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***Factors and Conditions that Weaken the Independence of Public
Service Commissions in Southern Africa: The Case of Lesotho.***

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1.0 Introduction

Democratic governance depends on the effective and efficient functioning of public service institutions. Such institutions are necessary for implementing recruitment policies, ensuring accountability and enabling citizen participation. Public Service Commissions have assumed global importance in contemporary African states. This has been a case in point in both developed and developing democracies. Most African democracies have recognised the viability of these independent institutions in governance as significant in the recruitment of merited employees.

The rationale has been the acknowledgement that good governance and quality public service delivery start with the independent Public Service Commission (PSCs). PSCs, as public sector organisations, are expected to live up to the ideal of democratic governance principles and to advance civic results. Governance as a concept found its roots in the early 1900s as a measure used by the World Bank for developing countries to gauge who qualifies for financial aid. This comes after the World Bank identified the crisis on the African continent as one of governance.

The World Bank was further able to establish worldwide benchmarking for evaluating the governance criteria that countries utilise to acquire development aid and investment (Diarra and Plane, 20148). The World Bank describes governance as “predictable, open, transparent policy-making processes; a professional ethos on bureaucracy; the executive arm of government that must be accountable for actions; a strong civil society participation in public affairs; and the rule of law” (Munshi et al., 2009; p 5). The primary responsibility of Commissions charged with managing governance, “whether elected or delegated, is to make decisions that are always in line with the organisation's values, identity, vision, and mission. These decisions must be made in an ethical manner” (IoDSA, 2016; p20). According to this approach, good governance is a critical factor in underpinning the integrity and efficiency of Public Service Commissions.

In order to strengthen these institutions, Governments must revisit the Constitutional mandates of the PSCs. The independence of PSCs is critical in ushering developments in a Nation-state to attain stability within the Public Service. Stability within the civil service will trigger good governance and delivery of sound recruitment policies and quality service within the Nation-state.

This paper is divided into five sections, including this introduction. The following section defines the Public Service Commission. This section forms a framework for understanding the history of the establishment and operations of Public Service Commissions. Section three discusses constellations of factors that militate against the independence of the Public Service Commission, especially in Lesotho. Policy recommendations that will strengthen the Lesotho Public Service Commission form the fourth section of this paper. The sections emphasise policy reforms that are imperative in removing some of the challenges that hinder the performance and operations of this Commission. The section put forward some essential factors that must be considered in strengthening the independence of this public institution. The conclusion sums up the debate in the last section of this paper.

2.0 Towards a Definition of Public Service Commission

The Public Service Commission is one of the vital constitutional bodies in any country, as stated above. It plays a significant role in promoting excellence in future public administration and good governance of the country by selecting the most competent people for any public service. This recruitment process must meet good governance standards that most African Public Service Commissions need to improve.

The core idea of a public service is based on the philosophy of recruiting civil servants based on merit (Karim, 2007). The initiative of merit-based recruitment of civil servants in place of political patronage was first introduced in Ancient Imperial China during the Han Dynasty (206 BC-220 AD). It was abolished by the Ch'ing dowager empress of the Qing Dynasty in 1905. The Chinese system was known to Europe in the mid-18th

century, and it is believed to have influenced the creation of civil services in Europe (The Columbia Electronic Encyclopedia, 2003).

The British Public Service Commission was established in 1855 to develop professional British Civil service. The Commission's primary objective, amongst others, was;

primarily, the recruitment of civil servants by fair methods, treating all qualified applicants equally, and using open competition wherever practicable. It was held in high esteem not only in the United Kingdom but also in many other countries throughout the world which, in many places, modelled their methods of public service recruitment on its pioneering work (Chapman, 2004:pi).

During the mid-19th Century in Britain, there was a severe challenge during rapid industrialisation whereby the public service was exclusively recruited on a patronage basis. The government's response was to reform its bureaucracy and align it with representative and responsible government principles. This process ensured that recruitment policy was based on nonpartisan and merit-based principles.

This approach separated political party affiliation from public service, "a separation of policy and administration and a belief that public servants should loyally execute public policy regardless of personal belief" (Jullet and Rasmussen, 2008; p23). The model created a new civil service that was nonpartisan and loyal only to the Crown. The public service was now independent of the executive but appointed to serve successive governments.

While the new independent institution was still under political party government, it was structured so that it was unaffected by the changes of governments and the Crown. The government was to ensure that the public service remains neutral and appointed on merit and not on patronage. This was seen as essential in order to " create a constitutional public service that would become a technical instrument of representative and responsible institutions serving the impartial interests of the Crown and advising and, in some cases, instructing a succession of governments"(Jullet and Rasmussen,2008;p24).

In advocating for establishing the independent Public Service Commission in the 1870s, George Elliot Casey Commission opined that "no matter how excellent might be the Government of the day, or how wise its administrative acts, it might be spoiled by the faults of the civil service". (Jullet and Rasmussen, 2008; p24). The degree to which the country will have professional, equitable, credible and efficient public administration dramatically depends on the integrity, effectiveness and credibility of the Commission (Karim, 2007). Casey Commission argued that, within no time, the government would ultimately make partisan appointments. It was essential to have an independent body to ensure that civil service appointments were done impartially and on merit. This independent body got a constitutional and legal mandate to recruit the best officers for the country's civil service through competitive examinations (GOB 1977).

The Casey Commission reasoned that political appointments within the civil service have a high propensity to politicise the institution. Additionally, these political nominations cannot provide quality civil servants and are likely to corrupt the service rather than improve it. This practice will produce what the Commission characterised as a family compact amongst the civil servants. Casey claimed that politics and administration were separate fields that operated according to different principles. This profound argument for establishing the independent Public Service Commission was regarded as insightful and ultimately accepted by the Canadian Parliament (Jullet and Rasmussen, 2008;p29).

The 1882 McInnis Royal Commission comprehensive study recommended that some British Public Service Commission functions be adopted. These include but are not limited to employment through competitive examinations and the promotion of civil servants by merit. This process efficiently separated politics from administration, thus creating a neutral civil service. Therefore,

from this time forward, merit and impartial competitive examination would become the tools reformers used to "purify" the administrative apparatus, separating it from political control. In short, merit and impartial competitive examination were enshrined as the first new values of a responsible public service and would be

the major responsibilities of a Civil Service Commission (CSC) when it was established in 1908 "(Jullet and Rasmussen, 2008;p29).

During the creation of the Public Service Commission in Canada in 1908, after decades of struggling with a public administration undermined by systemic patronage, the Canadian Parliament decided that public servants would be selected based on merit through a system administered by an independent agency; the Public Service Commission of Canada (Jullet and Rasmussen,2008). This gave birth to the creation of an institution that was independent from,

the government with exclusive statutory authority for appointing individuals to the public service, apart from the most senior executives, marked the birth of a nonpartisan bureaucracy. By putting in place a system that would appoint and promote public servants on the basis of an independent assessment of their merit, the Government of Canada ended widespread political patronage and made possible the development of a professional public service that would be better able to ensure the effective delivery of public services and advise the government of the day on policy decisions (Jullet and Rasmussen, 2008; pp1-2).

Canada, like most former British Colonies, was to follow this bureaucratic structure in establishing their Commissions with similar sentiments described by their Colonial master above. While the objective was embraced by most of these countries, implementation became a significant challenge in some of them.

The Lesotho Public Service Commission was established in 1962 to advise the then Resident Commissioner during the Colonial administration (PSC Report, 2022). The PSC advice was on appointments, localisation, promotions, discipline of public officers and other issues in the Public Service. In 1966, when Lesotho attained independence, the Commission then performed executive functions on appointments, promotions, separations and disciplinary matters. When the Constitution was suspended in 1970, the Commission became advisory to the Minister of Public Service in relation to the functions mentioned above (PSC Report, 2022). When Lesotho returned to democracy in 1993, the whole advisory role was dropped, and the PSC assumed the executive role.

The 1993 Constitution of Lesotho, section 136(1), entrenched the independence of the Commission. For instance, Sub-section (11) provides that "the Commission shall, in the exercise of its functions under this Constitution, not be subject to the direction or control of any other person or authority". The mandate of the Commission, as per section 137(1) of the 1993 Constitution, is to appoint persons to hold or act in offices in the public service(including the power to confirm appointments) and power to terminate appointments of such persons save terminations for disciplinary reasons.

In line with section 139 of the above Constitution, the Prime Minister must consult with the Commission when appointing incumbents of the offices of the Government Secretary and Principal Secretaries. Furthermore, section 8 (1) of the Public Service Act 2005 stated that the Commission should appoint persons based on merit, namely ability, qualifications, knowledge, skill and aptitude, after a fair and open competition.

The above instruments (merit and competition) remain the most potent tools the Independent Public Service Commission utilises today. This has been done to purify public service from political influence among civil servants. The creation of PSCs was intended to eradicate patronage appointments and inject professionalism within the public service. In their daily operations, PSCs use competition and meritocracy to promote professionalism within the public service (Karim, 2007). These functions have to be performed by a "permanent head of a department, should be in a position to exercise the functions of his office fearlessly and independently, which he in many instances might not be able to do if his tenure of office were dependent upon the favour of the Government"(Jullet and Rasmussen, 2008:p33).

Despite PSC's valuable contribution to nation-building projects and in executing their quality recruitment mandates, these independent institutions have operated within a very hostile political environment, as discussed below. Accordingly, PSCs have been weakened to the point of near collapse as a consequence of poor service delivery and

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political interference. Several factors and conditions have militated against the Commission's noble goal of quality recruitment and institutional independence.

3.0 Factors and Conditions that Weaken the Independence of Public Service Commission

While factors and conditions weakening the independence of the Public Service Commission vary globally, most of them remain the same. Some precipitants are political, while others stem from lack of resources and the dire need for policy reforms. In Lesotho, where the study is focused, some weaknesses remain political.

Since, Lesotho's independence in 1966, the independence of the Lesotho Public Service Commission has been stifled by Politicians self-interest of the political parties. On assuming the levers of power, different governments in Lesotho have refused to relinquish their power to appoint partisans civil servants through their appointed Commissioners to the Public Service Commission (PSC Report, 2022). This archaic practice has militated against the professionalism and independence of the Public Service Commission. The Nation has become weary and more critical of poor service delivery provision, including under-qualified, untrained and incompetent public officers. The following are some of the factors that have weakened Lesotho Public Service;

3.1 Direct Appointment into the Civil Service.

Lesotho Public Service Commission makes direct appointments into the public service in line with Sections 7 and 8 of the Public Service Act, 2005, and its subsidiary legislation (Public Service Regulations 2008, Basic Conditions of Employment for Public Officers 2011). These appointments are made by the Commission to graduates who are appointed without competing for recommended positions (PSC Report, 2022). This is notwithstanding section 8 (1) of the Public Service Act 2005, which mandated that the Commission appoint persons based on merit, namely ability, qualifications, knowledge, skill and aptitude, after a fair and open competition.

The practice has been that graduates from Lesotho Universities should register with the Ministry of Public Service (MPS), which, in turn, shall find a slot for them within the civil service, according to their qualifications. Their names are forwarded to the Commission for formal placement when such slots are found. It is unclear how these lists are compiled since there is a lack of transparency and accountability in all these processes (PSC Report 2022).

This list of awaiting graduates has ballooned into thousands of individuals. Some of these graduates, in most cases, have been on that list for more than 22 years (PSC Report 2022). The Ministry selects some of these graduates using criteria known to them and then forward the selected people to the Commission to ratify this corrupt practice. Since there is no transparency in compiling the list, it is clear that massive corruption is involved. Some graduates' names jumped the queue on the list, and in some cases, the PSC had to return them to MPS. Different governments have used this route to provide patronage to their political activists to appear on the top of the spreadsheet to be submitted to the Commission (PSC Report, 2022).

Civil servants have also found the opportunity to profit from this opaque and unaccountable system. Since they compile the spreadsheet, they also place their corruptly selected candidates on the list. Poor graduates allegedly paid heavy sums of money to appear on the top of the list. All these corrupt practices end up on the desk of the Public Service Commission for endorsement. These lists tarnished the status of the Public Service Commission before the public, which appeared corrupt and inept (PSC Report, 2022).

3.2 Patronage Appointments.

Patronage appointments have pervaded the Commission and the entire civil service of Lesotho. Politicians have always argued that qualifications are unnecessary, starting with the Commission. Instead, trust and political affiliation with the party are critical in

selecting the Chairman and Members of the Commission (PSC Report, 2022). The issue of competency is seen as politically insensitive, hence disregarded by politicians (Jahan and Shahan, 2008). Chairman and Members of the Lesotho Commission have been appointed on partisan political consideration since the 1970s, making the Commission an outfit serving partisan political interests and a recruitment agency of candidates aligned to the ruling party (ies) (PSC Report 2022).

The government recently appointed an individual as a Chairman of the Commission who did not even complete the second year of secondary school. The rationale was to enable the government to populate the Commission with its political activists (cadre appointments) through its selected Chairman, which proved very disturbing. Irregular and spurious partisan appointments marked the Chairman's tenure.

Similarly, the removal of serving Commissioners has recently proved controversial. While the Constitution is very clear about the process of Commissioners' removal, this did not stop the government from buying out two Commissioners who were seen as stumbling blocks to the government in its quest to undermine PSC independence by forcing the Commission to make unqualified appointments. This practice has made people see the PSC as not a genuinely independent and effective body but an extension of the ruling political party that controls the administration (Jahan and Shahan 2008).

The 1983 Constitution does not provide the procedure of how commissioners are recruited apart from saying that the King appoints them on the advice of the Judicial Service Commission. The process is not transparent and is only known to the Prime Minister and his Cabinet. It has been argued that "the Chairman and Members of the Commission cannot ignore or overlook the request of the ruling party's high command, as all of them have been appointed in the Commission purely on political patronage and loyalty"(Karim, 2007:p5). This view stems from the fact that the Chairman and Commission members usually come from the same political affiliations (Karim 2007; Jahan and Shahan 2008).

The Constitution in Section 136 (1) states, "Commission shall consist of the Chairman and not less than two or more than four other members, who shall be appointed by the King acting in advice of the Judicial Service Commission". The question is? Since the Commission vacancies are not advertised, how did the King and Judicial Service Commission know about these appointees? The process of selecting Chairman and Members and buying out Commissioners has shown an absolute lack of transparency and accountability.

The Constitution justifies the Commissioner's patronage appointment by the Crown as his prerogative in this manner, making patronage more than just a synonym for corruption (Jahan and Shahan 2008). The current 1983 Constitution of Lesotho regarding the appointment of Commissioners views these appointments as a legitimate part of the King's prerogative (Karim 2007). The practice of patronage appointment did have some legitimacy, making it more difficult to abandon. The reason is that the King's privileges extend beyond the appointments of all constitutional positions under the Constitution (Karim 2007). The idea of providing the Crown with these privileges undermines the independence of the Commission.

3.3 Unmerited Recruitment

The Commission has been accused of making unmerited recruitment recently. According to Members of Parliament Salaries (Amendment of Schedule) Regulations, 2023, the Prime Minister, Deputy Prime Minister and Ministers are entitled to the following coterminous staff as follows;

	Number	Coterminous Staff	Total
Prime Minister	1	50	50
Deputy Prime Minister	1	14	14
Minister (s)	20	12	240
Grand Total			304

Source: Legal Notice No. 48 of 2024.

All these appointments are submitted to the Commission for approval without any competition. Since their competency is not sought, the Commission appears partial in approving these unmerited appointments from the public standpoint. These political imperfections disrupt the service due to preferential treatment extended to these political appointees rather than public officers (Karim 2007). Politicised positions, which public officers are more often looking up to, tend to create poor relations to the peril of service delivery between the two groups. For these reasons, the recruitment process into the public service is said to be characterised by nepotism and politicisation.

3.4 The Impact of Coalition Politics

The birth of Coalition governments in Lesotho in 2012 has given rise to new dynamics. The Commission has continuously operated by receiving proposals from line ministries for consideration and recommendations to appoint personnel to serve at various levels of public service. However, the advent of Coalition governments has created many Ministries, sometimes 30, 28 or even 20. The reason was that each member of the Coalition wanted to head his or her Ministry. This has brought about profound challenges to the Commission.

The turn-around time for proposal submission to the Commission had become too long due to outdated and cumbersome recruitment processes. This has been coupled with an increased number of Ministries, which impacted and hindered the timely filling and proper examination of vacant positions. The cost-effectiveness of the whole process cannot be accounted for properly.

Since government ministries have increased, appointment files take longer to process. The Commission is often confronted with many files that must be processed quickly. This has made the Commission appear inefficient and incompetent in conducting its work due to significant procrastination in processing the Ministry's files, which are beyond the Commission and Secretariat's capacity. The Commission had to process appointments at both senior and junior levels. These junior positions invariably take more of the Commission's time and scarce resources.

Additionally, the structure of the Commission (5 Commissioners), such as the functional and organisational, has not been aligned with the new political developments of Coalition politics with many Ministries. Consequently, the Commission has been overwhelmed by these developments with insufficient resources, leading to work overload (human resources and technology) for Commissioners.

3.5 Poor Orientation of Civil Servants

The increased number of ministries means that Lesotho's public service has grown beyond capacity. Consequently, the Commission has yet to provide proper and sufficient orientation for all new government employees to inculcate public service culture and norms, including induction of public officers appointed to supervisory levels. This poor orientation of civil servants has led to policy incoherence, where some civil servants are conversant with public policy while others are not. There is noticeable policy incoherence or contradictions (both within and across sectors) in policy design, structure and roles, causing some part or the entire policy design to become unimplemented. This challenge can be horizontal, with overlapping mandates and confused responsibilities among co-providers and other public bodies, or vertical, where policies need clear, implementable plans or funding.

Ministries have been inappropriately engaging new employees and committing substantial public funds to their training without first submitting them to the Commission for Constitutional determination in terms of Section 137 (1) of the 1993 Constitution and Section 8 (1) of the Public Service Act of 2005. Most Ministries elect to submit their proposals long after these illegal engagements have been made to the Commission for formalisation. This practice has challenged the governance processes of the Commission. Some of these officers were engaged in projects; others were temporary staff. What is clear is that some ministries have been violating appointment procedures on a large scale.

The outdated legal and policy framework has completely incapacitated the work of the Commission. The Commission is currently working with the 1970 Public Service Rules

and Regulations, which need review. All these have rendered the Commission's operational structure unresponsive to these challenges and ultimately contributed enormously to delays in processing appointments and providing sufficient orientation of civil servants.

3.6 Lack of Commission Code of Ethics

The non-availability of tools and systems that enhance professionalism in conducting the Commission's business has been a significant weakness. The absence of a code of ethics for Commissioners has created a precarious environment with a high propensity of partiality in their conduct about recruitment policy.

According to Gildenhuis (2004), ethics is a systematic study of the principles and methods for discerning right from wrong and good from evil. There are two types of ethics: normative and descriptive. Normative ethics designates the standard for the rightness and wrongness of actions, whereas descriptive ethics is concerned with the empirical study of people's moral beliefs (Kayane and Sibisi, 2019). Rightness refers to what ought to be, or what is acceptable, to a particular society or group in that society (Disoloane, 2012).

Ethics guides the actions and behaviour of individuals only insofar as necessary for an institution's good. 'Ethics is a matter of responsibility management as much as individual property. It requires some essential moral dispositions and presupposes fundamental moral principles. The absences of ethics within the Commission create conditions rife with nepotism and patronage.

The Commission is in the spotlight, given the caliber of officers it selects and appoints to provide services. In the same vein, the public expectations and performance outcomes have demonstrated a dire need to change the Commission's business operations and policy direction.

4.0 Policy Recommendations

The Commission needs to be strengthened constitutionally and administratively to execute its professional work. The above weaknesses illustrate the challenges the Commission is currently facing. Governments must do more to ensure that Commissions are capacitated and strengthened by the proposed policy recommendations discussed below. Lesotho Public Service Commission needs a thorough review to be relevant to contemporary developments. For this to happen there is a dire need for structural reforms to address PSC shortcomings as follows;

4.1 Creation of an Apex Commission

The Commission should be viewed as one of the pillars of democracy aimed to promote corporate governance and compliance as principles of measure. The proposed mandate seeks to reform and position this body in a strategic yet valuable position where it would not be directly involved with recruitment and appointment processes, management and related activities of public officers, including their exit from the service. The PSC mandate had to be transformed from the government's main recruiting and staffing agency to that of an Apex Commission (AC).

The Apex Commission will regulate and perform an oversight role to oversee the functions of other appointing authorities in the public service. These include but are not limited to appointing Chief accounting Officers for line Ministries and setting standards on recruitment and related matters undertaken by either the selection committees or staff boards at the Ministerial or sectoral level through structured and controlled frameworks. This would mean that the Commission had to delegate some of its powers to Chief accounting officers to appoint persons into the public service, especially junior officers' positions for grades "A" to "C". The Commission shall develop guidelines for the implementation of these delegated powers. This transformation will relieve the Commission of several organisational and structural performance imperfections that have prevailed over time and have rendered the Commission ineffective, inefficient, and

at times irrelevant, more often than not, overtaken by events in response to its mandate.

The Apex Commission shall define and develop policies, standards and uniform tools for recruitment and performance frameworks that enhance transparent processes;

- To establish standards of integrity, merit, equity fairness, and other principles to be followed in recruiting and selecting persons for positions in the civil service and other public service bodies.
- To publish codes of practice on the following:
 - i. Standards and procedures on the selection procedures for promotion,
 - ii. To develop systems to monitor, audit and evaluate the recruitment and selection process,
 - iii. To establish and set down appropriate grievance procedures for the recruitment process and decisions,
 - iv. The protection of the public interest,
 - v. The implementation of best practices and good governance,
 - vi. Holds the civil service and other public service accountable for their recruitment, selection and promotion decisions,

The Apex Commission shall perform custodian oversight responsibility over civil service and other bodies of the public service;

- Conducts audits and investigations to confirm the effectiveness of the recruitment, selection and promotion processes and make improvements.

The AC shall issue directives regarding compliance and interpretation of policies to the bodies mentioned above. It will also inform itself of the best recruitment, assessment, and selection practices.

4.2 Re-Constitution of the Commission

Commission strength should be increased from the current five (5) to seven (7) to facilitate the formation of two panels that can be functional daily. The reconstituted Apex Commission should be composed of a Chairperson, Members with impeccable

professional excellence, and highly qualified to graduate degree or above. They should be politically neutral and have undisputed integrity, efficiency and credibility.

The Apex Commission must be granted complete independence, befitting its challenges. It must have full authority in terms of administrative and financial control. The Commission must have an internal self-regulatory and transparency mechanism in place, while it must be externally reportable to the Parliament through the Standing Committee on Public Service.

There must be transparency in the selection of membership of the Apex Commission. These should be conducted through public interviews. Therefore, the Legal mandate mentioning the selection criteria and appointment procedure of the Chairman and Commission Members should be transparent.

4.3 Code of Ethics for the Apex Commission

In order to achieve a high level of professionalism, the Commission must develop a code of ethics that will guide their behaviour during their daily operations. Ethical principles set the standard for conduct and further indicate how one should behave based on moral duties and virtues. These are derived from the principles of what is acceptable and what is not acceptable. Commenting on public administration ethics, Mafunisa (2000) states that it determines what is right and just in decisions and actions that affect members of the public. As a result, the concern with the Commission's ethics centres on what is deemed virtuous and equitable behaviour by public authorities.

This viewpoint is founded on the assumption that there are 'right' and 'wrong' ways to act in a given situation. These form the moral standards of a community stand. Kanyane (2010) proposed that, within the public service content, employers and employees need to possess high standards of ethics and professionalism. The Apex Commission must therefore, develop its institutional ethics to deal with recruitment impartially.

4.4 Appointment of Secretary General

The Commission should also ensure the appointment of an efficient and credible Secretary for its Secretariat. The Secretary of the Apex Commission should be equivalent to the Government Secretary's. The Secretary-General shall head the Commission secretariat and shall be the chief accounting officer of the Apex Commission, who shall implement the policies and developmental plans of the Commission.

4.5 Placement and Coterminous Appointment

The system of placing graduates should be abandoned as it embellishes the competition and merit principles. This will go a long way in building the public confidence in the Commission. All positions should be advertised and competed for by all those who qualify.

The quota system for coterminous appointments (for PM, DPM and Ministerial Staff) should be reviewed to conform to new realities of merit and competition. Temporary and project staff should be engaged after being interviewed by the Commission and appointed accordingly.

Measures should be taken to remove patronage appointments within the public service and ensure equitable, credible and merit-based recruitment for all civil servants. Partisan politics or any other influence in the recruitment policy must be abolished entirely.

4.6 Institutional Reforms

A website for the Apex Commission should contain all the information that the citizens should know to restore the Commission's credibility and public trust. Furthermore, a computerised database and MIS should be established, and all information of public interest should be publicly available through various means, including a website. The

operationalisation of the Commission website must be interactive, and a communication strategy must be developed. Commission network and ICT infrastructure must be strengthened nationwide.

5.0 Conclusion

In conclusion, therefore, reviewing PSC constitutional mandates has become imperative in order to strengthen these independent institutions. This will be crucial for nation state building project mainly in providing service delivery and good governance. When Public Service Commissions are strengthened through constitutional processes, patronage appointments will not be obtained in the civil service.

Lesotho Public Service Commission is an essential public service delivery institution. The existing Constitutional challenges, legal mandates and procedures of the Commission's operations have significantly weakened the Commission and opened the frontiers of irregularities and corruption in the appointments of temporary or coterminous staff. As a result, since its inception in 1962, the Commission has been considerably used as a convenient tool for serving the interests of the ruling party (ies) and corrupt people. The PSC's independence, efficiency, and effectiveness largely depend on the relationship between politics and administration. Furthermore, this relationship is affected by regime types, and it regulates the optimum functioning or malfunctioning of the institution.

The credibility and efficiency of the public service depends on the integrity of the Commission that will ensure that the government of the day is not corrupted by the faults of the civil service. It is also essential for governments to ensure that Public Service Commissions are manned by competent people in order to be able recruit the best competent and merited people that will build a stable public service.

For commissions to eliminate politically motivated appointments, they must adopt a merit approach to ensure that employees can deliver quality services. This will enable

public servants to execute public policy without party political biases. Non-partisan public service is essential for the stability of the civil service and its independence from the executive branch, thus enabling it to serve successive governments without bias.

The credibility of the Commission has become endangered to a great extent. Today, only the government's will can make the Lesotho Public Service Commission an independent, influential, transparent, accountable and credible Constitutional body. These weaknesses can be addressed through Constitutional reforms and political will to strengthen the institution.

The Commission's current mandate must be strengthened and transformed to the new status of the Apex Commission. The Apex Commission shall develop, review, monitor policies and perform oversight functions. Furthermore, the Apex Commission will deal with the appointments of senior managers rather than being bogged down with appointments of junior staff. The Apex Commission has to delegate some of these junior-level appointments to the Ministry's Chief accounting officers and develop guidelines for them in order to monitor the recruitment process at the Ministerial level.

The Commission, which operates on a strict constitutional mandate, will be able to guard against the politicisation of civil service through patronage appointments. Therefore, strengthening the PSCs is regarded as insightful in insulating civil service from unwarranted political interference. Impartial and merited appointments by the independent Commission have the potential to promote good governance and national development. Therefore, strengthening the Public Service Commission is valuable in its quest to contribute positively to the nation-building project by embracing competitive selection and merited recruitment for future drivers of the national civil service.

References

Primary Conditions of Employment for Public Officers 2011. Published by Authority of His Majesty, Maseru Lesotho.

Chapman, R.A. (1st ed),(2004). Civil Service Commission 1855-1991: A Bureau Biography Routledge. Lon <https://doi.org/10.4324/9780203493793>. London and New York, Routledge, Taylor & Francis.

Constitution, (1993). The Constitution of Lesotho. Government Printer. Maseru, Lesotho.

Diarra, G. & Plane, P. (2014). Assessing the World Bank's influence on the good governance paradigm. *Oxford Development Studies*, 42 (4): 473–487.

Disolwane, V.P.P. (2012). Reception of a code of conduct at the Capricorn District Municipality in the Limpopo Province. (Doctoral dissertation, University of South Africa). Available at: <https://core.ac.uk/download/pdf/43168695.pdf>

Gildenhuys, J.S.H. (2004). Ethics and professionalism: The battle against public corruption. Stellenbosch: African Sun Media.

Government of Lesotho (2000). Human Resources Management & Development Policy Manual. The Ministry of the Public Service. Maseru, Lesotho.

Government of Bangladesh (GOB), President Order No. LVII of 1977, the Consultation Regulations of 1979.

Institute of Directors of South Africa. (IODSA). 2016. King IV report. Available at: https://cdn.ymaws.com/www.iodsa.co.za/resource/collection/1B089588-AFDB-474E-903A-FDB05A46AA2D/IoDSA_King_IV_Report_-_Chapter_5_FOR_IODSA_TRAINING_MATERIAL_ONLY_.pdf

Jahan, F., Shahan, A.M. (2008). Politics–Bureaucracy Relationship in Bangladesh: Consequences for the Public Service Commission. *Public Organ Rev* 8, 307–328. <https://doi.org/10.1007/s11115-008-0061-8>

Jullet, Luc and Rasmussen (2008).Defending a Contested Ideal: Merit and the Public Service Commission Of Canada, 1908–2008.Ottawa, Ontario; Published by the University of Ottawa Press.

Legal Notice No. 48 of 2024.Published by Authority of His Majesty, Maseru Lesotho.

Mafunisa, M.J. (2000). Public service ethics. Cape Town: Juta.

Members of Parliament Salaries (Amendment of Schedule), Regulations, 2023.

Munshi, S., Abraham, B.P. & Chaudhuri, S. (2009).The intelligent person's guide to good governance. New Delhi: SAGE.

Public Service Regulations 2008. Published by Authority of His Majesty, Maseru Lesotho.

Public Service Act 2005. Published by Authority of His Majesty, Maseru Lesotho.

Public Service Commission (2022) Report for the Year Ended 31st December—Maseru, Lesotho; PSC Kingsway road.

Kanyane, M.H. (2010). Public service delivery issues in question. In Kondlo, K. & Maserumule, M.H. (Eds) The Zuma Administration: Critical Challenges. Cape Town: HSRC Press. 77–94.

Karim, Md Rezaul (2007). Restoring the Credibility of Bangladesh Public Service Commission: Major Challenges and Policy Recommendations Bangladesh e-Journal of Sociology. Volume 4 Number 2, 11.

Kanyane, M. & Sisi, M. (2019). Supply chain – a service delivery enhancement or an impediment. Int. J. Management Practice, Vol. 12, No. 1, 109.

The Columbia Electronic Encyclopedia,(6th, ed),(2003).Columbia University Press. Licensed from Columbia University Press.