



# Detailed timeline: Lesotho

[Rick de Satgé](#)

This timeline provides additional information to the Land Portal profile on Lesotho

Year	Event	Context	Land Portal Profile Tags
1820's	King Moshoeshe 1 sought to unite and protect Sotho speaking people.	Major displacement in the subcontinent as a consequence of drought, colonial expansion and rise of the AmaZulu nation.	
1868	King Moshoeshe forms alliance with British. Basutoland declared a British Protectorate.	Moshoeshe seeks to protect remaining Basotho territory after wars with Boer invaders.	
1884	Basutoland declared a Crown colony.	General Law Proclamation 2B creates a dual legal system of customary and Cape Dutch law.	
1903	Promulgation of customary law legal code known as Laws of Lerotholi. Land allocation in Lesotho the prerogative of chiefs.	Colonial administrators in Lesotho sought to codify African customary law to enable it to be more easily administered by the colonial judicial system.	#Community land rights #Land laws
1930's	Prior to the 1930's Lesotho had been a net exporter of grains. A period of devastating drought.	In response to drought colonial office implements territory wide plan to terrace fields and create grazing camps – a scheme which meets with mounting local resistance. <sup>1</sup>	#land conflicts

<sup>1</sup> (Aerni-Flessner 2014)

Year	Event	Context	Land Portal Profile Tags
1958	Britain draws up a Constitution for Lesotho.	This was to prepare the country for political independence.	
1960	Elections for District Councils.	2% of the population is urbanised. <sup>2</sup> 450 000 ha planted to cereals in Lesotho. <sup>3</sup>	
1965	Section 13 of the Basutoland Order Regulation 15 of 1965 (Land Advisory Boards Procedure Regulations) recognise customary land rights through the issue of a Form C certificate. <sup>4</sup>	Form C certificates were issued by local chiefs which granted lifetime usufruct rights to customary land.	#customary land rights
1966	The Kingdom of Lesotho obtains independence from the British	Lesotho established as a constitutional monarchy with King Moshoeshoe II as head of State and a Prime Minister as the head of government. Crown land was converted into 'national land' held in trust for the nation by the monarchy. <sup>5</sup>	
1967	A Deeds Registry Act and a Land (Procedure) Act passed.	Land allocation and administration functions elaborated in new laws formulated in terms of Roman Dutch law.	#Land laws
1968	Chieftainship Act.	Regulates chiefly administration, discipline, and powers. <sup>6</sup>	#Customary law
1970	Post-election coup.	The opposition Basotho Congress Party (BCP) wins elections. Incumbent Prime	

<sup>2</sup> (Crush, Frayne, and McCordic 2017)

<sup>3</sup> (Leduka et al. 2015)

<sup>4</sup> (Thebe and F. Rakotje 2013)

<sup>5</sup> (Ramutsindela and Hartnack 2019)

<sup>6</sup> (Daemane 2015)

Year	Event	Context	Land Portal Profile Tags
		Minister Leabua Jonathan of ruling Basotho National Party (BNP) nullifies election results, suspends constitution, and declares state of emergency. This is the preface to the emergence of “an entrenched culture of instability in Lesotho” which has undermined the institutionalisation of democracy over time”. <sup>7</sup>	
1972	Initial project design prefigures Lesotho Highlands Water Scheme.	Project plans to sell water and hydroelectricity to South Africa but fails to take off.	#Water
1973	Land Act and Administration of Land Act passed. “Under customary law in Lesotho there was no documentary title as proof of land tenure. Rights of allocation were purely a function of community membership. In 1973, the form C was introduced as a document provide evidentiary proof customary tenure” <sup>8</sup>	The Land Act became operational but the Land Administration Act was not implemented due to opposition from chiefs. Legal reforms provided for the creation of Land Advisory Boards and obligated chiefs to work with them. However, these boards were never properly established due to resistance from the chiefs who perceived this as interference in their land allocation functions. <sup>9</sup>	#Land Laws #Customary land rights

<sup>7</sup> (Matlosa and Shale 2007)

<sup>8</sup> (UN-Habitat 2005) P36-37

<sup>9</sup> (UN-Habitat 2005)



Year	Event	Context	Land Portal Profile Tags
1975	Externally funded Integrated Rural Development Projects promoted over a 10-year period.	World Bank and bilateral donors supported projects which largely ended in failure. <sup>10</sup>	#Rural development
1979	The 1973 Land Act and Land Administration Acts are amalgamated into the Land Act of 1979.	<p>Section 3(1) of the Land Act states that “land in Lesotho is vested absolutely and irrevocably in the Basotho Nation and is held by the State, as representative of the nation”. De facto this was understood to mean that land was held in trust for the nation by the King but is administered by the state.</p> <p>The 1979 Land Act legally removed the direct powers of traditional authorities to allocate land and transferred these to village land committees which chiefs chaired in an ex officio capacity.</p> <p>However there remains a wide gap between statute and land allocation practice on the ground.</p> <p>“Evidence from most rural communities over the past three decades or so, suggests that households in Lesotho require neither law nor formal titles to enjoy exclusivity in landholding. Rather, ‘vernacular rural land sales and rental markets’ allow households to engage in land transactions in total disregard of the</p>	#Land laws #informal tenure regimes #Customary tenure

<sup>10</sup> (Ferguson 1994)

Year	Event	Context	Land Portal Profile Tags
		country's land legislation that prohibits any transaction of agricultural land". <sup>11</sup>	
	1979 Land Act specified three types of land rights.	<ol style="list-style-type: none"> <li>1. New types of Form C (C1, C2 and CC2) confer use and occupancy rights to rural land but prevented transfer other than through inheritance. Sharecropping on agricultural land is widespread.</li> <li>2. Registrable rights in the form of leasehold from the state (Form C3) became available in urban areas subject to payment of ground rent. Lease durations varied according to land use.</li> <li>3. The state also issued licences for transitional land uses to enable people to access agricultural land within legally gazetted urban boundaries. These could be terminated on three months' notice without compensation.<sup>12</sup></li> </ol> <p>The 1979 Land Act allowed for the declaration of Selected Development Areas (SDA's) in which land could be acquired for newly planned settlements</p>	<p>#Land administration #Leaseholds</p>

<sup>11</sup> (Thebe and F. Rakotje 2013)

<sup>12</sup> (Leduka 2001)

Year	Event	Context	Land Portal Profile Tags
		and commercial development, along with the upgrading of informal settlements. <sup>13</sup>	
1980	Town and Country Planning Act Valuation and Ratings Act.	Planning Act sought to end the allocation of urban land by chiefs in terms of customary tenure norms, but the state lacked capacity to implement. In practice rents and rates went largely uncollected.	#Urban planning
1980 – 1985	Implementation of 1979 Land Act by Land Committee system.	The state made slow progress in registering leaseholds in urban areas indicative of lack of capacity in the Directorate of Lands, Surveys and Physical Planning. <sup>14</sup> The mismatch between state capacity and land needs created by rapid urbanisation creates vibrant informal land markets and subdivisions.	#Land administration
1983	Urban Government Act.		
1986	Military takeover topples Basotho National Party.	Military strips legal powers of chiefs to chair Village Development Councils. The Chieftaincy was associated with suppression of democracy and corruption. <sup>15</sup>	
1986-1992	Implementation of Selected Development Area component in 1979 Land Act by direct ministerial grants.	The SDA clause enabled the Minister to make new land grants at his discretion so long as there was an accompanying public interest declaration. However insufficient land is allocated for urban settlement	#Urban areas

<sup>13</sup> (Leduka 2001) P. 3

<sup>14</sup> (Leduka 2001) P. 5

<sup>15</sup> (Daemane 2015)P18

Year	Event	Context	Land Portal Profile Tags
		through the procedures specified by the 1979 land act. This accelerates informal land subdivision in peri urban areas. <sup>16</sup>	
1986	Land policy Review Commission (I).	Recommendations made to limit powers of chiefs re land allocation.	#Land policies
1987	Lesotho Highland Water Scheme commences.	The scheme to deliver water to South Africa is planned for development in four phases – 1987-2017. Some 20 500 poor rural residents experienced land losses in Phase 1A dam construction <sup>17</sup>	
1990's	Accelerating urbanisation in Lesotho.	The loss of 50% of Lesotho migrant jobs on South African mines and investment in Maseru textile industry are key drivers of urbanisation.	#Urbanisation
1992	1979 Land Act amended. Country experiences severe drought.	Amendments to the Land Act allow for Urban Land Committees to legalise informal title through the issue of certificates of verification by the Commissioner of Lands (CoL) using form CC2. This process recognises that informal land delivery was outstripping formal land allocation. <sup>18</sup> In response to the erosion of their powers by the Act chiefs issued customary titles	#Land laws #Informal tenure regimes

<sup>16</sup> (Leduka 2001)P.6

<sup>17</sup> (Braun 2011)

<sup>18</sup> (Leduka 2001)

Year	Event	Context	Land Portal Profile Tags
		(Form Cs) which they backdated to before the 1979 Act came into force in 1980. <sup>19</sup>	
1993	Democracy restored. BCP wins elections and a new Constitution is drafted.	The Constitution vests all land in the Lesotho nation with powers of allocation vested in the King. Section 109 makes provision for passing of other laws to regulate land allocation and recordal of rights. However, deep social and political divisions persisted in the country, resulting in renewed instability. 42% of the population face food insecurity with many households reduced to eating one meal a day.	#Land allocation
1994	The army supports monarchical coup and suspends democratic government. <sup>20</sup>		
1997	Local Government Act passed.	This Act only comes into effect in 2005	
1998	Violent disputes between junior and senior Lesotho Defence Force officers following a disputed election result. SADC sends in troops to stabilise the situation. <sup>21</sup>	Uneasy stability restored.	
1999	Donor funded Agricultural Policy and Capacity Building Project launched.	The World Bank and bilateral donors sought to influence land policy in Lesotho to enable women to access land rights and	#Land policies #Land markets

<sup>19</sup> (UN-Habitat 2015) P. 56

<sup>20</sup> (Williams 2019)

<sup>21</sup> (Williams 2019)P.3



Year	Event	Context	Land Portal Profile Tags
	Land Policy Review Commission (II) established.	create an urban land market to stimulate investment.	
1999/2000	Agricultural census	This highlights increasing numbers of farmers lacking resources for production and deciding that cultivation is too risky. This leads to a countrywide fallow rate of 31%. <sup>22</sup>	#Farming systems #Land use
2000	Land Policy Review Commission publishes report.	The Commission recommends abolition of customary tenure, changes in land holding and tenure arrangements, limited freehold tenure in urban settings and enabling women to access and hold land in their own right.	#Land policies
2001	Land White Paper/Bill prepared by a consultant team with some input from Lesotho professionals.	Draft Bill does not recommend abolition of customary tenure as proposed by the Commission but seeks to harmonise customary and statute law re land allocation and management.	#Land policies
2002/3	The World Bank reported that 37% of households lived on less than a dollar a day. People living in rural areas have lower incomes and higher rates of poverty. <sup>23</sup>	In total half of the households in the country lived below the national poverty line. Nearly one in four adults was affected by HIV AIDS. Mounting rural food insecurity identified. Rural households are increasingly unable to meet their food needs from agricultural production and often lack cash to purchase sufficient food.	#Poverty

<sup>22</sup> (World Bank 2010) P. 87

<sup>23</sup> (World Bank 2010)

Year	Event	Context	Land Portal Profile Tags
2003	Continuing functional and legislative review of land policy.	This aimed to create to create a menu of tenure options and decentralised systems of land administration. <sup>24</sup>	
2004	Draft of the Land Bill fails to pass in Parliament.	Bill shelved until 2010.	
2005	Land allocation function formally removed from chiefs and transferred to local land committees.	This sought to end informal land allocation by chiefs in urban areas. However, this did little to prevent ongoing informal land allocations.	#Land allocation
2005/6	In response to food insecurity the State sponsored mechanised block farming introduced in parts of the country.	150 000 ha planted to cereals in Lesotho down from 450 000 ha in 1960. Lesotho farmers provide their land. Opportunities created primarily for tractor owners contracted for tillage.	#Land use
2006	Legal Capacity of Married Persons Act	Act enables women to have full citizenship rights and own property in their own right.	#Women #Property rights
2007/8	Food prices on international markets rose by 36% in one year.	Major impacts on both urban and rural poor.	#Hunger
2008	Lesotho signs agreement with USA Millennium Challenge Corporation (MCC)	Agreement known as the Millennium Challenge Compact A condition precedent for the Compact was enactment of a new Land Act and Land Administration Authority Act (2010) as measures to stimulate growth of a land market. <sup>25</sup> \$20 million was allocated for development of a new land law.	#Development agencies #Land policies #Land markets

<sup>24</sup> (Aliber and Kleinbooi 2010)

<sup>25</sup> (Fogelman 2016)

Year	Event	Context	Land Portal Profile Tags
		25% of the population is urbanised. <sup>26</sup>	
2010	<p>The Land Act supported by MCC passed under pressure.</p> <p>Key features enable:</p> <ul style="list-style-type: none"> <li>• Land holders in urban areas could convert Form C3 rights issued by Urban Land Committees chaired by Chiefs to a lease, thus removing chiefs power over land in urban areas.<sup>27</sup></li> <li>• A scheme to provide regularisation of titles in Maseru launched.</li> <li>• Some relaxation of the conditions enabling foreigners to access land.</li> <li>• Setting of land ceilings and introduction of sectional titles for urban high-density housing.</li> <li>• Protection of women’s inheritance rights.</li> </ul>	<p>2004 Land Bill forms basis for 2010 Land Act. MCF threatens withdrawal of MCF funding if Land Act is not passed.<sup>29</sup></p> <p>Parliamentary opposition walks out in protest against USA pressure.</p> <p>The Act sought again to alter the balance between the authority of chiefs, bureaucrats and elected officials and remake relationship between land and gender in Lesotho.<sup>30</sup></p> <p>In the urban areas pressure was put on people with access to agricultural land to sell their fields so that the land could be rezoned for development in what has been described as a ‘small scale land’ grab by local elites.<sup>31</sup></p> <p>Expropriation is very loosely defined in the Section 50(i) of the Act as “providing any service which is in the public interest or would enhance or promote national resources and prosperity.”</p>	<p>#Land laws</p> <p>#Conflicts</p> <p>#Gender equity</p> <p>#Land grabbing</p>

<sup>26</sup> (Crush, Frayne, and McCordic 2017)

<sup>27</sup> (Fogelman 2016)

<sup>29</sup> (Fogelman 2018)

<sup>30</sup> (Fogelman 2016) P.12

<sup>31</sup> (Fogelman 2018)

Year	Event	Context	Land Portal Profile Tags
	The Act allows for expropriation in the public interest. The Land Division of the High Court is established in terms of sections 73 and 74 of the Land Act 2010 to determine disputes, actions and proceedings concerning land. <sup>28</sup>		
2010	Population driven land scarcity. Limited high value agricultural land in the lowlands where population is most concentrated. The Land Administration Authority was promulgated in 2010, but only became operational the following year	Land pressure leads to decreasing plot sizes as plots are subdivided between children. Tensions created between land for housing needs, stock and crop farmers. <sup>32</sup> Only 8% of households are reported to sell any agricultural produce. <sup>33</sup> The 2010 Land Act is silent on tenure security rights with regard to rural land held in common – rangelands. This renders rural communities vulnerable to appropriation by wealthy individuals or corporate interests who could acquire land directly through the state. <sup>34</sup>	#Common lands #Land use change #Control rights
2011	Land Administration Authority starts operations.	Responsible for cadastre, deeds and survey, land administration, managing complaints and disputes relating to registration and cadastre, collecting	#Cadastral administration

<sup>28</sup> (Shale 2014)

<sup>32</sup> (Aliber and Kleinbooi 2010)

<sup>33</sup> (Leduka et al. 2015)

<sup>34</sup> (Nte and Nkumanda 2018)

Year	Event	Context	Land Portal Profile Tags
		ground rent and fees, advising on policy with regard to land administration.	
2011	Regulations for the Land Division in the High Court published and came into effect		
2011	Women's rights to benefit from land strengthened.	12% of new land leases issued to men, 34% to women and 52% issued to married couples jointly. <sup>35</sup>	#Gender equity in access to land
2012	Lesotho experiences mounting food security crisis.	30% of the population are characterised as food insecure. <sup>36</sup> A food security state of emergency declared in Lesotho.	#Food security #Hunger
2012-17	As an indicator of political instability Lesotho has three general elections between 2012 and 2017 and several coalition governments. <sup>37</sup>		
2014	Attempted coup requires SADC intervention.	SADC Commission of enquiry. Phumaphi Commission identifies politicised and divided security sector. <sup>38</sup>	
2015/16	Drought years exacerbate food insecurity.	57.1% of Lesotho's population of 2.109 million live below poverty line. More than 700 000 require food assistance. <sup>39</sup>	#Poverty

<sup>35</sup> (Fogelman 2016) P7

<sup>36</sup> (Rantšo and Seboka 2019)

<sup>37</sup> (IFAD 2019)

<sup>38</sup> (Williams 2019) P. 68

<sup>39</sup> (Rantšo and Seboka 2019)

Year	Event	Context	Land Portal Profile Tags
2016/17	Reintroduction of state subsidised block farming attempted in a bid to improve national food security.	Government invests in seed fertiliser and tillage. People encouraged to make land available on a 50/50 sharecropping arrangement between government and the land holders. <sup>40</sup> Programme proves to be uneconomic.	#Contract farming
2017	Domestic food production meets 1/3 of country's needs.	An estimated 60% of households are landless. There is a decline in cultivated area with falling agricultural output. <sup>41</sup> 200 000 Basotho migrants work in South Africa. Food purchases are single most important use of migrant remittances. <sup>42</sup>	#Land access #Migration
2017	Further SADC military intervention following assassinations of Lesotho Defence Force commanders by troops linked to ongoing political infighting in the country.		
2019	The AFSUN survey found that 60-70% of households surveyed in Maseru were "severely food insecure". <sup>43</sup>		#Hunger
	Lesotho was selected for a second compact with funding from the US Millennium Challenge Corporation. "The objective of the compact is to unlock equitable and sustainable		#Development agencies

<sup>40</sup> (Rantšo and Seboka 2019) P. 7

<sup>41</sup> (Crush, Frayne, and McCordic 2017)

<sup>42</sup> (Crush et al. 2010)

<sup>43</sup> (Leduka et al. 2015)



Year	Event	Context	Land Portal Profile Tags
	economic growth in partnership with the private sector by loosening key constraints. Initial analyses identified four areas of potential investment: health, job skills, land, and the regulatory environment". <sup>44</sup>		

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<sup>44</sup> (MCC 2020)



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