts, Key Informants suggested training and open communication channels to enhance service delivery, hence an urgent need for motivation.
- Furthermore, Key Informants suggest that the government should invest and engage in a mass land acquisition programme to improve land acquisition and planning for adequate housing development.
- LAS and HMS staff motivation, especially PPs, and APPs in Councils, should be improved through capacity building. This has also been suggested as a way to strengthen existing human capacity. This can contribute to the effective delivery of land use and land development functions.
- The last recommendation speaks to the establishment of a coordinating team amongst LAS and HMS. The team could coordinate efforts in reforming land and housing processes and therefore minimise existing silos and fragmentation. They also allude to the importance of this coordinating team to reduce overlaps and conflicts between the LSPP and LAA and between these systems and the DoH and LHLDC (KI A1, A3, A6, A7, A17, A22, 2022). The proposed team could share strategic plans, operational programmes and information on land and housing. It is expected that this would fast-track processes of land use and physical planning to enhance formal land allocation and promote legal practices in land planning and allocation. The coordination team would therefore oversee the alignment of the existing mismatch between the TCPA, the Land Act of 2010, the Building Act of 1995, and the State and citizen practices relating to SBIH development. These can only be possible through State support in providing sufficient capital and human resources for the land and housing sector (KI A4, A21, A12, 2022).

There is a general agreement amongst Key Informants that effective policy implementation, coherent laws, rules, and decision-making in LAS and HMS could go a long way in improving access to land planned for housing, security of tenure, and access to affordable and adequate housing (KI A1, A3, A11, A20, 2022).

5.9.2. Interventions Proposed by SBIH Dwellers

From the viewpoints of the majority of SBIH Dwellers, the government can intervene by increasing access to housing finance through subsidies (SB A4, A17, 2021), supplying social housing (SB A3, A5,

A33, A35, A39, A40, 2021 and 2022) for the majority of the people who cannot afford to build their own houses because of many reasons, including lack of access to formal employment and low salaries and wages (see 5.7.2). SBIH Dwellers also request the government to increase and improve the provision of basic services and infrastructure, such as providing paved roads, clean access to water for Maputsoe SBIH Dwellers, and improve waste disposals and management services (SB A31, A32, A33, 2022).

SBIH Dwellers also raised a need for regularisation of their informal settlements through a grant of titles to land irrespective of informal land acquisition (see 5.4.3, 5.7, 5.8). They shared their frustration over the struggle to access secure titles for their land rights, stating that easy access to formal land rights registration through registered lease titles may also enable them to secure affordable finance to improve their houses (SB A39, A42, 2022). They urge the government to consider this a priority (SB A39, A42, 2022). Some SBIH Dwellers insist on the government building houses for the people and or providing subsidies just as in the Republic of South Africa – arguing that this will reduce the burden over the cost of building (SB A1, A15, A19, A33, A35, A39, A42, 2021 and 2022).

5.10. Chapter Summary

This Chapter throws light on the research questions through a compelling in-depth and rich ethnographic case study of SBIH development in the context of the post-reform LAS and HMS in Lesotho, presented through the ECSN. The ECSRM motivated in Chapter 4 has been effective in facilitating the researcher to diving deeper and holistically into the complex LAS and HMS institutional policies, laws, processes and practices (see 5.3, 5.4, 5.6) and the experience of SBIH Dwellers about SBIH development (see 5.7, 5.8). This Chapter also builds on the long-standing experience and expertise of the researcher in the systems under study and, as the ethnographer and participant observer, to present a comprehensive description and understanding of SBIH development in Lesotho (see 4.3.2). Also, as explained in Sections 4.3.3 and 4.4, interviews with the Key Informants and SBIH Dwellers were conducted to gain a grip on their knowledge and experiences of LAS and HMS regarding SBIH development.

The Chapter covered in-depth SBIH development process aspects aligned to embedded research questions ii) and iii). It, therefore, presents a descriptive narrative of the post-reform LAS, and HMS, in their natural context to reflect rich information about these and SBIH while providing a deep understanding of its development. This narrative provides detailed information to understand how

and why so many people in Lesotho continue to struggle over access to adequate housing and resort to building SBIH in unplanned settlements using inadequate personal means.

Significantly, this Chapter deduces that the capacity of the LAS and HMS both affect the outcome of SBIH development (see 5.4, 5.6); government capacity serves as a precondition to achieve adequate housing through SBIH (see 5.3, 5.4). Thus, the State influences the nature of LAS and HMS. Hence the key findings are that the lack of capacity and ineffectiveness in the LAS and HMS are the key reasons that the land, planning and housing policies, laws and regulations are not effectively implemented. There is overwhelming empirical evidence of a set of complex and prevailing problems and constraints (see 5.4 - 5.6) outweighing opportunities and positive practices in the LAS and HMS. All processes point in a negative direction - SBIH development itself is inadequate and proves to be far from reaching the goal of adequate housing; hence, this narrative suggests that the State has a long way to go in accelerating the role and actions of LAS and HMS toward achieving the goal of adequate housing through SBIH. These barriers impact the goal of the government to achieve sustainable human settlements, as well as the targets for SDG 11 and the NUA.

The narrative provides opportunities for knowledge and understanding of whether - the LAS, HMS and SBIH development is currently leading Lesotho to achieve the goal of adequate housing. It also yields recommendations from participants for how the SBIH development could be improved to achieve adequate housing.

The ECSN informs the process of analysis in the following chapter based on a mixed analytic framework comprising CR and SP theories. Hence a further analysis using this mixed analytic framework in Chapter 6 provides a deeper understanding of how and why there is predominant development of inadequate SBIH in post-reform LAS and HMS.

Chapter 6. Analysis of the Ethnographic Case Study Research Narrative Using a Mixed Analytic Framework

6.1 Introduction

This Chapter conducts an integrated analysis of the SBIH development. ECSN presented in Chapter 5 is analysed using a mixed overarching analytic framework containing Conflicting Rationalities (CR) and Spatial Planning (SP) theoretical underpinnings. This framework is identified from the literature as suitable in Chapter 2, explained in Chapter 3, motivated in Chapter 4, and applied to the data collection, processing, and ECSN presented in Chapter 5. The multiple lenses of CR and SP are used in this Chapter to understand and analyse the influence of the post-reform LAS and HMS on the outcome of SBIH development in Lesotho.

This Chapter responds directly to the research question (iv):

> *Using the theoretical and methodological frameworks identified in (i), what does the analysis of the LAS (including LAA and LSPP), HMS and SBIH sectors within the land and housing system reveal to facilitate access to adequate SBIH?*

In this research, LAS and HMS are both independent systems existing within a complex environment, with the phenomenon of SBIH development occurring. Their functional influence and effects determine the performance of the dependent variable – SBIH. The analysis uses the unique characteristics of CR and SP to identify issues in the LAS and HMS about SBIH development. The analysis is based on a critical realist epistemology as an overarching philosophical stance, and a basis for mixed methods and mixed analytic frameworks (see 3.2.1). A model depicting an overarching analytic framework applied in this research is illustrated in Figure 6.1.

The over-arching CR-SP analytical framework (see Figure 6.1) provides the foundation needed to investigate the complexity of SBIH development. It reveals important patterns in SBIH development, offering a rich understanding of SBIH and its future scenario. Also, because understanding is part of problem-solving and is central to scientific research, the analytic framework was chosen to address the following: the ability to analyse the connections between and within the LAS, HMS and SBIH development; to analyse the gaps and challenges that have been identified in the literature and the ECSN, and to recommend the proposals for an integrated LAS and HMS to improve SBIH. These

later recommendations are outside of the limits of the scope of this research (see 7.4). In the analysis presented in this Chapter, attention is focused on the existing structures, processes, relationships, interactions, and connections between the LAS and HMS as units of analysis that affect the outcome of SBIH development.

The results of the analysis could provide a deeper understanding of the connections, influences, and effects of LAS and HMS on the outcome of SBIH development. They could challenge the design and functioning of critical systems of delivering adequate SBIH in Lesotho and thus have the potential to influence change – the analysis guides improvements thereof. Findings could suggest how to change the rules, structures and processes of the LAS and HMS and pave the way for change, guiding the desired future scenarios for LAS and HMS, leading to the development of an improved model of SBIH in Lesotho. The results could be analytically generalised to theory on adequate SBIH and could also extend and contribute to the land administration and housing management theory and impact on policy and practice.

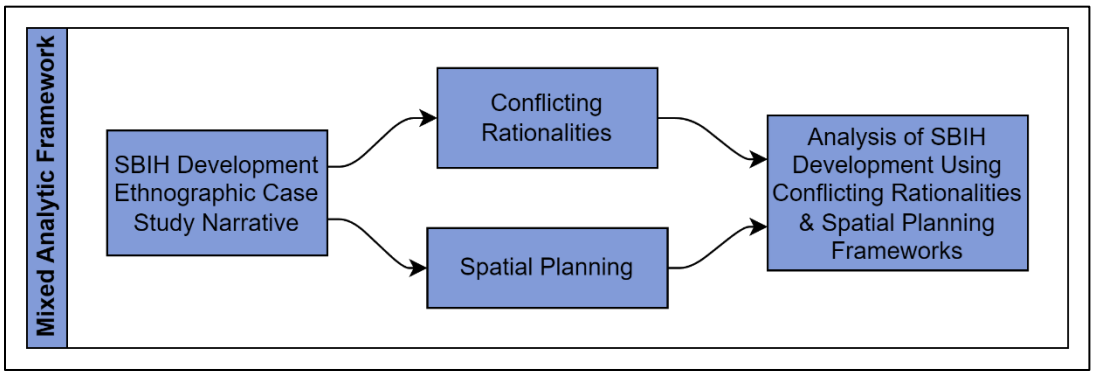

Figure 6.1 A model depicting the Mixed Over-arching Analytic Framework for SBIH Development.

6.2 Analysis of SBIH Development Using Conflicting Rationalities Theory

This section applies an analytic lens of CR on the ECSN of SBIH development in the context of complex systems of LAS and HMS to understand where rationalities are poorly aligned in SBIH development (see 2.2.3, 3.3, 4.4.7). The State's rationale for the promotion of access to adequate housing is transmitted through LAS and HMS policies, laws, plans and processes (see 5.4, 5.6), while the citizens' rationale for access to adequate housing is encompassed in everyday experiences of the

LAS, HMS, and SBIH development (see 5.4 - 5.8). Hence, the government's power and practices in the LAS and HMS are counterbalanced by the SBIH Dwellers' power and agency.

The CR space is identified as that of adequate housing and SBIH development in the context of LAS and HMS, while the parties involved in the SBIH CR space are referred to as actors (see 3.3). These LAS and HMS actors include policymakers, lawmakers, and implementers (see 5.4.2, 5.5) within the systems delivering land and housing: LAS – (LSPP and LAA), and HMS – (DoH) (see 5.4.2). Actors also include citizens (SBIH Dwellers) as users and beneficiaries of these systems and who also display some power and agency (see 5.8). The interactions between the actors are explored –through the lens of conflicting rationalities to reveal any disconnections between policy and practice.

SBIH is situated within wider debates of LAS, HMS, and the pursuit of adequate housing for all and urban development goals. The development of SBIH is therefore expected to produce a clash of rationalities, within and between the systems. The literature highlights diverse types of rationalities and argues that the rationalities may either align or misalign – the misalignment leads to conflicting rationalities or a clash of rationalities (De Satgé & Watson, 2018a) (see 2.2.3, 3.3). In this analysis, the research assumes that each system (LAS and HMS) should be in equilibrium and equally prepared to deliver services towards achieving the goal of adequate housing through SBIH development as well as to defend their operations and remain sustainable. Therefore, the rationalities are aligned when the LAS and HMS work together as a whole (not siloed) for the people (SBIH Dwellers) towards delivering adequate housing through SBIH development. In contrast, the rationalities clash or misalign when the principle of holism is not realised resulting in competing rationalities within each of the LAS and HMS, as well as between each of these, and between both LAS and HMS and the citizens in need of adequate housing. Accompanied by these conflicting rationalities may be extra-legal practices in adequate housing provision. The misalignment can be influenced by the state of the political economy, characterised by weak or poor land and housing governance, low economic growth, poverty, and weak/limited implementation of LAS and HMS policies and laws, and this misalignment is further linked to poor and inefficient SBIH delivery and thus to inadequate housing (see 3.8.3, 5.3, 5.4.4, 5.5.6, 5.6.10, 0).

The analysis further considers the State's relationship to SBIH Dwellers' experiences of the LAS and HMS services, and their day-to-day practices and lived experiences of SBIH development. In a CR

space, SBIH Dwellers demonstrate some agency and power to meet their housing needs through SBIH (see 5.7, 5.8). In total, this research identifies four CRs.

6.2.1 Conflicting Rationalities Between and Within the Spheres of Government

Various conflicting rationalities are identified between and within central and local government structures.

Disconnected Governments and Lack of Coordination

Lesotho is characterised by a weak government system in both spheres of government (see 5.4.2). Disconnections between these structures result in various clashes of rationalities. Evidence reveals a low status accorded to local governments by the central government, inadequate support, small budget allocation and delays in transferring the funds. These results in poor or lack of implementation of the Council's plans on upgrading roads and land and planning functions. Also, a lack of coordination impacts negatively on plan implementation. Poor implementation of policies leads to additional conflicting rationalities.

Disconnections and lack of coordination between spheres of government result in a clash of rationalities (see 5.4.2). This is caused by a lack of support from Councils through human resources and financing as well as monitoring and evaluation by central governments. Councils cannot implement land and planning laws at the local government level due to inadequate capacity (see 5.4.4). Ineffective implementation of the land use planning process, land allocation process, development control, and building control prevail (see 5.4.2, 5.4.4, 5.6.1, 5.6.3 and 5.6.10).

Incomplete Decentralisation and Lack of Fiscal Decentralisation

An incomplete decentralisation of LAS functions leads to conflicting rationalities (see 5.4.2). There exists a top-down decentralised approach to land administration, with two levels of government - central and local governments. These perform land, planning, and development control functions – delivering their processes in diverse manners, across the country (see 5.4.3 and 5.6.10). All Councils are expected to perform their mandates as prescribed in the legal frameworks described in Sections 5.4.2 and 5.4.3, with support from the central government LAS and HMS (see 5.4) but on the ground, this is not the case. The decentralisation of services is a slow and unfinished process hence hampers the effective delivery of land administration services to citizens (see 5.4.2) - an incomplete decentralisation causes conflicting rationalities (see 5.4.2). This is evidenced by a lack of support of

central government to local government through incomplete decentralisation, lack of fiscal decentralisation, and inadequate human and capital resources (see 5.4.2) leading to CR over land and housing services between the two levels of government and a compromised achievement of the goal of adequate housing through SBIH.

The DoH is highly centralised (see 5.5.5). There is also a lack of decentralised HMS functions to either Administrative Districts or Councils – not even at the MMC (see 5.4.2). This leads to a disconnection between the HMS and the Councils, and the Councils do not directly implement housing functions. This also leads to CR between LNHP and practice – compromising the effective delivery of adequate housing.

Disconnections Between Policies and Land Practices in Councils

A clash of rationality exists between land and housing policies and practices (see 5.4.2, 5.4.3 and 5.4.4). The malpractices in land and planning functions hinder effective delivery and are contradictory to the goal of delivery of adequate housing. A lack of capacity and skills cripple Councils' capacity to deliver on their LAS functions. The everyday land planning, allocation, and land development control functions and practices indicate that Councils operate both formally and informally (see 5.6). This is revealed by the ineffective implementation of land and planning laws between the State's LSPP and the Councils (see 5.4.3, 5.5.6). Councils do not implement these policies and practices accordingly and effectively as expected (see 5.4.2). They act informally in terms of land tenure and planning functions (see 5.6.10) conducting land allocations outside of the law (see 5.4.4, 5.5.4, 5.6.2, 5.6.10). The everyday practices of these Councils show extra-legal land practices in allocating and registering land without physical plans, and SBIH Dwellers end up without the Form Cs (see 0, 5.8.5). The policies and laws have not met their intended goals.

A lack of land use and physical plans in the Councils does not seem to prevent land from being allocated or registered (see 5.8.4, 5.8.5). Records of 'Form C certificates' (customary land titles that can be converted to lease certificates) in the absence of land use and physical development plans are evidence of everyday extra-legal practices in land administration (see 5.2.3, 5.4.2).

Furthermore, the CoL in the LSPP has no record of land allocated and registered in the Councils – whether urban or Community Councils (see 5.6.2, 5.6.5). A lack of Council copies of land registers in the office of the CoL demonstrates a lack of performance by Councils and informal land allocation

practices because informal SBIH development keeps increasing (see 5.5.6). The Land Act of 2010 stipulates that a copy of the land allocation register shall be submitted to the CoL. This issue applies equally to all Councils. In the same manner, MMC also does not submit copies of the land register to the CoL.

6.2.2 Conflicting Rationalities Between the Central Government and the LAS and HMS

A conflicting rationality is identified between the MoLGCHP, the LAS and HMS (see 5.4.2) – the clashes are triggered by various shortfalls in the governance and control of these systems.

Disconnection Between NSDP II, LAS and HMS

The NSDP II strategic focus on creating an enabling built environment may be over-ambitious to be achieved by the current systems of LAS and HMS within the five years of the plan. LAS and HMS have failed to deliver the set objectives of the NSDP II (see 5.3.4).

Inadequate Support for Land and Housing by MoLGCHP

The Ministry set the strategic objective to which HMS and LAS should deliver based on the NSPP II strategic objectives (see 5.3.4). However, MoLGCHP causes conflicts, differences, and misalignments and leads to ineffectiveness. The relationship between the MoLGCHP and the LAS and HMS is critical for the effective performance of these systems (see 5.5.2). LAS and HMS also face insufficient funds in the form of budget cuts, a shortage of staff amongst LAS and HMS (see 5.5.3, 5.5.6), lack of support from the central government - government setting up high goals including those of SDGs, particularly SDG 11 to be achieved by the LAS and HMS (see 5.3) and yet the resources to support the achievements of these goals are not forthcoming (see 5.5.3, 5.5.6). Hence, there is poor progress towards access to adequate housing. This has caused conflicting rationalities, where the State assumes the LAS and HMS are sufficient to achieve the goals of adequate housing and sustainable urban development. Despite the ambitious land and housing objectives of the MoLGCHP, Key Informants lament that the lack of financial support by the government weakens the enabling environment, reduces the capacity of LAS to produce planned land, and reduces the security of tenure and access to adequate housing (see 5.4).

6.2.3 Conflicting Rationalities Between and Within the State's LAS and HMS Processes

Various conflicting rationalities within and between the land and housing are caused by the fragmented design, inadequacies and weaknesses in the LAS and HMS and disconnected governments (see 5.5.6). The following are examples of the causes.

Weak Institutional Capacity

The LSPP, DoH, and the LAA suffer inadequate capacity to carry out the land and housing functions effectively and efficiently (see 5.5). This is blamed on many barriers including lack of training, shortage of staff, lack of motivation, inadequate support and lack of equipment causing conflicting rationalities between and within the LAA and LSPP processes. These are also attributed to lack of support, budget cuts and financial crises faced by these systems – LSPP and DoH in particular suffer tremendous budget cuts (see 5.5.3).

Inaccessible Systems – Lack of Information

SBIH Dwellers complain of the confusion and confess that they lack knowledge of what each of these systems does (see 5.6.5, 5.6.8, 5.8.2). Most SBIH Dwellers mentioned that they at least know about the existence of the LAA, and thought it replaced the LSPP, hence they are now confused as to how the systems differ. Since 2010, they have not heard about LSPP. The LSPP lacks information brokers, and its laws and processes do not reach the people. Overlaps in custodians of the land information exist (see 5.6.5, 5.8.2, 5.6.10).

Fragmented Systems Design and Lack of Coordination

This twin approach to delivering the LAS functions in a fragmented and siloed manner resulted in clashes of rationalities of the LAS systems. Hence a conflicting rationality is identified within the LSPP and LAA. Since the 2010 LAS reform, Lesotho has delivered LAS functions through two fragmented and siloed LAS institutions – the LSPP and LAA (see 5.5.1, 5.5.3, 5.5.4). The LSPP performs the duties of land use and physical planning, while the LAA performs the land tenure function – land registration as prescribed in the LAA Act and the Land Act 2010 (see 5.4.3, 5.5).

Although both systems perform allied functions of LAS, there is no formal coordination strategy between these systems – each system operates in a fragmented and siloed manner, only involving the other when it's necessary to do so (see 5.5.6, 5.6.10). The lack of coordination between LAS systems

has impacted negatively the effective delivery of land tenure, land value, and land development (see 5.4.2, 5.5.6), compromising the goal of adequate housing through SBIH (see 5.7), and increasing informal settlement growth in both urban and peri-urban areas (see 5.7.2).

Within the LSPP, a clash of rationality is identified. The LSPP in Administrative Districts or Councils does not operate similarly to the LSPP in the head office. For instance, Key Informants in the LSPP recognise a need for training of LSPP staff in Administrative Districts and Councils because they realise that the operations of the LSPP in Administrative Districts do not comply with the overall policy of the LSPP (see 5.4.2, 5.5.3). Land use and physical planning are in most cases carried out outside of the law, and they are practised differently across the Councils, each having its unique way of delivering (see 5.4.2, 5.4.4). An example is that the titles or affidavits are prepared differently, and different parties are involved in the allocation, the legitimacy of the process is decided upon by the Council and not per the Land Act of 2010 and its regulations.

Systems Partnerships and Coordination

A weak institutional partnership and coordination in the LAS and HMS, and a lack of capacity to deliver coordinated policy and law implementation in the LAS and HMS operations, has caused a clash of rationalities between LAS and HMS process delivery and SBIH development (see 5.5.6). Both systems aim to achieve a common goal of sustainable development, SDG 11, target 11.1 (see 5.3). However, there are no integrated nor coordinated mechanisms to implement and monitor the achievement of the set targets of SDG 11; each system operates in a siloed manner as discussed above. This is confirmed by the LAS and HMS individualism, fragmentation, lack of synergies and silos in the design and implementation of land administration and housing policies, legislation, strategies, and implementation plans (see 5.5.6). Even at the control and regulatory level in the MoLGCHP, the strategies and operational plans are fragmented, and there is no formal coordination between the two institutions (see 5.4.4, 5.5.6).

All indications in the ECSN are that the informality in housing development will continue to grow because of conflicting rationalities between and within the LAS and HMS causing them to not meet the SBIH Dweller's adequate housing needs and demand.

6.2.4 Conflicting Rationalities Between LAS and HMS and the SBIH Dwellers Experience

The rationalities of the LAS and HMS in the delivery of adequate housing are juxtaposed against the rationalities of the SBIH Dwellers – what these citizens want and do to meet their adequate housing needs. The role and rationalities of the State are encompassed in the State's power through governance, which finds its expression in the LAS and HMS policies, laws, institutional processes, service delivery and practices (see 5.3 - 5.6). The rationalities of the SBIH Dwellers are expressed in citizen power and agency in the processes of SBIH development in the context of LAS and HMS (see 5.7, 5.8). The development of SBIH in informal settlements itself occurs outside of State policies (see 5.6.10). The powers, practices and attitudes of the State LAS and HMS towards SBIH dwelling construction (see 5.3, 5.4.2, 5.4.4, 5.6.10), reveal clashes of rationalities in the SBIH development space. Therefore, various conflicting rationalities are identified in the SBIH development between the systems of LAS and HMS (see 5.3.4, 5.4.2, 5.4.3, 5.4.4) and the citizens (SBIH Dwellers). These are based on the functions and goals discussed in Sections 5.6, and 5.8 as considerations for embracing the progressive realization of the goal of adequate housing for all.

SBIH Dwellers face many struggles including a lack of access to land and lack of finance (see 5.8.2, 5.8.6). The fact that there is no State financial assistance towards housing, even for the poor and low-income people (see 5.6.4) means that the poor and low-income earners face everyday struggles and stress to access housing (see 5.8.6).

Access to LAS and HMS Systems

Limited access and constraints to LAS and HMS are identified to cause a clash of rationalities between the SBIH Dwellers and the systems that deliver land and housing. Inaccessible LAS and HMS precipitate the struggle to access adequate housing development. This contributes to complex urban problems including structurally poor dwellings (see 5.8.7). Lack of urban land use and physical planning leads to SBIH Dwellers' struggles to access land and housing (see 5.6.1, 5.6.10). These problems combined with the lack of implementation of urban land administration and housing policies and laws and, a lack of urban policy, result in increased mushrooming of SBIH housing in urban agricultural land (see 5.6.1, 5.6.2). Hence, the disconnection between the State and urban SBIH Dwellers results in unregulated land use, uncontrolled development, and loss of public land to individual households.

Increased Growth of Informal Settlements

A lack of land use and physical plans causes conflicting rationalities between the State and the SBIH urban Dwellers (see 0). This is revealed in the expansion and mushrooming of informal settlements in urban areas (see Figure 5.25, Figure 5.26) and the predominance of SBIH development outside of the existing land and housing governance (see 5.3), outside land and housing international, regional, and local political space, outside of land, planning and housing legal and institutional frameworks and processes (see 5.3). This conflicting rationality particularly highlights SBIH development outside of government rationality of land and housing provision as prescribed in the important Land Act of 2010, TCPA and LNHP (see 5.3, 5.4, 5.6). All these provide adequate housing space for which SBIH development should take place - but their ineffective implementation and inadequate communication and delivery of the functions cause clashes, and misalignment between these LAS and HMS and the actual SBIH practice by SBIH Dwellers (see 5.7, 5.8).

Access to Planned and Secure Land for Housing

This section analyses what the State (LAS and HMS) desires in the delivery of adequate housing (see 5.3.4, 5.4.2, 5.4.3, 5.6) versus what the people want and need (see 5.7.3, 5.7.3, 5.8). This study observes the SBIH Dwellers' opposition to State power through the growth of informal settlements and the development of SBIH outside of policies and laws governing land use planning, land tenure and building development (see 5.2.3). This is an indicator that there is misalignment or conflicting rationalities between the State and the citizens to access land planned for housing and affordable housing. Hence, conflicting rationalities are identified in the processes of land and housing access - the actions and aspirations regarding access to land and SBIH dwelling construction (see 5.8). The presence and development of SBIH in informal settlements (see 5.2.3, 5.2.4) appears to be a phenomenon that the State cannot control because of poor amplification of the State rationality in land and housing delivery. It symbolises what the people want, need, and do versus what the State (LAS and HMS) desire in the delivery of adequate housing through LAS and HMS. There is overwhelming evidence of the disjuncture between policy, laws, and practices (see 5.4.4, 5.5.6, 5.6.10, 0). There is a gap between the implementation of land use planning, land tenure, and land development processes (see 5.6) versus the actual practices of land use planning processes on the ground (see 5.4.4). This is apparent in the ineffective implementation of land, planning, and housing policies (see 5.4.3) which disable the capacity of SBIH Dwellers to access planned land for SBIH development.

The objectives of the State to guide and facilitate the delivery of adequate and affordable housing within the policies and legal framework is frustrated (see 5.4.3, 5.4.4, 5.5.6, 5.6.10). A clash of rationalities is evident. There is a differential power dynamic between the SBIH Dwellers and the State – with the SBIH Dwellers having the upper hand because they continue to build SBIH (see 5.7, 5.8) irrespective of policies, laws and plans of State LAS and HMS (see 5.4.3). The policies and laws of the State are only powerful in so much as they are being implemented effectively and enforced (see 5.5.6, 5.6.10). If they do not align with the realities of people's basic needs (effectiveness), then they will be, as evidenced, ignored. If they are not enforced the State becomes powerless to control SBIH development (see 5.4.4, 5.6.10, 0). From the perspective of State rationality, the LAS and HMS designs could be good, but their effectiveness (alignment with the SBIH Dwellers rationality) is required for them to be successfully implemented. Conflicting rationalities are therefore clearly linked to poor land and housing governance (see 5.4.4, 5.5.6), hence inadequate SBIH development (see 5.8, 5.8.7).

The Land Act of 2010- indicate no land allocation on unplanned land, but the urban Councils continue to allocate unplanned land and SBIH Dwellers continue to practice their SBIH and house themselves on unplanned land, with no titles to land nor planning permits (see 5.2.3, 5.6.2). Yet to establish rationalities of the notion of SBIH—this can be learned from the practices of SBIH about both the conduct of LA and HM professionals and their respective institutions LAS and HMS. Informal land acquisition and dwelling construction occurs in informal settlements (see 5.7.3, 0, 5.8.5), mostly in undeveloped areas and or agricultural land (see 5.7). Hence, most SBIH development (see 5.2.3) in sampled areas (see 4.4.3) is considered an informal activity that is established outside of existing state legal framework policy laws and regulations (see 5.4.3). The result is the development of inadequate housing outside of legal provision These findings lead to the question "W*hat leads the SBIH Dwellers to resort to extra-legal or even illegal activities in meeting their needs for housing*?".

Poor Socio-economic Status

The shape and face of the urban environment itself (see 5.2.3) is one source of a clash of rationalities – poverty, inequality, and low economic growth (see 5.2.3).

Lack and Shortage of Affordable Housing

The overwhelming evidence in the ECSN indicates a shortage of land and a lack of low-income and affordable housing for urban residents (see, 5.6.6, 5.7.2). Urban dwellers are forever waiting for the

availability and delivery of planned land and affordable housing, as envisaged in the LNHP, hence, are pushed to develop their SBIH and encroach on unplanned land (see 5.7.2). However, the Urban Councils fails to acquire, plan, and allocate land to SBIH dwellers (see 5.6.1, 5.6.2). SBIH Dwellers struggle to access land (see 5.8.4), and because of the frustration of waiting and desperation, they acquire and build houses in inappropriate locations such as flood plains, where dwellings are susceptible to floods. This demonstrates a clash of rationalities between the State and urban SBIH Dwellers.

Lack of Implementation of Land and Housing Policies and Laws

Overwhelming evidence presented in Chapter 5 indicates that there is a cut-throat power struggle and conflicting rationalities between the State (LAS and HMS) and SBIH urban dwellers regarding land and housing access. In Lesotho, there is currently neither land policy nor urban policy (see 5.4.3, 5.4.4).

Other reasons for CR between the State and urban SBIH Dwellers include the State's inadequate implementation of land and housing policies and laws, particularly the provision for formal land registration in the Land Act of 2010 and its regulations (see 5.4.3, 5.5.6, 5.6.2, 5.8.1). The provision laid down that urban dwellers should build houses on land planned for housing and register land with the LAA to acquire lease documents as a form of security of tenure (see 5.6.2, 5.6.10, 5.8.5). However, the implementation of this provision bears cost implications for the urban dwellers and the requirements for land registrations, especially the survey, are considered expensive by SBIH Dwellers (see 5.8.5). Formal land registration in the LAA is costly for the majority of poor urban dwellers (see 5.8.5). Where dwellings are developed on unplanned land, it is not possible to follow the provisions of the law to obtain secure tenure.

Key Informants confirmed that the land, planning and building laws are outdated and misaligned with the current land and housing needs (see 5.4.3, 5.4.3). Hence there is a need for review (see 5.9.1) to align them with the existing social, economic, and political environments that guide everyday practices of the people in the SBIH, and with the goal of adequate housing as per SDG 11, and objectives of LNHP of 2018 (see 5.4.3).

Weak Land and Housing Governance

Weak and limited coordination across the central government and local government (see 5.4.2, 5.4.4, 5.5.6), and weak coordination between LAS and HMS systems - LSPP, LAA and HMS (see 5.5.6).

This results in conflicting rationalities amongst coordination. The practice of SBIH urban Dwellers to engage in SBIH outside of the prescribed laws has resulted in inefficiencies in LAS and HMS leading to ills such as increased growth of informal settlements, and the development of inadequate housing, compromising the adequate housing goal. Another factor causing conflicting rationalities is the unregulated housing market as a result of the ineffectiveness of the State LAS and HMS. This has led to problems of housing affordability (see 5.4.3, 5.4.4, 5.5.6, 5.7.2, 5.8). This has pushed the urban dwellers to informal markets that often have poor governance of land and housing, resulting in high insecurity of tenure, substandard housing due to an unauthorised building and lack of building control (see 5.4.3, 5.4.4, 5.5.6, 5.6.10).

Conflicting Rationalities Between LAS and HMS Relating to Peri-urban SBIH Dwellers

In this analysis, the State and peri-urban SBIH Dwellers appear to be in continuous power and authority struggle; expression of power relations between the SBIH Dwellers and the State was observed (see 5.4.1, 5.4.2, 5.4.4, 5.6.8, 5.8). The State demonstrates power over SBIH Dwellers through its policy and legislative framework that guides the land use and physical planning, allocation, and development processes. In peri-urban areas, Community Councils oversee the implementation of land and physical planning laws (see 5.4.3). Councils quote the laws and regulations, with inadequate capacity to implement these and failure thereof (see 5.4.2, 5.4.3, 5.6.8, 5.6.9, 5.8). To assist the SBIH Dwellers, Key Informants in the CC revealed that they operate off-land laws allocate land and issue Form Cs on unplanned land (see 5.4.3). This also causes a clash of rationalities within and between the State LAS and the Councils.

The narrative revealed a disconnection and clashes between the CC and the SBIH Dwellers. Each party exists in isolation from the other and operates independently of the other; some SBIH Dwellers do not know the role of the Council in land and housing development and are not aware of their land planning and allocation roles (see 5.8.2, 5.8.3).

Many complex issues surrounding the peri-urban SBIH Dwellers' land and housing environment and everyday lived experiences coupled with people's agency and power precipitate a clash of rationalities between SBIH development and outcome and implementation of LAS and HMS policies and laws (see 5.6, 5.7, 5.8). For instance, the complex characteristics of the peri-urban niche including informality, and socio-economic situations comprising poverty, low economic growth (see 5.2.3, 5.2.2,

5.2.3), paired with a certain belief system, culture, norms, and values are the key issues that cause a clash of rationalities between State and peri-urban SBIH Dwellers.

There is a persistent ineffectiveness of both statutory LAS and customary CC's land title registration of legally recognisable land rights (see 5.8.5). This is exemplified by the lack of Form Cs and or Leases as certificates of land ownership (see 5.8.5). SBIH Dwellers feel socially secure in their land rights, with or without the land titles. This demonstrates a clash of rationalities between the local government Council's LAS practices and the SBIH Dwellers.

Furthermore, the physical planning regulations in the peri-urban areas are coercive rather than based on incentives, hence communities are not encouraged to invest in measures that reduce inadequate SBIH development and vulnerabilities. Also, empirical evidence in Chapter 5 suggests a policy vacuum for peri-urban areas (see 5.4.4, 5.2.3, 5.8.1, 5.8.5). For instance, there are no peri-urban local land use plans, nor local physical planning regulations to conform to, people build as they wish (see 5.7, 0), and this is also closely related to the SBIH value to people - a sense of homeownership and pride for the people (see 5.7, 5.7.3).

The design and implementation of land and planning laws (see 5.4.3) contradict the pursuit of achieving the goal of adequate housing for all people because they are confined to urban land tenure security and planning, neglecting the peri-urban housing environment. Increased tenure insecurity and uncontrolled development contribute to urban sprawl (see 5.7.2). In peri-urban areas, the majority of SBIH Dwellers tend to locate their houses in unplanned and degraded locations (see 5.7, 5.7.2, 5.7.3). Often this is on mountainous or sloping land but also arable land. The limited access to planned land, housing finance, basic services, and infrastructure (see 5.5.6, 5.6.6, 5.6.7) renders these SBIH dwellings extremely vulnerable to climate change and man-made hazards (see 5.8.7).

6.2.5 Conclusion of the Analysis Using Conflicting Rationalities

Drawing from the analysis, SBIH development occurs in a contested land administration and housing space involving various conflicting rationalities caused by multiple barriers including complex LAS and HMS governance, challenges in the implementation of policies and laws, ineffective processes and practices, and mismatches with the SBIH Dwellers' aspirations. These are summarised in Figure 6.2.

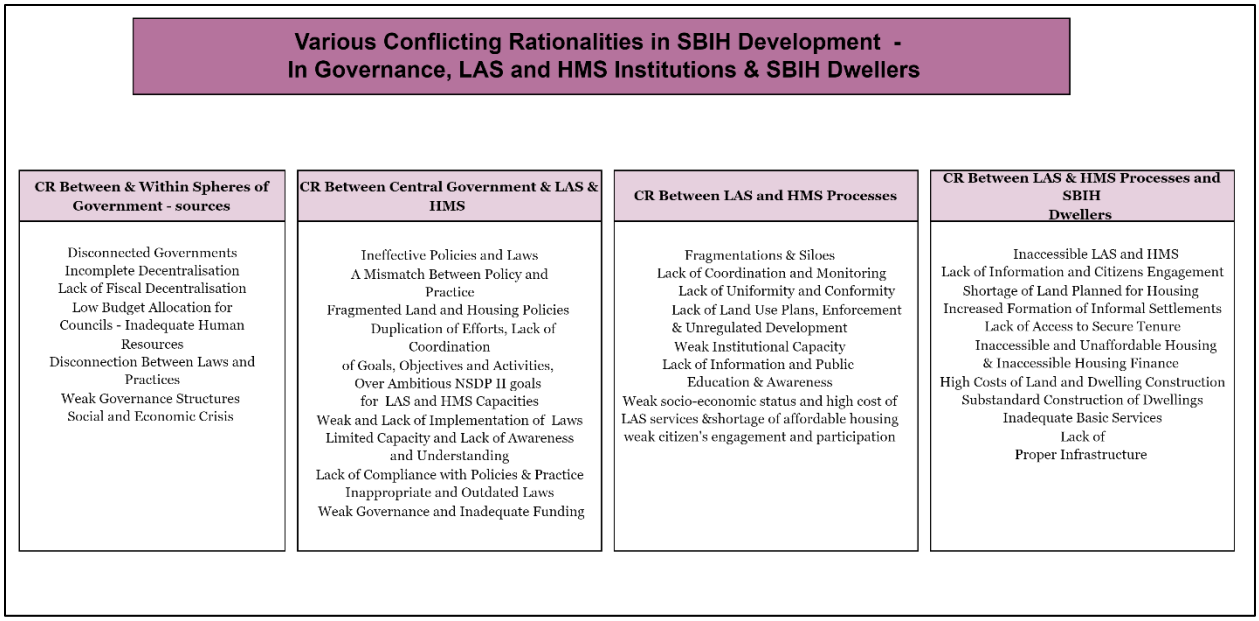

Figure 6.2 A summary of Conflicting Rationalities in SBIH Development

The use of CR in this analysis supports and expands the findings of global South planning scholars as identified in Section 2.2.3 of the literature review. The ECSN has been effectively used to understand conflicting rationalities in the adequate housing space, particularly in and between the State institutions (those of the LAS and HMS), between the rationalities of these institutions and the SBIH Dwellers. CR analytic theory can offer the opportunity to think and understand SBIH development.

An interesting finding of this analysis is the predominance of conflicting rationalities caused by systemic issues, challenges, constraints, and difficulties in LAS and HMS service provision, disconnected governments, and lack of coordination between the spheres of governments and LAS and HMS. Hence, the analysis identifies existing misalignment, conflicts, and clashes within and between the State's LAS and HMS and many clashing rationalities between these systems and the SBIH Dwellers in both urban and peri-urban areas. The strongest claim made from the findings of this analysis is that there is a widening gap between the LAS and HMS policies, laws and practices and the development of SBIH by the citizens – SBIH Dwellers. The analysis also supports the notion of interdependence of the policies, laws, systems, and people as has been argued in the literature (see 2.2.3).

In light of the above analysis, this section deduces that various conflicting rationalities are at play in the SBIH development and are in turn associated with constraints imposed by governments (LAS and HMS) on SBIH development. Almost all of the conflicting rationalities identified in this section emanate from the disconnection of the central government and local government, the disconnection of these governments to LAS and HMS systems, the disconnection between LAS and HMS institutions, and ineffective implementation of the land and housing policies, thus, disconnection of these systems to SBIH Dwellers.

However, SBIH Dwellers also play a critical role and influence the nature of the SBIH outcome with the support of the local government capacity. The clash in rationalities means that the planning theory and land administration theory and their respective practices adopted by the government are rejected by the SBIH Dwellers both in peri-urban and urban areas. The systems are not aligned to the rationalities of the SBIH Dwellers as demonstrated in this analysis. The rejection and conflicting rationalities impact negatively and hinder the progressive realisation of the right to adequate housing for all people in Lesotho.

The conflicting rationalities on the side of the State and the side of the people's SBIH initiatives are caused by power differentials and people's agency. The relationship between these systems and the people has become unregulated, and a disconnection of the system's structures and processes has occurred. The fact that there are conflicting rationalities, conflicts are bound to occur, and these lead to power struggles, and opposition behaviours on the other side of the other party – the State (LAS and HMS) and on the other side of the SBIH Dwellers.

Furthermore, the analysis reveals that the differences in rationalities are deeply rooted in the political economy and poor land governance in Lesotho. All the identified conflicting rationalities reveal roadblocks to the achievement of the goal of adequate housing through SBIH development and a low contribution and impact towards sustainable human settlements and sustainable development.

The application of CR on LAS and HMS for the outcome of SBIH development provided an interesting and useful additional domain for discussion and reflection of the CR framework, contributing to the CR theory. The findings in this analysis indicate that CR provides the analyst with a useful method to reach conclusions about the problem being studied by modelling and analysing the complex differences, and conflicts in the system. This CR analysis also provides an incentive for further interrogation of the ECSN using Spatial Planning principles in the next Section 6.3.

6.3 Spatial Planning Analytic Lens on SBIH Development – A Holistic Approach

This section analyses how the LAS and HMS as spatial planning systems manage land and housing processes – to deliver adequate housing through SBIH development. Through the SP lens, this research assumes that the goals of integration, adaptation, and participation in LAS and HMS are central to achieving adequate SBIH. The SP analytical framework is explained in Sections 2.2.2 and 3.4.2, motivated as a data collection and initial processing lens in Section 4.4.7, and adopted along with CR in the analytical framework to understand the nexus between LAS and HMS given SBIH development from a holistic perspective. The merits of the SP framework lie in its strengths in considering the connections, integration, and coordination between relational sectoral policies to promote integrated and collaborative planning and implementation decisions (see 3.4.2). This analysis draws on the SP principles and goals: policy integration, systems adaptiveness, and citizen engagement and participation as described in Section 3.4.

Indicators of SP principles in the national arrangements for LAS and HMS and their interaction with SBIH development surfaced in the empirical evidence reflected in the ECSN in Chapter 5. In the context of the SP analytic framework, LAS and HMS are both spatial planning systems and the importance of these systems is gauged from the efforts and performance of the LAS and HMS. Hence the SP analytic framework examines how the LAS and HMS, as spatial planning systems, satisfy and achieve the principles of policy integration, systems adaptiveness, and citizen engagement in their planning and implementation. The analysis assumes that the conformity of LAS and HMS to these principles leads to an effective SP system that would enhance the achievement of all goals of these systems, and importantly, the achievement of adequate housing, through SBIH, in Lesotho. The disconformity of the approaches to the principles leads to weak systems and ineffectiveness towards adequate housing, hence the inadequate development of SBIH.

6.3.1 Policy Integration

This analysis is premised on the understanding that a strategy to bridge the gap between cross-sectoral policies such as those of the LAS and HMS through the application of SP theory enhances the effectiveness of these systems (see 3.4). Where policies are poorly integrated and possibly have competing goals, practices suffer. This could lead to the achievement of an overarching goal of adequate housing through SBIH development and sustainable human settlements for sustainable

development (see 3.6.1). The SP policy integration principle (see 3.4.2) considers the nexus between sectoral policies (see 2.2.2, 3.4.2) in this case being the land and housing policies as described in Chapter 5. The application of policy integration as a lens to reflect on SBIH development focuses on assessing how the policies of land and housing are aligned, and linked to this, how these systems are connected to stimulate the promotion of adequate housing through SBIH development. This analysis, therefore, explores not only the relevant policies (see 5.4) but also the *linkages, coherence, coordination and interactions* (see 3.4.2) between LAS (see 5.5.3, 5.5.4) and HMS processes (see 5.5.5).

Sectoral Policy Alignment

There is a need to integrate cross-sectoral policies both horizontally and vertically as synergy effects to minimise contradictions between policies-evaluating policy outputs and outcomes (Nadin et al., 2020). Nadin (2007) highlights a glaring need for more evidence and analysis to support policymaking and implementation. It also informs the possible policy change and a redesign of the LAS and HMS systems, through spatial planning policy integration framework, should there be a need for policymakers to redesign in the context of the finding of this research. Sections 5.2.3, 5.2.5, 5.3, and 5.4.3 of Chapter 5 provides an understanding of how land and housing policies align.

Sectoral Integration and Coordination

Vertical Integration: Central and Local Government

The importance of integrating the key LAS functions and having them under one system and connected governments cannot be overemphasised (see 2.4.1). There is a lack of vertical coordination and integration between central and local government Councils (see 5.4.2). This impacts the effectiveness of LAS and HMS policies and practices (see 5.4.3, 5.5.1). This is evident in the lack of conformity by Councils to central government laws, policies, and plans (see 5.5.6). An incomplete decentralisation of LAS services has complicated LAS service delivery even more – the Councils cannot carry out these functions (see 5.4.2, 5.4.4). Integration and coordination between these government spheres are stimulated by adequate communication channels and human and financial resources, but these are reported to be weak (see 5.4.2, 5.4.4).

Horizontal Integration: LAS and HMS

Furthermore, for Lesotho, the LAS functions are spread across the two separate systems and operate in a fragmented design and siloed manner although both these systems implement land tenure functions (see 5.4.3, 5.4.4, 5.5.1, 5.5.3, 5.5.4). Also, there is no coordination and integration between the State LAS and HMS (see 5.4.4, 5.6.9). Not even does it exist between the LAS systems of LSPP and LAA – fragmentation between LAS agencies has been identified in Lesotho as one of the hindrances to the delivery of land for housing production (see 5.5.6, 5.6.10). A lack of coordination impacts the delivery of LAS land tenure and land use planning functions (see 5.6.10).

This indicates a lack of horizontal coordination and integration between LAS and HMS policies, laws, processes and practices (see 5.4.2, 5.4.3). In addition, there is no formal cross-sectoral coordination and integration structure for the functions and processes of land administration, land use planning, land tenure and housing development (see 3.7.1, 5.6.10, 5.6.9). The problems in coordination are weak institutional structures, and inadequate human, and financial resources (see 5.6.10), land disputes (see 5.8.4), low levels of commitment by the government (see 5.4.2) and stakeholders, ineffective operations, and failure of organisations to align plans with performance (see 5.3.4).

The findings of the analysis indicate that Lesotho has not made efforts to link LAS and HMS. This indicates a failure to recognise these as spatial planning systems that strive to achieve a similar goal of adequate housing, sustainable human settlements, and sustainable development, even though they are both SP systems (see 3.4.2, 4.4.8). In addition, no improvements have been made to these systems to demonstrate the ability to encourage integrated decisions promoting adequate housing through SBIH development. Also, there are no strategies in place to promote integration and coordination.

The cost of a lack of coordination between LAS and HMS, and the cost of a lack of integrated design and implementation of the LAS and HMS policies and laws, is the inadequate support for the development of SBIH leading to inadequate SBIH development and compromised access to adequate housing. The existing gaps in progress on implementing the Land Act of 2010 and delivering land use planning and land allocation, updated, and reliable land records are indicative of an ineffective LAS. Considering the importance of policy integration for SBIH development – Councils need to be empowered and evidence and practice need to be connected to policies.

Horizontal Communication: LSPP and LAA

The LAA and LSPP lack connection, interaction, and communication strategies even though they are both responsible for land tenure functions (see 5.4.4). Communication takes place on an ad hoc basis (see 5.5.6). Even between the LAS and HMS, there are no formal coordination and communication strategies (see 5.6.10). This is demonstrated by fragmented plans at the Ministerial level (see 5.5.1, 5.6.2, 5.6.9), and a fragmented approach to citizens – a lack of political will to promote the integration of the LAS and HMS.

Consistency of Processes

Consistency between the processes of the LSPP and LAA, and between the central government and Councils, is important for legal, predictable, enforceable implementation and delivery of the provisions of the Land Act of 2010 in land planning and allocation and land tenure function. This is not the case (see 5.4.4, 5.5.6, 5.6.10). Councils do their own thing allocating land without approved development plans (see 5.4.2, 5.4.4, 5.5.4, 5.6.2, 5.8.5, 5.6.10) demonstrating inconsistencies and disconnections between policy and practice.

Even the land regularisation project carried out by the LAA undermined the functions of land use and physical planning as performed by LSPP through policy - it has bypassed planning procedures on upgrading (see 5.1).

Key Informants, who are experts in the LAS and HMS, are also not conversant with the laws they implement (see 5.4.4, 5.6.10). For instance, some planners in the Councils confessed that due to a lack of capacity building within the LSPP, they believe that they are undertaking malpractice in the planning and building permits and are not sure how to issue the permits legally (see 5.4.2) - and lack confidence in implementing the regulations without full knowledge and understanding. Also, they are not aware of the LNHP and whether they are related to the delivery of adequate housing (see 5.5.6).

The disconnection between the central government and local government in the implementation processes of the land and planning laws, cannot be overemphasised. Councils lack capacity, and support from the central government (see 5.4.2).

6.3.2 Adaptiveness

The SP adaptiveness principle is described in Section 3.4.2 and is applied here to examine the capacity of the LAS and HMS to respond to citizens' aspirations, needs and changing political and environmental conditions. Such changes include but are not limited to, urbanisation and expansion of unplanned peripheral settlements (see 5.2.3), increased need for urban housing (see 5.2.3, 5.6.6, 5.7.2), Lesotho's commitment to global and regional agendas and goals (see 5.3), and change in governance (see 5.4). Therefore, in the context of the SP system's adaptiveness, LAS and HMS are systems that exist in the complex context characterised by the political economy of land and housing governance, and local and international human settlement goals and policies (see 5.3, 5.4)

Adaptive spatial planning systems are expected to be prepared to *cope, adapt, adjust to instability, and manage and correct uncertainties* (see 3.4.2) that may be caused by new phenomena (see 2.2.2, 3.4.2). Adaptiveness addresses stability and uncertainty and requires good governance, an appropriate legislative and regulatory framework, political will, and support (Nadin et al., 2020). In the context of this research, the LAS and HMS should respond by refining their policies, and legislative and regulatory frameworks and adapt plans to cope with the ever-increasing need for adequate housing by the SBHI Dwellers. They should also effectively address the changing environment in the areas of human settlements and achieve the SDGs.

LAS and HMS and SBIH development (see 5.6, 5.7), are embedded in complex contexts including complex social, economic, political, cultural contexts, and fragmented land and housing institutional contexts (see 5.3, 5.4, 5.6, 5.7, 5.8). The analysis aims to explore and understand the degree of adaptation of these SP systems to the needs of SBIH Dwellers, as well as the nature of relationships and patterns that underlie chaos and order in the LAS and HMS (see 5.4, 5.4.2, 5.4.4, 5.5.6). Effectiveness in the systems indicates that they are aligned with needs even though their prior adaptations may not be visible in the systems' current operations. This understanding aligns with the critical realist ontology in that all real things or events are not necessarily able to be sensed/observed.

There is no evidence of adaptiveness in either of the LAS and HMS (see 5.4.2) since their operations appear to be ineffective – the needs of the SBIH Dwellers are not met (see 5.7.3, 5.8). The LAS and HMS are not adapting themselves to the massive growth of informal settlements, both in towns and peri-urban area areas. This lack of adaptation to land and housing needs and demands compromises the system's ability to promote sustainable human settlement development goals in terms of providing

effective systems. Hence the increasing supply of informal SBIH also threatens the adaptiveness of the LAS and HMS.

A lack of SBIH development policy and strategy indicates that the LAS and HMS continue to struggle to understand the aspirations of the SBIH Dwellers. If the adaptiveness of the LAS and HMS as SP systems is improved, this may promote innovation and understanding in the reform initiatives that deliver adequate housing through SBIH. Therefore, the LAS and HMS need to be designed to adapt to an ever-changing environment and increase their responsiveness resilience and feedback loops towards the goal of adequate housing through SBIH, while retaining their core purpose.

6.3.3 Citizen Engagement and Participation

The principle of citizen engagement as described in Section 3.4.2 underpins citizen involvement, engagement, inclusion, strategic communication, partnering, and meaningful participation of citizens in planning and decision-making. Hence, strong citizen engagement, effective partnerships, and participation in decision-making are required to achieve effective LAS and HMS service delivery and influence access to adequate housing and SBIH development.

For this analysis, the important questions ask how these processes and practices of these systems engage with, partner with, communicate with, and encourage the participation of SBIH Dwellers – and whether they are explicit about the roles of SBIH Dwellers. Hence, the assessment of the engagement and participation of SBIH Dwellers was based on many other things including – the opportunities provided by the capacity of the State LAS and HMS to involve and engage SBIH Dwellers in the design and implementation of policies, laws, plans, and practices for delivery of adequate housing through SBIH development and other components of participation as mentioned earlier. The assessment focuses firstly on whether the LAS and HMS – LSPP, LAA and DoH – are open for SBIH Dwellers' participation, and secondly, whether they are engaged and meaningfully and effectively participate in the systems processes and practices.

Inclusion

The goal of inclusion calls for the inclusion and involvement of SBIH Dwellers in the LAS and HMS processes and practices – hearing from the voices of those involved and empowering them, can be achieved by the participation of the citizens. This could lead to transparency in systems. This study

found a lack of citizen inclusion and participation in the LAS and HMS policy implementation (see 5.6.10, 5.6.8), leading to a disconnection between policies and practices.

Engagement

For this analysis, the examination of engagement with SBIH Dwellers in the LAS and HMS is firstly determined by whether SBIH Dwellers as citizens know about the existence of the LSPP, LAA, and DoH systems. Secondly, whether SBIH Dwellers know about the policies, laws, plans, processes of land use and physical planning, land allocation, land development and control, and land value, and whether they meaningfully collaborate, partner, and participate in their design and implementation – to determine whether there is full or a partial engagement and or no engagement at all (Nadin et al., 2020). Consequently, the SBIH Dwellers and Key Informants were requested to explain any existing relationships between the two, their engagement, interactions, and partnership - based on their knowledge of current policies and legal framework (laws) provision for public engagement and participation.

Evidence from the ECSN in Chapter 5 suggests limited engagement with SBIH Dwellers and no meaningful participation in the LAS and HMS plans and processes (see 5.4.3, 5.6.8). This is demonstrated by the claim that since 2010, LSPP and DoH have lacked clear communication strategies and public awareness and influencing strategies (see 5.6.5). Hence, the current LAS and HMS are insufficient to deliver and accelerate the engagement with SBIH Dwellers and citizens in adequate housing delivery (see 5.4.3).

The majority of Key Informants echoed both partial engagement and no engagement of SBIH Dwellers in the preparation of physical development plans and LAS and HMS processes (see 5.6.8). Key Informants recognise the extent to which the Land Act 2010, Act No.8 of 2010 and the TCPA echo the need for public participation although this is hardly ever implemented (see 5.4.3). In 10 years of the LARAP, Councils have not advertised plans for public review and comment (see 5.6.8) – most adverts are for the public interest of plans for marketing purposes where individuals are requested to bid for the land purchase and leasing. This is the case with the recent site and service schemes implemented by MMC in Motheo II. Community engagement is necessary and a prerequisite to housing development. Therefore, weak citizen engagement characterises the Lesotho spatial planning system implying that the current LAS and HMS are inadequate to meet the citizen engagement and participation.

Lack or minimal engagement with SBIH Dwellers in LAS and HMS processes and decision-making - no formal communication strategies for influencing, no sustained engagements, and ad-hoc engagement with citizens.

Communication and Advocacy

Effective communication channels are needed to encourage the active participation of citizens and to translate policies and laws into action (see 5.4.4, 5.6.5). Evidence in the LAS and HMS indicates a lack of advocacy and awareness-raising strategies in the land administration, planning, and housing development strategies in Lesotho. This limits communication with citizens and stakeholders. Consequently, SBIH development practice is not connected to the land, planning laws and housing policy (see 5.4.2, 5.4.3, 5.4.4). For the processes of land use planning (see 5.6.1) citizens should be consulted throughout the processes as they are the consumers of the planning process and product. However, this is lacking in the LSPP and Councils, as plans are not forthcoming. SBIH Dwellers' participation in the planning process and decision-making is hindered (see 5.6.8, 5.6.1), as a result, SBIH Dwellers suffer a lack of access to planned land (see 5.6.1, 5.7, 5.8).

Despite the reform of the LAS to strengthen the provision of security of tenure through formal registration – engagement of SBIH Dwellers with the LAA, LSPP, DoH and Councils is minimal. This is demonstrated by the lack of leases for the security of tenure (see 5.6.1, 5.6.2, 5.8.5) lack of access to land planned for housing, the development of SBIH on unplanned land and without building permissions, which continues to persist (see 5.7).

Conclusion on Citizen Engagement and Participation

Strong citizen engagement, effective partnerships, and participation in decision-making are required to achieve effective LAS and HMS service delivery and influence access to adequate housing and SBIH development. Citizen participation promotes collective understanding of the goal of adequate housing and SBIH development requires the participation of multiple and diverse stakeholders to achieve adequate housing through SBIH development. The development of adequate housing through SBIH calls for active engagement of all key stakeholders, with a particular focus on the SBIH Dwellers (see 5.8.2). Citizen participation and engagement remain relatively weak in the LAS, and HMS, hence there is a need to strengthen engagement and participation strategies to improve the connection between LAS and HMS and improve on effective delivery of adequate housing through SBIH development.

6.3.4 Conclusions of the Analysis Using Spatial Planning

The capacity of the state to deliver adequate housing is dependent on its capacity to deliver integrated, adaptive, and participatory decisions based on integrated policies. Integration, adaptation and participation in LAS and HMS are increasingly important when dealing with complex problems as identified in the LAS and HMS delivery of adequate housing. A lack of capacity in these systems implies that the State has not amplified its capacity to improve these aspects thus compromising the capacity of SP systems of LAS and HMS to support adequate housing delivery through SBIH development.

Table 6.1 presents a summary of the analysis using SP. Whether LAS and HMS as SP systems are equipped to cope with adequate housing challenges is strongly dependent on their capacity to promote integration between policies, to respond adaptively to changing SBIH Dwellers' housing needs and political needs and involve citizen engagement and participation in decision-making processes – collective land and housing delivery.

The SP analytic framework was used to assess fragmentations in policy implementation and silos in LAS and HMS operations in Lesotho. This section deduces that the cost of lack of policy integration is the uncontrolled growth of informal settlements and increased processes of inadequate SBIH development leading to inadequate housing.

The failure of the LAS and HMS to modify their processes and adapt to the increasing need for planned land for housing development was found to be characterised by a lack of policy integration The mismatch between the delivery of services by the LAS and HMS and the needs of the SBIH Dwellers is a strong indicator of failure of these systems to adapt.

Citizen engagement and participation are very poorly executed and not supported by policies and processes in the LAS and HMS. As such, SBIH Dwellers are excluded. LAS and HMS should be integrated to overcome the many obstacles highlighted in this section. However, this is an emerging conclusion and cannot be executed or tested within this research scope.

Table 6.1 A Summary of SBIH development in spatial planning analytic framework

Spatial Planning Systems Goals for SBIH Development	Status of LASs Spatial Planning Systems - LSPP and LAA	Status of HMS Spatial Planning System -DoH
Policy Integration	Weak policy integration	Weak policy integration
Adaptation	Lack of adaptability	Lack of adaptability
Citizen Engagement and Participation	Weak engagement and limited citizen participation	Weak engagement and limited citizen participation
General Findings	Weak LASs as Spatial Planning Systems and minimal influence in adequate housing through - SBIH development.	Weak HMS as a Spatial Planning System and minimal influence in adequate housing through SBIH development.

6.4 Chapter Summary

In this Chapter, an integrated analysis of LAS and HMS with a focus on SBIH development was successfully undertaken using the over-arching analytic lenses of CR and SP. These analytic frameworks were applied to the ECSN of SBIH development presented in Chapter 5, to analyse and understand the complex systems of LAS and HMS. The analysis revealed the nature of the unique SBIH development in the context of complex LAS and HMS in Lesotho.

The literature included in this research is supported and extended through the findings of this chapter. Hence, this Chapter has addressed the gaps identified in the literature (see 2.2.2, 2.2.3) which postulated that the application of CR and SP in combination could reveal new insights within the planning domain. Consequently, new knowledge is created by reflecting on the narrative through the lens of both CR and SP. The frameworks independently examined the extent to which the LSPP, LAA, and DoH influence the outcome of SBIH development and explored a range of factors that lead to inadequate housing in SBIH development. The Chapter reveals a depth of evidence to demonstrate that SP and CR together offer predictive, realistic, and explanatory models and new empirical tools and innovative approaches to the analysis, modelling, and visualisation of SBIH. The analysis has shaped a unique understanding of the goal of accessing adequate housing through SBIH development in Lesotho. This may be generalised to other locations through the process of analytical generalisation.

Importantly, the analysis confirmed the suitability of the mixed-methods approach adopted in this study – Table 6.2 presents a matrix of integrated analysis of SBIH development using mixed methods. This mixed analytical framework identifies connections and determines the underlying causes and effects and influence of LAS and HMS on the outcomes of SBIH. The ECSRM has been used in housing studies to understand housing provision and demand in various countries in Africa (Akingbade et al., 2012), but the integrated use of both CR and SP has not been explored in land administration and housing research (see 3.2). Consequently, this analysis contributes to the further development and understanding of the ECSRM, CR and SP as analytical frameworks for LAS, HMS and SBIH. A summary of the integrated analysis is presented in a matrix in Table 6.2.

The contribution of this analytic framework provides new knowledge in the field of LAS and HMS. The results of the analysis could be generalised through analytical and naturalistic generalisation (see 4.4.9). Through analytic generalisation - a contribution to SBIH theory is made. The combined results could pave the way to the progressive realisation of adequate housing through SBIH and promote sustainable development of human settlements as envisaged in SDG 11, NUA, and NSDP II (see 5.3.4).

Table 6.2 Matrix of integrated analysis of SBIH development

Conflicting Rationalities -LAS, HMS & SBIH Dwellers Powers- Inadequate SBIH Development	Spatial Planning System's -LAS & HMS Citizen's Engagement & Participation in LAS & HMS Process & Practices	Spatial Planning System's Adaptation to SBIH Dweller's Aspirations and Political Needs	Spatial Planning System's Policy Integration for Effectiveness
Multiple and differing conflicting rationalities between spheres of government – between Central government & local government, between Central Government and LAS and HMS, between local, government and LAS and HMS; between LAS and HMS; between LAS systems - LSPP & LAA, and between these systems LAS & HMS and the SBIH Dwellers (see 6.2). Normlessness and loss of rules in practices of adequate housing and SBIH development - inadequate housing development.	Weak and no engagement & participation of SBIH Dwellers. A lack of communication strategy and capacity in LAS and HMS access to land and housing information impacts the capacity of SBIH Dwellers (see 5.6.8, 6.3.3).	LAS and HMS are not adaptive and responsive to SBIH Dwellers' decisions regarding SBIH development. SBIH continues to increase on unplanned land and build outside of planning permission and building control (see 5.6.10).	Lack of cross-sectoral integration of LAS & HMS policies, laws, and practice. Inconsistency in the delivery of land use planning and land allocation processes. Lack of conformity to laws, regulations, and processes of SBIH development in the LAS and HMS policies, laws, strategies, and plans. Lack of coordinated monitoring & evaluation of plans. The cost of disintegrated land and housing legal and institutional frameworks and practices leads to inadequate support for SBIH development (see 6.3.1).

Furthermore, the use of these results could challenge the rules of the operations in LAS and HMS and contribute to the identification of drivers, enablers, and pillars for adequate housing through SBIH and the changes required to achieve an innovative model of SBIH. Hence, the gap analysis identified through the application of CR and SP should give rise to the desired situation in the LAS and HMS, hence in the adequate SBIH development. The findings further contribute to a deeper understanding of fragmentation and policy disintegration challenges in the LAS and HMS. The weak coordination and integration hinder the achievement of the goal of access to adequate housing through SBIH. Therefore, the results of the analysis provide a deeper understanding of SBIH development and give

out how post-reform LAS and HMS can better support adequate housing and SBIH development (see 7.4).

Through this analysis, the research visualises an integrated LAS and HMS that is effective, inclusive, accessible, and central to achieving adequate SBIH. The strength of the analytic framework stimulates the rethinking of the entire LA and HM systems and guides the redesign of the SBIH system, thus facilitating the development of an integrated conceptual framework for LAS and HMS to reach an integrated domain model for SBIH in Lesotho. Importantly, the SP and CR - CR-CR-informed analysis can provide new perspectives that are better aligned with the complex challenges faced by the SBIH, and they can form a stronger conceptual basis for studying SBIH in the context of HMS and LAS. The results of the analysis contribute to the development of a conceptual framework (conceptualization) of an integrated LAS and HMS through the SP policy integration goal, leading to the development of an ideal system for adequate SBIH.

The proposed changes emphasise the design of effective and productive LAS and HMS through policy integration at both the national and local Council governance levels. An integrated LAS and HMS should leverage the delivery of adequate housing to promote sustainable human settlements and contribute to the socio-economic growth and development of the country.

Chapter 7. Conclusions and Recommendations

7.1 Introduction

This Chapter conveys the main conclusions structured in line with the research objectives as formulated in Section 1.5. Overall, the research objectives have been achieved and questions answered. The chapter also suggests recommendations for changes to the LAS and HMS to improve SBIH for adequate housing development in Lesotho.

7.2 Conclusions

This study provides an in-depth understanding of how the LAS and HMS impact the provision of adequate housing through SBIH development. Table 7.1 provides a summary of the links between the research questions and objectives also providing references to the sections to which these questions have been addressed.

7.2.1 A Matrix of Research Questions and Associated Findings

This section summarises the principal findings of this research presented through a matrix of sub-research questions (Table 7.1). In answering these, the main research question is answered:

What are the effects of the post-reform LAS and HMS on the outcome of SBIH development in Lesotho - with a view to its improvement?

Table 7.1 Matrix of research questions linked to findings.

Sub-Research Question	Summary of Key Findings	Relevant Section
(i) Which theoretical frameworks and methodologies are identified as suitable to analyse the effect of post-reform LAS and HMS on the outcome of SBIH?	Conflicting Rationalities (CR) and Spatial Planning (SP) are identified as over-arching theoretical frameworks based on critical realism as a basis for the use of multiple theories and methodologies. Ethnographic Case Study Research Methodology (ECSRM) has been	Chapters 2 and 3 identify and describe the over-arching theoretical basis for researching LAS, HMS and SBIH from a critical realist ontology. Chapter 4 details and justifies the adoption of ECSRM.

	found useful in providing a deep understanding of SBIH development in complex LAS and HMS natural and social settings.	
(ii) What is the status of LAS and HMS specifically in facilitating access to adequate SBIH? a. What law and policy underpins the LAS and HMS? b. What are the structures and processes of the LAS and HMS?	The Ethnographic Case Study Narrative describes the LAS, HMS and SBIH development (see 5.10, 7.2.4).	Chapter 5 – results of the ECSRM is a rich description of the LAS, HMS and SBIH development in a narrative form – Ethnographic Case Study Narrative of SBIH (narrative lens of CR and SP) Sections 5.3.5, 5.4.2, 5.4.3, 5.5.6, 5.6.13, and 7.2.4
(iii) What is the status of SBIH; how do people practice SBIH development in Lesotho and what are the experiences of the people regarding SBIH development?	SBIH is a complex phenomenon that occurs in complex human settlements and an adequate housing goal context. The context is characterised by a weak twin approach to land and housing governance, weak political economy of land and housing governance, ineffective implementation of LAS and HMS policies, laws, processes, and practices,	Chapter 5. An Ethnographic Case Study Narrative of SBIH.

		SBIH suffers a lack of political, technical, and organisational support - implying a lack of government capacity to support the delivery of adequate SBIH. SBIH dwelling development is conducted informally, in an unregulated manner – concerning the law hence is in unplanned settlements. Most dwellings lack security of tenure and no planning and building permits. However, most dwellings are materially adequate and durable but remain in an inadequate housing space due to lack of security of tenure, and lack of access to basic services.	
(iv)	Using the theoretical and methodological frameworks identified in (i), what does the analysis of the LAS (including LAA and LSPP), HMS and SBIH sectors within the land and housing system reveal to facilitate access to adequate SBIH?	The analysis reveals interesting findings: It reveals the status that LAS and HMS are weak, ineffective, inaccessible, not transparent, inefficient and do not promote access to adequate housing through SBIH. CR revealed that SBIH occurs in multiple conflicting rationality spaces, resulting in multiple conflicting rationalities between the State (LAS & HMS) and SBIH development.	Chapter 6 – Analysis of Ethnographic Case Study Narrative (presented in Chapter 5) using mixed overarching analytic framework containing CR and SP analytical frameworks (as motivated in Chapter 4). Sections 6.2, 6.2.5

	SP demonstrates high levels of fragmentations, silos, lack of integration, lack of adaptation and weak citizens' participation in LAS and HMS	Sections 6.3.1, 6.3.3,6.3.4
	SP also reveal a disconnection between policy and practice and fragmentations and silos, lack of adaptation and weak citizens participation.	Sections 6.2, 6.2.5
	Two critical messages that emerge from the analysis, are that LAS and HMS and SBIH are characterised by conflicting rationalities, lack of collaboration, uncoordinated processes, fragmentations, and siloed operations – disintegrated systems.	Sections 6.3, 6.3.1, 6.3.3
	In addition, the SP analytical framework provides a useful basis for addressing the conflicting rationalities, fragmentations, and predominant silos through integration, adaptation, citizen participation and engagement.	Section 6.2.7 Sections 6.3, 6.3.4

7.2.2 Mixed Methodological Framework

Research Question i) part 1: Identify and explain suitable methodologies to carry out an integrated analysis of the effect of post-reform LAS and HMS on the outcome of SBIH.

This study adopts a mixed methodological framework of ECSRM (Ethnographic Case Study Research Methodology) based on the critical realism lens to gain a deep understanding and analyse SBIH development in its natural context of LAS and HMS. Ethnographic and case study research methods are suitable to analyse the complex aspects of these socio-technical systems when undertaken in an integrated manner. This contributes to an in-depth understanding of the nature of SBIH and the effects of LAS and HMS on its outcome - and possibly paves the way towards change and improvements.

Chapter 2 assisted in identifying appropriate methodologies used by others, while Chapter 4 justified the appropriateness of a qualitative research design and the use of ECSRM in LAS, HMS and SBIH development research.

The complex characteristics and properties of the SBIH development phenomenon are explored and described. Subjective and socially constructed meanings about the development of SBIH in its natural setting are expressed through in-depth interviews with the Key Informants (see 4.4.6) and SBIH Dwellers (see 4.4.6). These are conveyed in the narrative in Chapter 5 (see also 5.1, 5.10).

7.2.3 Integrated Over-arching Theoretical and Analytic Frameworks

Research Question i) part 2: Which theoretical frameworks are identified as suitable to analyse the effect of the post-reform LAS and HMS on the outcome of adequate SBIH?

The study identified and employed an integrative and mixed theoretical lens and over-arching analytic framework comprising CR (conflicting rationalities) and SP (spatial planning) theories based on a critical realist ontology.

One of the successes of this research is the use of planning doctrines, SP and CR theories together (see 6.1, 6.2, 6.3) to understand SBIH development in the context of complex LAS and HMS. This analytic framework revealed the existence of a sensitive dependence of the SBIH development outcome on LAS and HMS – it made it possible to understand how SBIH interacts with the LAS and HMS. SP theory is used in the housing development sector because of its ability to reveal gaps and fragmentations in processes. The CR theory is used to understand the differing motivations of role-

players. Together, these frameworks revealed diverse types of conflicting rationalities within, and between central and local governments (see 6.2.2), a clash of rationalities within and between the central government and LAS and HMS, conflicting rationalities between Councils and LAS (LAA and LSPP) (see 6.2.3) and HMS (see 6.2.1), a clash of rationalities between the LAS and HMS (see 6.2.3), and, further, a clash of rationalities between the State and the SBIH Dwellers (see 6.2.4). Looking at the existing land and housing legislative frameworks (see 5.3, 5.4, 5.4.3), and their implementation thereof, SBIH continues to develop in a fragmented, siloed, and conflicting rationality space (see 6.2.5, 6.3.4).

CR and SP theoretical and analytical frameworks are therefore found suitable to identify and address the gaps fragmentations and conflicting rationalities. The SP framework, in particular, provides a useful basis for addressing the conflicting rationalities, fragmentations, and predominant silos in the LAS, HMS, and SBIH design, and performance (see 2.2.2, 6.3.1, 6.3.1, and 6.3.4). Compatible with this, the theory of CR could address the misalignment of the LAS and HMS operations to the SBIH Dwellers' activities and mitigate the clashing rationalities (see 2.2.3, 3.3, 6.2.5), which are identified as the main problem in the development of SBIH.

Further analysis through SP provided compelling insights into the LAS and HMS (see 6.3). These led to the conclusion that LAS and HMS in Lesotho are characterised by a lack of policy integration and limited coordination (see 6.3.1), limited participation of citizens (see 6.3.3) as well as a lack of adaptation of the systems to SBIH Dwellers needs (see 6.3.2). Disconnection between these systems and the lived experiences of SBIH Dwellers (see 5.5.6, 5.6.8, 5.6.10, 5.7.2, 5.8) remain critical barriers to the success of these systems in meeting the goal of adequate housing through SBIH. This is revealed through SBIH Dwellers' everyday experiences and struggles to access adequate housing (see 5.7, 5.8).

The analysis in Chapter 6 (see 6.2.5, 6.3.4, 6.4) could inform the proposed development of a conceptual integrated LAS and HMS to promote an ideal SBIH system for Lesotho and lead to adequate development of SBIH. This research therefore concludes that the application of CR and SP could contribute to the promotion and production of adequate housing through SBIH development.

7.2.4 Understanding the LAS (LAA and LSPP) and HMS

Research Question ii): What is the status of LAS and HMS specifically to facilitate access to adequate SBIH?

a) What laws and policies underpin the LAS and HMS?

This question is answered in Section 5.4 which describes the policy and legal framework for land and housing provision in response to the promotion of access to adequate housing through SBIH in Lesotho. The narrative reveals that the main regulatory framework for adequate housing delivery includes the National Housing Policy of 2018, the Land Act of 2010, the Town and Country Planning Act of 1980 and the Building Control Act of 1995. These are discussed in relation to their roles in promoting access to land and adequate housing in Section 5.4. However, the capacity of the LAA and LSPP is weak to implement these laws and their respective regulations effectively (see 5.4.4). Furthermore, this research found that there is no single law to promote access to land and adequate housing for all in Lesotho (see 5.4.4); existing policies and laws are fragmented and implemented in a siloed manner (see 5.4.4). However, the DoH, through the assistance of the UN-Habitat, is developing a new Housing Bill which is at its initial stage (see 5.4.3, 5.4.4, 5.5.5).

b) What are the structures and processes of the LAS and HMS?

This research explored the details of the organisational structures and processes of delivering adequate housing through the SBIH as described in Chapter 5. As discussed in Section 5.2, these systems are embedded in their social, economic, and cultural contexts. Section 5.5 addresses in detail the institutional framework and processes for land and housing delivery thus answering the research question (ii, a) What are the structures and processes of the LAS and HMS? The functions and processes of the LAA in relation to the LAS are discussed in detail in Section 5.5.4.

Research Question iv): Using the theoretical and methodological frameworks identified in (i), what does the analysis of the LAS (including LAA and LSPP), HMS and SBIH sectors within the land and housing system reveal to facilitate access to adequate SBIH?

The research provides a deep, coherent, and holistic understanding of the role, influence, effects and significance of LAS and HMS in shaping the outcome of the SBIH development narrative as an adequate housing strategy for Lesotho. This study, therefore, concludes that the LAS and HMS are equally important to the achievement of the goal of adequate housing although there are challenges. The findings reveal that the LSPP and LAA are the twin LAS systems delivering LAS functions in a separate, fragmented, and conflicting manner resulting in unplanned and insecure land for adequate housing delivery – leading to inadequate housing provision. It is also evident that HMS is incapable, in its current form, of promoting access to adequate housing.

The current LAS and HMS structures and processes (see 5.5.6, 5.6.10) do not sufficiently support the requirements for adequate housing delivery. There are gaps between policy and practice — poor transmission of land administration and land use planning laws, and weak implementation of housing policy; the adequate SBIH development outcome is compromised (see 5.4.4, 5.5.6, 0). Instead, they have generated massive growth of informal settlements and in turn, increased development of sub-standard housing with a lack of basic services and infrastructure (see 5.4.3, 5.5.6, 5.6.10, 5.7, 5.7.2). This is in contradiction to key performance indicators of adequate housing.

In addition, there is no singular legal framework guiding the development and delivery of adequate housing (see 5.4.3, 5.4.4) – hence housing is still accorded a low priority. The study data shows that there is a mismatch between policy and practice and ineffective implementation (see 5.4.2).

Furthermore, SBIH is located in informal and unplanned settlements (see 5.7, 5.8). Most of SBIH is developed outside of the planning regulations, without building or planning permits (see 5.5.6, 5.4.3, 5.6.10), and is characterised by inadequate basic services (see 5.7.2, 5.8.8).

Chapter 6 explores and analyses the major institutional processes, practices, and management of LAS and HMS that form discouraging factors to the promotion of adequate housing through SBIH development. There is overwhelming evidence (see 5.3, 5.4, 5.4.3, 5.5.6, 5.6.10) of countless constraints and challenges that override opportunities in the structures, functions and processes of LAS and HMS (see, 5.4.3, 5.5.6). These fail to promote the achievement of the goal of access to adequate housing through the development of SBIH (see 5.7, 5.8). The findings suggest that LAS and HMS are disjointed — there is a lack of integration of their functions and processes. These include disconnections of policy and practice, weak communication, fragmentations and silos, and absence of order in the systems leading to chaos in SBIH development. The analysis reveals a poor level of implementation of land and planning laws. The LSPP has not been active enough in achieving its goal of sustainable and efficient land management and administration in pursuit of the goal of adequate housing and sustainable human settlements.

In general, LAS and HMS are at the heart of the failure of government to promote access to adequate housing, and the inadequate development of SBIH to assist in meeting this goal. This conclusion advances the need for linking LAS and HMS in response to the goal of adequate housing for all.

7.2.5 Self-Built Incremental Housing – A Tool to Adequate Housing

Research Question iii) What is the status of SBIH: How do people practice SBIH development in Lesotho and what are the experiences of the people regarding SBIH development?

This study paints a rich picture of the status of SBIH development in the context of post-reform LAS and HMS in Lesotho. SBIH development is framed as an approach to promoting adequate housing and considering SBIH as a solution for meeting adequate housing needs in Lesotho, providing a new explanation for SBIH. Prior explanations for SBIH were diverse and focused on the dweller control ideology as found in the literature *(*see 2.5, 3.9). Drawing on the analysis and the conclusions above, this study found that SBIH development is a complex system that emerges from the rules and operations of LAS and HMS that are fragmented, conflicting and inconsistent with the policies, laws and regulations (see 5.4.3, 5.6.10, 6.2.4, 6.2.4). SBIH development also demonstrates a strong instinct for home ownership in Lesotho and a complex reality of SBIH Dweller's experiences and aspirations to access adequate housing (see 6.2, 6.3, 6.4, 6.3.4). Moreover, SBIH represents a social, economic, and cultural assert with the potential to achieve adequate housing, improve living standards and enhance the livelihoods of the people in Lesotho. Thus, it should not be understood in isolation from these but should be integrated within those systems for success.

Contrary to the pillars of adequate housing (see 3.8) – there is a significant risk of production of inadequate housing (see Figure 3.6) that many SBIH Dwellers experience in Lesotho. This includes all too common experiences of the SBIH Dwellers as beneficiaries of the post-reform LAS and HMS in Lesotho. They experience failed delivery resulting from disconnected government structures, and fragmented and ineffective LAS and HMS at both the central and local government levels (see 6.3.1). Therefore, this research concludes that although SBIH continues to be the largest housing supply strategy in Lesotho, the current SBIH development is characterised by urban and peri-urban sprawl (see 5.2.3, 5.4.3, 5.5.6, 5.7.2). This arises out of poorly managed land and housing systems, and a mismatch between policies and practice (see 5.4.4). The inadequacies in SBIH are related to the gaps between the implementation of LAS and HMS policies and laws (see 5.4.3, 5.5.6, 6.2.1, 6.2.2, 6.2.3, 6.2.4).

The third conclusion is based on the finding that SBIH development occurs within the twin-level land and housing governance in Lesotho – central and local governments (see 5.4) which are both weak governments leading to weak capacity of the State to support LAS and HMS functions (see 5.5.6).

Hence, LAS and HMS as the systems governing SBIH development are at the heart of its failure (see 6.2.5, 6.3.4). This study found that SBIH development involves a fragmented, siloed, and complex set of delivery modes where LAS and HMS influence the development in a separate, siloed, fragmented, uncoordinated and inconsistent manner (see 5.5.6, 6.3.1). These lead to the ineffectiveness of the systems, and disconnections and conflicting rationalities between these systems and the citizen (see 6.2.5, 6.3.4).

In conclusion, adequate SBIH is akin to adequate housing and can only be achieved through appropriate, effective, and connected governments, and integrated, coordinated, and effective implementation of LAS and HMS policies, laws, and strategic plans. SBIH system also operates within the current political economy of land and housing governance, hence its inadequacy is central to the amount of State involvement (LAS and HMS policies, laws, structure and management) (see 5.3, 5.4) and support for adequate housing goal (see 5.3.4). The results confirm also, that SBIH as a housing strategy is a basic need and significant for the standard of living of the citizens and hence needs both government and citizens rationalities to align and integrate.

7.3 Significance of Research Findings

This research provides an understanding of the conditions, factors, influences, impact, effects and significance of both LAS and HMS on the outcome of SBIH development (see 5.10, 6.2.5, 6.3.4, 6.4), The research outcomes may guide the identification of critical areas for innovations, change and improvements in the LAS, HMS and SBIH development aligned to and paired with goals and best practices of adequate housing, spatial planning, and conflicting rationalities. The conceptual model of integrated LAS and HMS policies for an ideal SBIH system for Lesotho may guide change in the systems. Without fundamental and broad-reaching change, Lesotho is unlikely to increase its housing supply. It is likely to continue along the path of development of sub-standard and inadequate housing in informal settlements.

Furthermore, the results of this research could be beneficial to a wide range of LAS, HMS, and SBIH systems users including SBIH Dwellers, the research community, and both land and housing policymakers and practitioners. They can further inform the design of future SBIH scenarios, policies

and strategies and can assist in guiding the continual and incremental improvements of the LAS and HMS designs. Hence this study makes compelling recommendations in Section 7.4.

Finally, this research could promote the important role of adequate housing in driving economic growth, fostering sustainable cities and communities, and improving the livelihoods of the citizens.

7.4 Recommendations and Policy Implications – Visualising the Future of Adequate SBIH Development - Best Practices

'My duty as a land and housing researcher and practitioner is to be part of the solution'.

Two themes emerge from the analysis in Chapter 6. The first message is that LAS, HMS and SBIH are characterised by multiple conflicting rationalities, lack of collaboration, uncoordinated processes, fragmentations, and siloed operations (see 6.1, 6.2, 6.3). Secondly, the research concludes that the major systemic challenges in LAS, HMS and SBIH should be addressed. Hence, the main objective of this section is to make recommendations based on the conclusions to address the identified gaps. These recommendations do not fall within the scope of the research questions and resulting conclusions but are emergent. Implementation of system changes and subsequent testing of the outcomes fall outside the main question and scope of this PhD research.

This research found that SBIH is a complex phenomenon (see Chapter 5 and Chapter 6) so solutions to its problems may not be generic and comprehensive. What is revealed in these results emerges from the two overarching theoretical and analytical frameworks of CR and SP (see 3.3, 3.4) as well as from the identified gaps (see 6.2, 6.2.5, 6.3, 6.3.4). The recommendations are focused on addressing conflicting rationalities (see 6.2, 6.2.4, 6.2.5), the fragmentation, disconnections and siloes in policy design and implementation (see 5.4.3, 5.4.4, 5.5.6, 5.6.10, 6.3.1, 6.3.4), lack of citizen participation (see 6.2.5, 6.3.4), and a lack of systems adaptation in policy, structures, processes and practice (see 6.3.2, 6.3.4).

It is acknowledged that there has already been considerable development to improve the housing space and promote sustainable human settlements through the LAS and HMS in Lesotho. These include the development of policies and strategies such as the LNHP (see 5.4.3), the National Slum Upgrading and Prevention Strategy of 2022 (see 5.3.3), and subsequent preparations for the proposed

National Housing law by the DoH (see 5.9.1), the proposed NSDF by the LSPP, the proposed Information System by the LAA (see 5.9.1). However, there is no unified strategy to guide implementation in a coordinated and integrated manner, hence the recommendations in this research could enhance the implementation of these human settlements policies for the ultimate goal of adequate housing.

Ultimately, through this section, the ethnographic researcher may become an innovator and change-maker through the proposed conceptual model to improve on LAS, HMS and SBIH.

7.4.1 Aligning the Rationalities

In light of the need for adequate SBIH, the application of CR as an analytic framework leads to the recommendation that actions to develop and achieve adequate housing through SBIH require adjustments by both governments (LAS and HMS) and SBIH Dwellers through alignment of rationalities. This would create robust and effective LAS and HMS designs. The following proposed alignments are considered to be important solutions to LAS, HMS and SBIH misalignment, silos, and fragmentations:

Land and Housing Governments

- Improve and support alignment, collaboration, cooperation, and coherence across spheres of government – alignment of the central government plans to the local government Council's plans implementation. These are essential to strengthen the implementation of policies and laws.
- Align political, financial, and human resource support with strategic direction and well-designed plans for LAS and HMS towards improving access to adequate housing.

LAS and HMS Policies and Practice

- Improve the connection between LAS and HMS policies, processes, and practices in LAS and HMS.
- Align policies and implementation processes with financial feasibility and citizens' well-being. This could include the merging of policies and practices, influencing societal change and institutional change. It could also include aligning and integrating all activities performed through LAS functions, with basic services and infrastructure to achieve the target of adequate SBIH and a new social contract for adequate housing in Lesotho.

State and Citizens – LAS, HMS and SBIH Dwellers

- Align the State's structures and goals with the need for adequate housing for the SBIH Dwellers.
- Align NSDP II with LAS and HMS plans; alignment of resources with the LAS and HMS plans; and alignment of time, priorities, and roles to improve implementation by LAS and HMS.
- Align and link the LAS and HMS processes and practices. These should be harmonised for legitimacy in SBIH development if adequate housing is to be achieved. In this regard, the LAS and HMS should bring policies in line with the needs for adequate housing and practices in SBIH development, rather than trying to align housing needs to the law. This can be done by considering the socio-economic, technological, and institutional options available to SBIH Dwellers.
- Align rationalities between the LAS, HMS and the SBIH Dwellers through the integrated policy process, cohesion, consistency, connections, interactions, and harmonisation of strategies – this could improve state-citizen relationships and practices.
- Align, strengthen, and empower the LAS and HMS capacity to enhance access to adequate housing through SBH development through the adoption of spatial planning policy integration, adaptation, and citizen participation.

7.4.2 Integrating LAS and HMS – Proposing A Conceptual Integrated Land and Housing System Framework

The findings revealed through the analysis in Sections 6.3 and 6.3.1, and the conclusions in Section 7.2.3 make a compelling case to recommend the development of a conceptual integrated Land and Housing System using the SP policy integration and coordination framework. This proposal builds on the notion that to improve the adequacy of SBIH development and achieve adequate housing, creative and innovative efforts must be directed at improving the LAS and HMS and central and local governance structures. These could unleash the potential for a better land and housing system and influence the development of an ideal system for SBIH in Lesotho – and could lead to adequate housing and sustainable human settlements.

The proposed conceptual framework is derived from combining elements from LAS and HMS processes and adequate housing scenarios as illustrated in Figure 7.1. The framework answers the question of what can be done to improve SBIH in Lesotho in line with achieving adequate housing — it is an integrated action to shape the development of adequate SBIH. It could facilitate bridging the significantly high level of fragmentation, silos in the LAS and HMS policies and processes and align the various rationalities between LAS, HMS and SBIH development (see 2.2.2, 3.4, 4.4.8). Hence, this research draws on the strengths of the SP principles, particularly policy integration (see 3.4.2, 6.3.4) to propose linkages and integration of the LAS and HMS and device a conceptual integrated Land and Housing System structures and processes - creating synergies to achieve adequate SBIH development in Lesotho.

This research theorizes and envisages an integrated Land and Housing System that promotes a well-functioning adequate SBIH system for Lesotho. The goal of the unified system is thus:

- To facilitate a more robust and sustainable adequate SBIH design and management.
- To unlock the opportunities which adequate housing through SBIH holds through engagement with complex, disintegrated, conflictual, and overlapping systems of LAS and HMS.

This integrated system provides a comprehensive and holistic solution that addresses multiple adequate SBIH delivery challenges identified in Chapter 5 and Chapter 6.

Considerations for the Design of Conceptual Integrated Land and Housing System

The design of a conceptual integrated Land and Housing System could be a complex collaborative process that requires coordination and cooperation of multiple stakeholders, as well as integration and coordination of policies. The result could stimulate and enable the effective provision of adequate housing through SBIH development. In addition, the resulting integrated system should be adapted to the context. The proposed framework should also be citizen-centric and consider the engagement and partnerships between the State LAS and HMS and its citizens.

Integration and Coordination

The SP integration and coordination of LAS operations to the LAS and HMS processes relies on practical and effective integration and coordination mechanisms (see 3.4) because LAS and HMS are complex and multi-sectoral systems in nature (see 2.2.2). Integrating LAS and HMS through SP could ensure full inclusion of the SBIH Dwellers across national and local scales. Reaching full integration of land and housing service delivery across whole government spheres: central and local government is important.

Furthermore, a holistic perspective of LAS and HMS could unlock opportunities and induce a positive impact on the development of adequate SBIH in Lesotho through integration. Moreover, integration of LAS and HMS is essential because LAS and HMS are complex systems and SBIH is a multisector phenomenon emerging from the complex interactions of both LAS and HMS. Therefore, a coordinated and integrated administration of LAS and HMS is a secret to the successful implementation of policies and laws, and this could improve the accountability of these systems towards achieving the goal of adequate housing.

The integrated framework could include multidimensional coordination that facilitates the linkages between the structures and processes of LAS, HMS and SBIH development at all levels of government. This requires both vertical and horizontal coordination. Roles and responsibilities need to be addressed within and between LAS and HMS, and coordination between levels of government is important as well. This coordination could address vacuums in law implementation, capacity development, political will and engagement of stakeholders and constraints on land and housing supply. Coordination between central and local governments could also facilitate future alignment (see 7.4.1).

Therefore, Figure 7.1 presents components of a conceptualised integrated Land and Housing System framework for Lesotho. This conceptual model could be adapted to tackle the weaknesses of the current design and will function as a support system for SBIH. It could also provide the base for all processes of LAS and HMS for effective management of SBIH, providing relevant information for the key actors and the SBIH members. The proposed integrated Land and Housing System could offer an opportunity to accelerate the development of an ideal SBIH model, which is an effective housing tool/mode for housing management in Lesotho. Proposing a future scenario of SBIH could also assist in reducing the complexity of SBIH development as depicted in the analysis chapter.

This integration could reduce fragmentations, silos, frictions, and conflicting rationalities between these systems and the SBIH Dwellers and enhance their performance towards achieving adequate housing through SBIH. All SBIH Dwellers and households need to benefit from integrated LAS (LSPP and LAA) and HMS – integration of these systems is the future of adequate housing through SBIH development. Also, integration in LAS, HMS and SBIH could strengthen land and housing information sharing, reduce duplication of efforts, and create an adaptive and robust system. Integration could further provide clear functions and roles, considering how SBIH Dwellers, LAS HMS legal and policy structures could work together to form an effective system for managing adequate SBIH development.

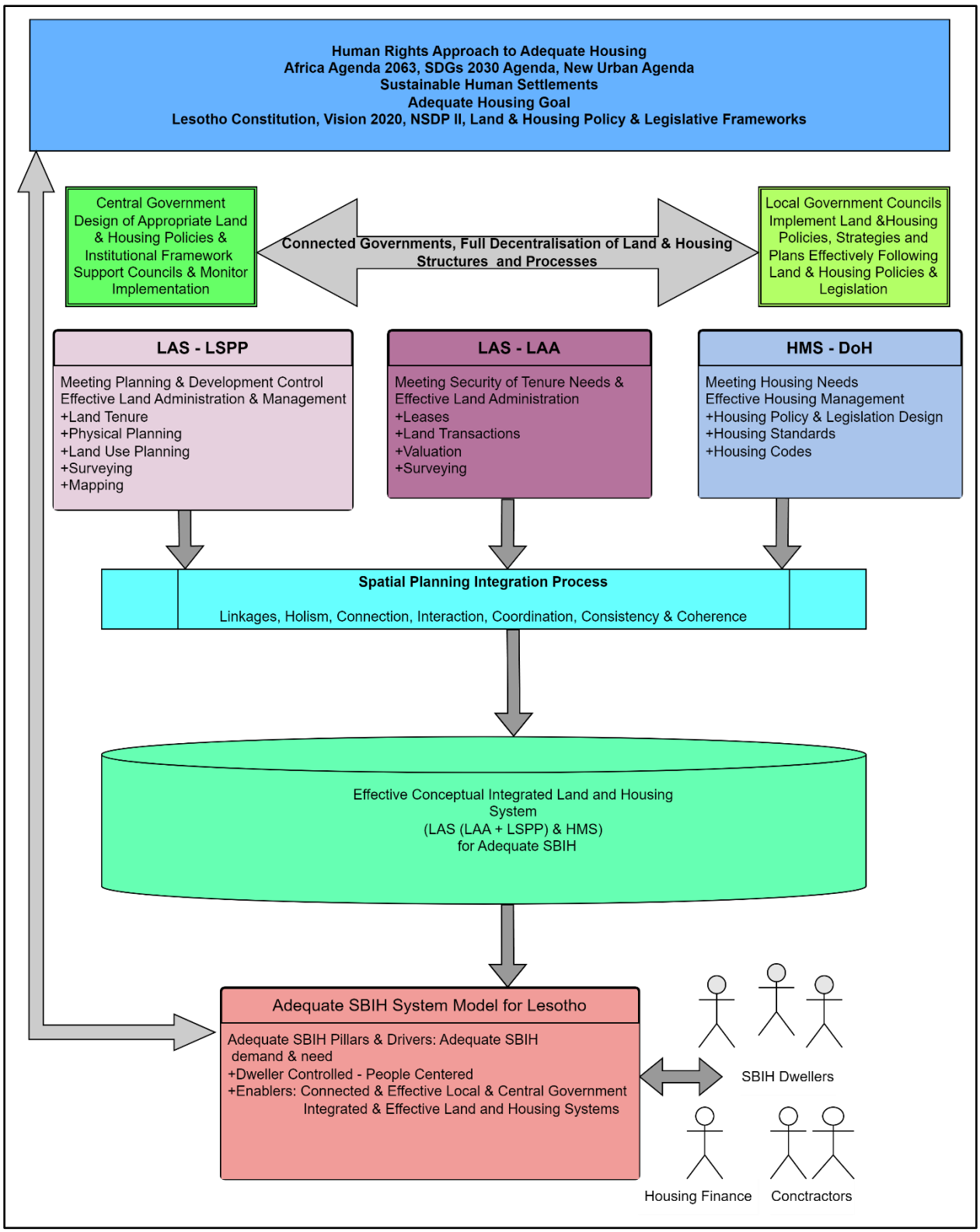

Figure 7.1 A conceptual framework for integrated land and housing system.

7.4.3 Building a More Resilient, Transparent and Citizen-Centric Land and Housing System

To mitigate the global and local challenges impacting the effective delivery of LAS and HMS service, this research acknowledges the correlation between the global megatrends (see 3.5), local challenges and inadequate housing (see 1.2, 1.3, 3.5, 3.8). For example, it acknowledges that the COVID-19 pandemic shows a vital role that adequate housing plays in assisting governments to improve the livelihoods of the people (UN-Habitat, 2020a; Quaglio et al., 2021).

The pandemic presented a good opportunity for researchers and governments to find mechanisms and solutions, and to think clearly about how to deliver adequate housing (UN-Habitat, 2020a). Amid the global crisis, and central to the accelerated localisation and implementation of SDG 11 and the NUA (see 3.6.1, 3.6.3), this research responds to these challenges and recommends asking the following two questions: *how the proposed recommended integrated Land and Housing System* (see 7.4.2) *can move towards the new social contract to provide adequate housing, and what factors foster rights-based, inclusive, affordable, and adequate housing?* (see also 7.4.4).

The resilient and transparent Land and Housing System could therefore require:

- Development of an integrated Land and Housing System policy framework designed to better respond to the challenges of adequate SBIH development and harness opportunities of LAS and HMS. This can include the adoption of legislation that recognises adequate housing as a fundamental social human right like in South Africa.
- Integrated Land and Housing System framework to advance the right to adequate housing and adopt the human rights-based approach to adequate housing for all people in Lesotho.

7.4.4 Towards New Social Contract for Adequate SBIH Development

Embrace Adequate Housing as a Basic Human Right

Lesotho needs to move towards a new social contract by making better choices to fulfil adequate SBIH development aspirations for adequate public housing. Therefore, legal, and institutional change to meet the housing needs of all people, is recommended. The lack of housing welfare (see 5.4.1) inhibits the achievement of the right to adequate housing for all and SBIH itself proves to be far from reaching the adequate housing goal. Hence, a new framework to address housing inadequacy or affordability is required. Embracing the adequate housing rights could require:

- Overseeing the intersection of human rights and housing social and economic rights (bringing about the housing welfare state).
- Transformation of the social, cultural, economic, and political environment as a catalyst and major contribution to the development of adequate housing.
- Development of adequate housing information brokers to close the knowledge gap between stated strategic objectives and performance indicators and the impact on SBIH development – '*closing the gap between policy and practice*'.
- Improvements in the provision of adequate SBIH stock through an upgrading programme - ensure SBIH stock conforms to planning regulations, that quality materials are used, and that access is provided to basic services: clean water, electricity, roads, waste management and other utilities.

These could drive achieve the goal of adequate housing for all, and the improvement of SBIH development from the proposed integrated Land and Housing System conceptual framework in Section 7.4.2.

Moreover, Lesotho could embrace adequate housing as a basic human right (see Figure 7.2) – this could address the inadequacy of SBIH Dwellings and promote access to adequate housing by all. The adoption of a human rights-based approach to adequate housing delivery in the Lesotho Constitution would provide the necessary housing welfare focus for State action, along with the existing rights to health care and education. Hence, Lesotho needs a new social contract for adequate housing endorsed in a human rights-based approach to adequate housing policy and practice. Hence, this research recommends a reform of the constitution of Lesotho and housing legal framework and increased efficiency to consider an adequate housing welfare state. Without the constitutional and legal framework change, and a supportive legal framework the goal of access to adequate housing by all Basotho as enshrined in the LNHP, could remain a dream. and reduce the difficulties of acquiring planned land.

Figure 7.2 Embracing adequate housing as a basic human right (Photo taken at UN-Habitat Assembly 2 in Nairobi, Kenya, 2023)

Integrated Land and Housing System

Adequate SBIH development needs the improved capacity of both national and local governments to formulate and implement policies that improve SBIH adequacy in Lesotho. To realise this, a substantial reform of the LAS and HMS is required. This reform should dismantle the existing structures and create a new and integrated system. An integrated Land and Housing System need to be empowered by the government to make integrated decisions. Their integrated management approaches need to be effective and efficient to enhance SBIH development. In this regard, the government could bring the laws in line with social needs and practices in the SBIH development, rather than trying to force-fit citizens' needs to match the law – this is seldom if ever successful in Africa. This can be done by considering the socio-economic, political, technological, and institutional options available to SBIH Dwellers and reframing law, policy, and practice to match these contextual realities. Also, the proposed conceptual integrated Land and Housing System framework is intended to impact significantly on the most critical problems of clashing rationalities, fragmentations and silos

faced by professionals and policymakers within the land and Land and housing sectors (see 6.2 and 6.3).

State-to-Citizens Relationships and Practices

There are several instances of good practices to guide state-to-citizen relationships including examples drawn from the results of the analytic framework of SP and CR as revealed in Chapter 6 (see 6.3.4). These include:

- Adopting Land and Housing System policy and legislative frameworks that align with the current socio-economic and political state of the country. SBIH should be underpinned by proper economic management and supported by a suitable legislative framework.
- Strengthen empowerment of SBIH Dwellers through partnerships and motivate them by improving access to affordable and planned land, access to housing finance and basic services.
- Strengthen community participation and engagement to ensure that land and housing rights holders know their rights, can identify their changing needs, and can propose solutions. This will help to address the pressing need for the government to understand SBIH Dwellers' lived experiences as described in Chapter 5.
- Strengthen LAS and HMS governance and translate housing policy into practice; create space for meetings for SBIH Dwellers to exchange knowledge and views.
- Improve coordination and collaboration between various levels of government (central and local governments) and between the State and non-state actors.
- Align basic services and infrastructure investments, with budgeting to enhance the goal of adequate housing.
- Develop adequate SBIH and adequate housing development guidelines.

7.5 Areas of Further Research and Emerging Future Work

Future investigation should focus on the recommendations of this research (see 7.4). Based on the limitations and scope of this research (see 1.8), the following are proposed to be considered as additional areas for future research:

- Further research is to understand how the systems (LAS, HMS and SBIH) involved in conflicting rationalities could manage and align their rationalities towards improving access to adequate housing.
- The proposed integrated Land and Housing System for an adequate SBIH system is conceptual at this stage. Detailed business process investigation is required to propose how these may merge, considering the existing policy, legal frameworks and the political economy of land and housing governance in Lesotho.
- Further research into appropriate housing system finance mechanisms is required to enhance a full understanding of the financial limitations to the production of adequate housing.
- More research is required to understand the technical conditions and physical quality attributes of the SBIH dwellings stock to understand their material adequacy and climate-neutral status.

7.6 Chapter Summary

This final chapter presents the conclusions based on the main objective of this study, which is to understand the effects of post-reform LAS and HMS to promote adequate SBIH development in Lesotho and achieve adequate housing (improving SBIH).

Irrespective of the proposals made in this research, the researcher recognizes that LAS and HMS are part of a complex socio-technical and development system comprising social, economic, and political systems (see 3.5, 3.7.1, 3.8, 5.2, 5.3, 5.4, 5.5 and 5.6). Hence, the implementation of LAS and HMS should align with the improved socio-economic status of Lesotho. Hence, it is difficult to anticipate changes in the systems. This research recognises however, that the integration of LAS and HMS (conceptual framework), could be difficult to develop in Lesotho because this could require a new single comprehensive and highly participatory legislation that is flexible enough to promote inclusive and effective integrated LAS and HMS management that promote a well-functioning adequate SBIH. The law could mitigate against existing dispersed policies and laws governing SBIH development in a fragmented manner (see 5.4.3, 5.4.4, 6.3.1). Consequently, the proposals and recommendations in this research should not be seen as an end means to the promotion of adequate housing for all but only as a learning process for understanding purposes (see 1.8).

Ultimately, the proposals in this chapter provide LAS, HMS and SBIH policymakers and practitioners with valuable information for planning the future design of integrated LAS and HMS, and adequate SBIH development. Thus, the final part of this chapter pulls together recommendations that emerge from the analysis.

The overarching results from this research are that it could contribute to the achievement of Lesotho NSDP II's strategic objective of improving the enabling built environment (see 5.3.4), while also contributing to the achievement of SDG 11, NUA, and the Africa Agenda 2063 goals (see 3.6.1, 3.6.3, 5.3.2, 5.3.4) and, in turn, results could also contribute to improved standards of living and livelihoods in an urbanising Lesotho.

Significantly, this Chapter not only contributes empirical and theoretical knowledge to academia but also influences policy, and practice and has the potential to raise the attention of decision-makers and policymakers to findings and recommendations on the issues raised in this research. This outcome is more likely given the researcher's positioning and influence within the government structures of Lesotho. It further provides evidence to inform policy dialogue and demonstrates the connections between adequate housing, SBIH, LAS, and HMS. As a result, this study provides a unique framework for SBIH development that can help policymakers understand SBIH from different perspectives.

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Annexures

Annexure A - EBE research ethics approval
Annexure B – Example of interview schedules: Cluster 1 (SBIH Dwellers)
Annexure C – Excerpts from two SBIH dwellers' interviews
Annexure D - An example of a Basotho traditional house – a hut (mokhoro)

A – Research Ethics Approval

Application for Approval of Ethics in Research (EiR) Projects
Faculty of Engineering and the Built Environment, University of Cape Town

ETHICS APPLICATION FORM

Please Note:
Any person planning to undertake research in the Faculty of Engineering and the Built Environment (EBE) at the University of Cape Town is required to complete this form **before** collecting or analysing data. The objective of submitting this application *prior* to embarking on research is to ensure that the highest ethical standards in research, conducted under the auspices of the EBE Faculty, are met. Please ensure that you have read, and understood the **EBE Ethics in Research Handbook** (available from the UCT EBE, Research Ethics website) prior to completing this application form: http://www.ebe.uct.ac.za/ebe/research/ethics1

APPLICANT'S DETAILS		
Name of principal researcher, student or external applicant		MAMPHAKA JEANEIT MABESA
Department		APG
Preferred email address of applicant:		MBSMAM001@MYUCT.AC.ZA
If Student	Your Degree: e.g., MSc, PhD, etc.	PHD IN GEOMATICS
	Credit Value of Research: e.g., 60/120/180/360 etc.	360
	Name of Supervisor (if supervised):	PROF. JENNIFER WHITTAL
If this is a researchcontract, indicate the source of funding/sponsorship		
Project Title		INTEGRATED ANALYSIS OF LAND ADMINISTRATION A HOUSING MANAGEMENT SYSTEMS FOR ADEQUATE SELF-E INCREMENTAL HOUSING DEVELOPMENT LESOTHO

I hereby undertake to carry out my research in such a way that:

- there is no apparent legal objection to the nature or the method of research; and
- the research will not compromise staff or students or the other responsibilities of the University;
- the stated objective will be achieved, and the findings will have a high degree of validity;
- limitations and alternative interpretations will be considered;
- the findings could be subject to peer review and publicly available; and
- I will comply with the conventions of copyright and avoid any practice that would constitute plagiarism.

APPLICATION BY	Full name	Signature	Date
Principal Researcher/ Student/External applicant	MAMPHAKA JEANEIT MABESA	Signed by candidate	23/04/2021
SUPPORTED BY	**Full name**	**Signature**	**Date**
Supervisor (where applicable)	Jennifer Whittal	Signed by candidate	26 April '21

APPROVED BY	Full name	Signature	Date
HOD (or delegated nominee) Final authority for all applicants who have answered NO to all questions in Section 1; and for all Undergraduate research (Including Honours).		Signed by candidate	
Chair: Faculty EIR Committee For applicants other than undergraduate students who have answered YES to any of the questions in Section 1.	Prof. H. von Blottnitz		28/05/2021

Page **1** of **1**

B - Example of Interview Schedules: Cluster 1 (SBIH Dwellers)

PRIMARY DATA COLLECTION

MABESA JEANETT MAMPHAKA - PhD GEOMATICS STUDY

Interview Schedule: SBIH Dwellers – Self-Builders in Informal Settlements

Introduction: My name is Mamphaka Mabesa. I am undertaking research towards a doctoral degree at the University of Cape Town. I would like to invite you to participate in the project which is detailed below.

Title: Integrated Analysis of Land Administration and Housing Management Systems on the Outcome of Self-built Incremental Housing Development in Lesotho

This research seeks to analyse and understand the effects (pros and cons), and the influence of Land Administration and Housing Management Systems on the outcome of Self-built Incremental Housing Development (SBIH) in Lesotho. It will further examine how both systems can be enhanced to support the development of a well-functioning SBIH, and consequently improve the quality of life of Basotho people. Data about institutional processes for the development & delivery of SBIH will be coded using themes and concepts detailing the delivery of LAS (LAA & LMD) & HMS services. Aspects of systems design effectiveness & viability regarding their provision of land administration services- land tenure security, land use, land development & control, will also be investigated. The goal of the interviews is to uncover the issues and factors and to provide a deep understanding of what is going on in the post-reform LAS & HMS that affect the outcome of SBIH development & delivery. Responses will enable a rich and in-depth understanding of the effect of post-reform LAS and HMS on the SBIH outcome. Understanding guide, the development of an integrated LAS & HMS conceptual framework and an SBIH model that is effective, well function and fit for the people of Lesotho using the Spatial Planning Framework which links sectoral policies & functions together - land administration to housing development.

General Information & Consent Conveyed to all SBIH Members Interviewees:

- All information is controlled in terms of the ethics policy of the University of Cape Town.
- No information will be published which will lead to your harm (confidentiality & anonymity to be maintained)
- All information is used for research purposes and the interviewer is a student or collaborator with the University of Cape Town (not the Lesotho Government).
- Your participation is voluntary - you may refuse to answer any question and may also withdraw any information provided at any stage - there will be no consequences for you if you choose not to participate or to disclose any information requested.
- However, I would be grateful if you would assist me by allowing me to interview you.
- You may refuse to let a recording be made of the interview. If you agree to a recording, this will only be used for accurate data collection and will be reviewed to add detail to written notes and to make corrections.

- I have communicated the purpose of the study (see above) and will answer any questions you may have in relation to the relevance of the study to you as a participant and why you are being interviewed.
- Although the subject is about institutional information and processes, some participants may feel passionately about these issues.
- For Key Informant Interviews only: A copy of the interview summary will be provided to you so that you can verify or refute any information and add to the information recorded.
- This interview will take about (A: 1 hour; B: 45 min; C: 15 min), & there will be no payment available.

Name of participant ……Date ……..……Signature of participant ……

Header to all Primary Data Collection Files:

Case:	Lesotho	
Date:		
Time:		
Place:		
Interviewee:		
Position:		
Interviewer:		
Translator:		
Language:		
Ethics Approval:		
Audio record:		N/Y
	The participant is permitted to use his/her name:	N/Y
	Participant wishes to remain anonymous:	N/Y
	Participant wishes to remain anonymous but with a pseudonym:	N/Y
	Pseudonym:	N/Y
	Participant gives permission to be quoted and identified:	N/Y
	Photograph approval & understood:	N/Y
	Photograph of interviewee:	NA

Part 2: Interview Questionnaire for Beneficiaries of LAS & HMS- SBIH Members

The beneficiaries of the systems & members of the SBIH will be identified in the field using a process of purposive and snowballing sampling techniques. Interviews will be conducted until saturation is reached. An estimated 15 - 20 households will be interviewed. This interview aims to understand how people practice SBIH, and their experiences of SBIH, and to understand factors that explain why many people build their own houses through the SBIH strategy in Lesotho.

Access to Land for SBIH Development:

1) Are you aware of the land functions of the Community Council/Maseru City Council?
2) Do you know of any Local Land Use Regulations in place by your Local Council?
3) Did you seek advice for building from the Community Council Office/ Maseru City Council?
4) Which local institutions have oversight over land - what are their functions?
5) How did you acquire your piece of land for housing?
6) How easy/difficult was it to acquire land here?
7) Does the government help people to get land for housing? If they do, how?
8) If the government helps with access to land, what land rights do they give?
9) Are people able to pass on their land to their spouses or children if they die?
10) Are people able to sell land here?
11) Do people sell land they own without using LAA to get a new title deed? If yes, why?
12) Do you know of corruption/bribery in accessing land rights here?
13) Is there ever violence over land rights here?

Access to Housing Finance by SBIH Members

1) How did you finance your plot and house?
2) Did you save money to build, or borrow money to build? Where?
3) Did you get any help from the government to pay for the plot and/or the house?
4) Do you know about housing financing options available in your country? What are they?
5) Could you please tell me things that led you to build your own house here rather than buy a plot with a house on it?

Institutional Set-Up in SBIH & Access to LAS & HMS Institutions by SBIH Members -

Knowledge about the systems (Land Administration Authority/Land Management Department/Housing Directorate

1) Do you know about the services of land & housing that are offered by the LAA/LMS/HMS?
2) Do you know the institutions you need to visit to construct your formal house?
3) Are their services accessible to you? Can you afford them?
4) What is the main reason you built your house here?
5) To what extent do the LAA/LSPP/HMS meet your housing needs?
6) Did you receive any form of government support (in terms of land access, laws, tools, subsidy, credit, technical know-how & land registration)?
7) What have been the successes & or failures of the post-reform LAS- (LAA, LMD)? - What is good & or bad about them?

Dwelling design & construction management

1) Who participates in the SBIH development process? Did you engage the architect, structural engineer and contractor?
2) Who designed your house? Do you have architectural drawings of your house? Did you participate in the design?
3) What things did you consider when designing your house: Finance, culture, politics?
4) Does your house design respond to your cultural aspirations?
5) Who was involved during the construction of your house? Were there architects, structural engineers, or construction companies?
6) How did you build your house? Who chose the material? Who did the main construction?
7) Is your house finished? If so, how long did it take to finish the house?
8) How much money have you spent on your house? Is it affordable?
9) What is the size of your dwelling - in terms of number of rooms? Are there more rooms included in the design?
10) Is your house complete or are you building it incrementally? Why incremental?
11) If your house is finished?

a. How satisfied are you with your house design, affordability & quality?

b. Can you describe your house as a quality house, resistant to heavy rains & winds?

c. Do you have a toilet inside your house? What about running water? Other services (electricity, refuse)?

d. What challenges have you encountered in building your housing yourself?

12) If the Government were to assist, what form of assistance would be required for people building their own houses like you?

13) How many people live in this house? How many are adults?

14) What are the opportunities in SBIH development?

15) Are you satisfied with the locality of your plot/house? How & Why?

16) Do you find it easy to access your house from the main access road?

17) How close are you to your work, shopping complex, hospital & schools?

18) Do you consider your location the best or prefer other locations? Explain.

19) Please relate your overall experience with the SBIH.

Thank You for your time!

C – SBIH Dwellers Excerpts

SBIH Dweller Story 1

After buying land, we decided to cut rental costs by building a temporary structure on our land. I applied for building permit around September 2020. Then the construction took place thereafter. I did not engage a formal constructer as they are super expensive. After doing several quotations, I then decided to use several labourers yet qualified (builder, electrician, plumber). I was responsible for buying building materials. The builder, electrician or plumber would write down the material they would need, then I would make quotations from different hardware and buy where the material costs less. This was very exhausting, yet I enjoyed it since it was my project. At some point, I ran out of money, and the project was at standstill for some months. I planned to furnish the house in some way, however, I couldn't build it at once and finish due to limited financial resources. For example, the aim was to tile the house with ceramic tiles. I ended up using vinyl tiles in the bedroom, kitchen and living room and ceramic in the bathroom. I still have not moved into the house: I hope to finish the house around March 2023.

SBIH Dweller Story 2

After buying land, we decided to cut rental costs by building a temporary structure on our land. Our site is small (486 sqm), so we thought if we erect a temporary structure, we could remove it after building a proper house. The material used includes second hand shatter boards from a construction site, poles ant nutec fascial boards used as cladding. When we have accumulated enough money, we shall build a beautiful and spacious house made of cement and bricks.

D – Sample of a Basotho Traditional House – a hut (mokhoro)

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