1. **Introduction**

Formerly known as Basotho, the Kingdom of Lesotho received its independence in 1966. After multiple conflicts with the Boers, Zulus and the Cape Colony over land, Britain declared independence to Lesotho. In the present-day, communal ownership stands at the core of Lesotho’s land governance. As a result, the Constitution of Lesotho vests the land in the Basotho nation. The Lesotho government is a constitutional monarchy, thus the land is formally entrusted to the king. The land, in the trust of the king, was essentially distributed by local chiefs but with the coming of the Land Act of 1979 and the Land Act of 2010 many of these customary laws have been revised. Although Lesotho initially prospered prior to the 1930s, there since been an increase in the importation of grain due to poor land management and overpopulation leading to the use of arable land as living spaces. From this problem there is a subsequent rise in the disparity between the wealthy (or those with status) and the poor. Other issues include low land productivity and minimal benefitting of land by women and orphans in rural areas.

1. **Overview of Important Land Legislation and Regulations**

The constitution of Lesotho under Chapter IX deals with land. As aforementioned the land is vested in the Basotho Nation under the trust of the King. The land is thus not privately owned and is allocated for use. As permitted by the constitution, the parliament may create provisions regulating the revocation, allocation and use of land (The Constitution of Lesotho Chapter IX Section 105). Following from this there has been creation of many land related parliament Acts. Of these the most important are the Land Act of 1979, which acted as the fore-runner of land reform and the Land Act of 2010 which repealed it. The Land Act of 2010, seeks to bring about land reform, allowing for foreign use of land and modernization of customary tenure laws. In addition the Act specifies who may hold land and under what circumstances (Land Act 2010 Part II Section 6).

The Land Act 2010 is aimed at ensuring that the land is productively used. This leads away from land entrusted to the king being idle to allowing title of land to foreign organizations for investment. In addition, the land act is aimed at ensuring the rights and access of land to women, orphans and the poor. Although these are theoretically beneficial provisions, in reality the holding of title by the government in the Land Act of 2010 is essentially where the issues concerning land hoarding emanate from. Furthermore, the presence of customary law and the patriarchal system still mean oppression of the rights of women and orphans to land.

1. **Land Transfer, Allocation, and Lease**

The Commissioner of Lands has the responsibility of issuing leases, maintaining records and a vast list of other administrative duties (Land Act 2010 part II). Leases of land are separated into leases for urban land, rural land, land for agriculture, commercial use and residential purposes. In order to lease land, an individual must apply for a lease to the Land Administration Authority (here-after LAA). In cases of available land for sale, the Minister of local government places a notice in the public newspaper, the Gazette, for advertisement (Land Act 2010 part V section 26). After which interested persons must apply to the LAA for leases. People may also apply for servitudes over land which cannot be leased. Expropriation of land may take place as long as it serves the public interest. The land should be used for construction of houses for the public, water services, road construction and other productive aims. If the Minister sees the need to expropriate land for these reasons mentioned, they are to inform the LAA and publish a 3 months’ notice in the Gazette. Those who have had land expropriated from them may negotiate with the Minister or go to the Land Court to revert the decision. If not, the individual who has had land taken is due for compensation at the market price (Land Act 2010 part IX, X). From the above a problem of over-expropriation by the government may arise particularly where there is a lack of transparency in the proceedings by the LAA.

1. **Land tenure classifications**

A system of Customary Tenure and Statutory tenure exists in Lesotho. Customary tenure means communal use of land, for example grazing purposes. Through the Statutory tenure however a lot of the customs were done away with. With the coming of the 1979 Land Act, three main categories were distinguished: allocation, licence to land and leaseholds. The predominant type of land tenure is that of Leasehold. Depending on what an individual applies to use the land for, a person may lease the land for a minimum of thirty years to a maximum of ninety years. Although the laws do not explicitly define what state, private and public land are, it can be assumed that all land is, in essence, state land vested in the nation.

It can be concluded that the Land Act of 2010 seeks to protect property rights and ensure efficient land registering. Through application for land to the LAA, all citizens have the right to lease land. In comparison with the previous customary tenures, women are now in theory allowed to own land where in the past it had only been males of Basotho that had this right. For the less fortunate and vulnerable groups, being able to fully benefit from these rights remains difficult. The land authorities often favor issuing leases to the well off or influential, suppressing the social right of equal access to land.