

MICRO CON

**A MICRO LEVEL ANALYSIS
OF VIOLENT CONFLICT**

Institutions of Water Management and Conflict Resolution in Lesotho on a Local Level: An empirical study of displacement areas of the Lesotho Highlands Water Project

**MICROCON Research Working Paper 22
Sophia Bildhaeuser (née Schmidl)**

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© Sophia Bildhaeuser (née Schmidl) 2010,

Research Associate,

United Nations University – Institute for Environment and Human Security (UNU-EHS), www.ehs.unu.edu

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Institute for Environment
and Human Security

For further information, please contact:

MICROCON: A Micro Level Analysis of Violent Conflict, Institute of Development Studies at the University of Sussex, Brighton BN1 9RE

Tel: +44 (0)1273 872891

Email: info@microconflict.eu

Web: www.microconflict.eu



SIXTH FRAMEWORK PROGRAMME



Institutions of Water Management and Conflict Resolution in Lesotho on a Local Level: An empirical study of displacement areas of the Lesotho Highlands Water Project¹

Sophia Bildhaeuser (née Schmidl)²

MICROCON Research Working Paper 22

Abstract: Under pressure from the European Union and other donors, many efforts are undertaken by the Dam Authorities in Lesotho (Lesotho Highlands Development Authority) and the Lesotho government to put increasing responsibility on the dam-affected communities in regards to water management and maintenance of water systems as well as to create better channels of communication for conflict resolution. Although these efforts seem to be well intended, they often fail in their actual implementation. Therefore, there are several discontents on the side of the resettles and the relocatees, which are the subject of (so far) non-violent conflicts on a local level. The changed situation where resettles suddenly have to pay for water and other basic needs is a second area of non-violent conflict. According to the people interviewed, the conflicts are basically between the authorities and the displacees, in rare cases between host communities and the displaced people. The third potential area of conflict is the fragmentation of the water sector within the government, which is tried to be overcome by the creation of the Water Commission to coordinate all efforts in the water sector. This fragmentation has of course implications for the communities on the local level. The report strongly argues for an implementation of an approach to increasingly involve the local communities not only in the implementation phase but also in the decision-making process in order to achieve greater effectiveness and sustainability of the water management in Lesotho. It finally suggests the introduction of a so called “Dam Council for Basotho Participation” (DCBP).

Keywords: Lesotho Highlands Water Project, Water Management, Conflict, Conflict Resolution, Local Level, Institutions, Relocation

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² Research Associate, United Nations University - Institute for Environment and Security (UNU-EHS), www.ehs.unu.edu

This report is in large part taken from Mrs. Sophia Bildhaeuser's dissertation, which is still in its process of completion.

The report can therefore be considered as an excerpt of the dissertation on governance, water management and conflict resolution supervised by Prof. DDr. Werner Zips of the Department of Social and Cultural Anthropology at the University of Vienna (Austria). The dissertation will be published at the University of Vienna, Austria.

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FAO - AQUASTAT, 2005

LESOTHO

Disclaimer

The designations employed and the presentation of material in this publication do not imply the expression of any opinion whatsoever on the part of the Food and Agriculture Organization of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

Map 1: Lesotho (FAO 2005)

I. INTRODUCTION

“You have to make a promise. You have to tell them that you understood the complaints and tell them what you have seen here. [...] this project is good for the whole country, for all of the Basotho.” (Interview Anonym 25 February 2009)

Water is vital to local livelihoods and a key prerequisite for development. Particularly in rural areas, the relationship between poverty and water reaches far beyond the lack of access to safe drinking water. Secure access to water for productive purposes, e.g. water retention for crop production; watering of animals; ecosystem protection to ensure fish and grazing availability, is key to a significant part of the poor if they are to move out of poverty (Bruns and Meinzen-Dick 2005; GWP 2003; Hodgson 2004; Hope 2006; UNESCO 2006; World Bank 2005). (Danish Institute for International Studies 2006:2)

Acknowledging this fact, in recent years there have been increasing efforts to ensure effective water management in developing countries, reflected most clearly in the widespread water reforms taking place, often supported through associated donor funded programmes.

Along with these developments, there is an increasing focus on water as a source of conflict. Since almost one third of the world's population lives in conflict-affected low-income countries, numerous researches are being conducted in order to find sustainable solutions for these conflicts and help to prevent them in the future. Currently the commanding opinion within the research community is that water is, and will increasingly become, a source of violent conflict not in the international realm, but in the sub-national or local context (which does not exclude transnational and international repercussions) (Ohlson 1999; Swedish Water House 2005; Carius et al. undated; Thomasson 2005). The risk of water-related conflict is according to these experts inversely related to the scale: the smaller the setting, the greater the likelihood of conflict. (Wolf 1998, Ohlson 1999, Alan and Nicol 1998, Baechler et al. 2002)

Since water is not only becoming a scarce, but also an unequally distributed resource within regions, states as well as within societies, it is an important element for either destructive conflict or prolific cooperation as empirical evidence shows. States, sub-national social groups, and households compete over the access to and distribution of water.

Destructive conflicts may easily arise if water is – or is perceived as being – (over-)used and/or degraded by other actors at one's own risk. Therefore the possibility of conflicts at international,

regional and local level regarding the access to and use of freshwater poses a serious threat to both human security and the security of states.

A complicating factor is that most discourse and extensive research on water and violence focus on the international level – the ‘macro’ level. There is a wide tendency to favour the hypothesis of ‘water wars’ in the form of classical international wars between states or even classical internal wars between governments and an armed opposition while at the same time there are several studies challenging this ‘water war’ thesis (Turton and Hussein 2000, Wolf 2002).

At a fundamental level, conflict originates from the interaction between individuals and towards the environment around them in general. Conflict is therefore mostly rooted in the ‘micro’ level. The EC-funded project MICROCON (‘A Micro-level Analysis of Violent Conflicts’) aims at remedying this deficit, by exploring the relevant factors on a local level, which contribute to a violent or a non-violent (re)action to a scarcity of a valuable natural resources – namely water.

Being part of the MICROCON project, this case study of Lesotho explores the impacts of a large-scale project related to water – the construction of dams – on the affected people in regards to their institutions of water management and conflict resolution strategies.

This is done by documenting and analysing the mechanisms and strategies of various institutions to manage water and resolve conflicts in a ‘non-violent’ way on a local level.

The selected case study addresses the experiences in the context of the Lesotho Highlands Water Project (LHWP) – a multi-dam project. The LHWP was identified more than 50 years ago as the least cost effective water resource exploitation to benefit both the peoples of the Kingdom of Lesotho (KoL) and the Republic of South Africa (RSA). (LHDA 2004) While there are several proponents of the project (e.g. Lesotho Highlands Development Authority (LHDA), Department of Water Affairs and Forestry (DWAF), World Bank), there are numerous NGOs (e.g. International Rivers, Transformation Resource Centre), that disclose the downsides of the project in the form of social, political, biological, religious, sanitary and economic impacts (Hoover 2001). One of its major effects has been (in)voluntary displacements due to the construction of the dams. People being resettled or relocated in new areas compete with the local community for access to and control over the same natural resources (Hoover 2001:20f.).

The conflictive situation described and explored in this paper can therefore be related to water-conflicts in two senses:

- 1.) The research analyses the conflictive situation triggered by a water-related developmental project, namely the construction of a dam;
- 2.) The research focuses on the management of water within the dam-affected communities.

The research sought to answer the following two core questions in order to bridge the two levels of institutions (question 1) and individual strategies (question 2):

- (1.) How do 'formal' and 'informal' institutions/structures shape (potentially violent) conflicts at a local level in regards to water-related issues?
- (2.) What are the different strategies developed by individuals or group actors to control, enforce or secure their access to institutions and/or water resources?

By asking the above stated questions, this report aims firstly to contribute to sustainable local water governance in support of disadvantaged groups - the dam-affected communities - in Lesotho, a developing country, by improving the knowledge among researchers and practitioners of the nature, extent and intensity of local water conflict and cooperation.

Therefore, it is vital to analyse conflicts between different groups of water users and between water users on the one hand and state authorities and/or private corporations on the other. Beyond its cognitive importance, such empirically based understanding has significant implications for the water policy, legal and administrative reform currently taking place in many developing countries, which – if poorly informed on the relationship between competition for water, conflict and poor people's access to water – may cause such reform to be ineffective and exacerbate rather than reduce rural poverty. (Danish Institute for International Studies 2006:1)

Secondly, this research aims at exploring whether the introduced institutions – like the Community Councils, Community Liaison Assistants (CLAs), Combined Areas Liaison Committees (CALC), Village Water Committees, Water Minders – break the old, regulative structures of the chieftainship and thus lead to disputes or conflicts, or whether a new way of regulation enhances the regulative regime in order to cope with and manage upcoming conflictive situations in a positive, improved way.

The objective of this research is to increase political and public awareness as well as understanding of the potential of employing and supporting the principles of locally adapted water management conflict resolution mechanisms. The plea for a strengthened and reciprocal

dialogue between parties, particularly the dam-authorities (Lesotho Highlands Development Authority) with the displacees is strongly emphasised to truly implement a participatory approach with sustainable results.

As the implementation of further phases of the LHWP is planned for the near future, such a case study is of direct political relevance.

Outline of the report

Section II is dedicated to the conceptual background of local water governance. It provides the reader with some terms and definitions of governance, institutions and conflicts, and briefly outlines some key conceptual issues regarding water governance on a local level, exploring the role of institutions in the context of water related conflicts.

Section III discusses the guiding research questions and the research approach used with their respective methods in order to make the research transparent and available for possible critique.

It also gives a short justification of the selected sites, providing the reader with some relevant background knowledge about the context of this study.

The heart of this report is found in Section IV, presenting the results of this empirical study. It addresses institutions and mechanisms of water management and dispute resolution-mechanisms on a community level, and the various other levels influencing the community level. Efforts are made to document the various water management institutions that have been adopted by different formal and informal as well as governmental, non-governmental and community-based institutions. While many latent conflicts are identified in section 4.2., it is shown in section 4.3. that innovative adaptation, new coalitions around natural resources and the creation of new institutions for the negotiation of interests have been induced, but show serious deficiencies in its implementation process.

Section V eventually provides some analytical insights discussing the results with some theoretical background – namely the concepts of ‘procedural reasoning’ of the German philosopher Juergen Habermas (1981) and the Theory of Action of the sociologist Pierre Bourdieu (1976 and 1998). It argues for an improved participatory approach outlining its possible advantages for all stake-holders in Lesotho. It further explores the repercussions of the fragmentation of the water sector in the national level on the local level and the influence of the international level.

The report ends with some concluding remarks, summarising the findings and providing policy makers and donors with recommendations for an improvement of the situation in Lesotho specifically geared to the water management and to the LHWP.

Due to the anthropological background of its author, the report has kept close to the statements of the interview partners, 'giving them a voice' in the report. This is achieved by using many of their quotes in order to portray their perspectives and issues of concern appropriately. Even though their statements may not be of factual accuracy, they valuably express their perspectives which are of even greater importance in researching conflicts and institutions on a micro-level.

II. CONCEPTUAL BACKGROUND: LOCAL WATER GOVERNANCE AND THE ROLE OF INSTITUTIONS IN THE CONTEXT OF WATER-RELATED CONFLICTS

2.1. TERMS AND DEFINITIONS

Several definitions and explanations are formulated in regards to governance, institutions and conflicts. In order to avoid any confusions or misunderstandings a short overview of the used terms and definitions are presented in this chapter.

2.1.1. Governance

A pluralistic understanding of governance makes it very difficult to define this term. Nevertheless, the following is an attempt to determine one definition for governance considered to be most appropriate for this study.

“Governance is the sum of the many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and co-operative action may be taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interest.” (Commission on Global Governance 1995)

2.1.2. Institutions

Douglas North (1990) offers the following definition: *“Institutions are the rules of the game in a society or, more formally, are the humanly devised constraints that shape human interaction.”* (North 1990:3) Two important features of institutions are apparent in this definition: (1) that they are *“humanly devised”*, which contrasts with other potential fundamental causes, like geographic factors, which are outside human control, and (2) that they are *“the rules of the game”* setting *“constraints”* on human behaviour. (Acemoglu and Robinson 2008:2)

Yet, another definition offers more explanation: *“Institutions embody the constraints and incentives that shape opportunities in every sector of society. There are formal and informal institutions. The formal side consists of the organisations and written rules and policies that govern our transactions. These include things as diverse as the structure of government and the private sector, the tax system, property rights, national constitutions, legislations and municipal*

bylaws. But institutions go beyond the formal structure. Even the way we react to the formal structure may be determined by our cultural heritage, our values and other social characteristics. Together, these formal and informal institutions ultimately determine what we can, and cannot, collectively accomplish. In turn, what we demand from our institutions and how we respond to them determines how they develop and change.” (Vollmer et al. 2009:4; Charrier 2005:18)

This institution takes the reciprocal relationship between structures (institutions) and individuals into consideration, as proposed by the sociologist Pierre Bourdieu (1998)

Accordingly, institutional change is not driven by the preferences of actors who remain off stage, but rather results from a dynamic process of bargaining in which the creation of formal institutions cannot be examined in isolation from a continuous process of reiterated social interaction between the relevant actors. (Farrell and H eritier 2002:579)

2.1.3. Conflict

Conflict is an ambiguous concept that takes on different meanings for different groups and in different contexts. Within the framework of this study, a broader approach to understanding conflict has been adopted: it regards conflict as occurring when two or more parties believe or perceive that their interests, needs or values are incompatible, express hostile attitudes or take action that damages other parties' ability to pursue their interests.

It is the result of parties disagreeing e.g. about the distribution of material or symbolic resources and acting on the basis of these perceived incompatibilities (International Alert 2003 Section 2:3). The conflict becomes violent when parties no longer seek to attain their goals peacefully, but resort instead to violence in one form or another.

Conflict is a dynamic process, which may take differing forms and run through various stages of escalation and de-escalation, resulting from the complex combination and overlap of the various causes of conflict. (International Alert 2003 Chapter 2:1)

Conflict as defined and used in this research encompasses an intensity scale of water-events ranging from violent conflict, through milder conflicts in the form of discontent expressed through formal, e.g. legal, or informal but legitimate channels.

As the main causes and factors contributing to conflict and to peace are identified, it is important to acknowledge that conflicts are multi -dimensional and multi-causal phenomena – that there is no single cause of conflict. (International Alert 2003 Chapter 2:3)

Consequently, it is important to include various levels (e.g. international, national, regional and local levels) and to establish the linkages between these levels. These linkages are important, as all of these different levels impact each other. (International Alert 2003 Chapter 2:1)

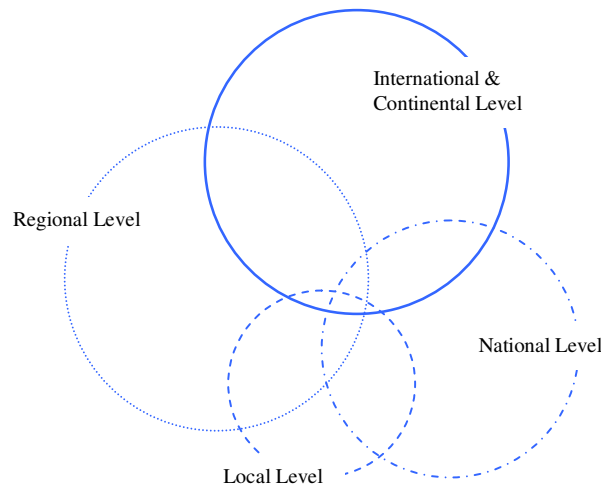


Figure 1: Interrelated levels of conflict analysis
(c.f. International Alert 2003 Chapter 2:2)

2.2. STATE OF THE ART

With water as a highly variable resource in quantity and quality, water tenure is more difficult to specify than land tenure. Considerable advancement has been made, however, during the past decades to conceptualise water rights (Bruns and Meinzen-Dick 2000 and 2005 Meinzen-Dick 2003), and efforts are emerging which seek to accommodate and integrate formal and customary water rights (Bruns et al., 2005; Rogers and Hall, 2003).

However, as is the case for other resources, holding ‘rights’ – whether formal or customary – is neither a sufficient nor a necessary precondition to enjoy access to water (Bruns *et al.* 2005: 283-309). In their ‘Theory of Access’, Ribot and Peluso (2003) distinguish between ‘property’ and ‘access’ as “*the right to benefit from things*” versus “*the ability to benefit from things*”, the latter in turn being gained, maintained or controlled through structural and relational mechanisms. These structural and relational access mechanisms include capital and technology, labour and labour opportunities, markets, knowledge, authority, social identity and social relations of friendship, trust, reciprocity, patronage, dependence and obligation (Ribot and Peluso 2003). Politically or economically powerful stakeholders might obtain access to water to which they have no formal or customary rights, just as poor farmers with landownership-based rights to

water may not enjoy access to that water due to lack of capital and technology for making effective use of that water. In this way, poor people's access to water does not only depend upon their rights to water but also upon the nature and level of political and economic inequality which shape the institutions – whether formal or customary – registering, sanctioning and enforcing these rights as well as the economic and technological opportunities to benefit from existing water rights. (Danish Institute for International Studies 2006:3-4)

Correspondingly, the institutions play an important role in the local water governance, either securing, controlling or limiting access to water. Coupled with the observation, that “[*there*] is a spreading perception in the research community that water is – and will become increasingly – a source of violent conflict not in the international realm, but in the sub-national or local context” taking the form of “*water point clashes between immediate users, and of ‘water riots’*” (Swatuk and Wirkus 2009:18), the engagement with institutions in the water sector by future policy makers is indispensable.

“We can also anticipate that almost all future disputes or conflicts involving water, or concerned with some aspect of water, will tend to be local in scale. These conflicts will be amenable to institutional and government intervention and the rights and responsibilities of individuals are well protected in national legislation” (Ashton 2000:1).

Researchers of the environment-conflict nexus have most often decided in favour of either of two theoretical approaches: The ‘Environmental Security Perspective’ (e.g. Homer-Dixon et al. 1993) is characterised by the view that many sub-national conflicts in recent decades have been shaped or driven by resource scarcity, be it physical or socially induced. Therefore, it is assumed that increasing demand or decreasing supply is an important predictor of conflict (Turner 2004:864).

A different concept has been developed by the ‘Common Property Theory’ (e.g. Elinor Ostrom 1990). It agrees with the above mentioned theory that resource scarcity matters, but focuses on institutional failure due to ill - defined tenure systems or failure to mediate conflicts and weak institutions. According to the Common Property Theory these elements are the determining factor for open conflict over resources (Turner 2004:864-865). Ostrom, as one representative of this theory, argues that stable institutions of self-government can be created if certain problems of supply, credibility, and monitoring are solved. Basing her conclusions on comparisons of sources of success and failure in self-government, Ostrom describes some fundamental characteristics of successful common-pool management schemes.

The influential ‘environmental security’ and ‘common property management’ perspectives generally conceptualise resource-related conflicts as scarcity-driven while political ecologists

have made major contributions toward more multidimensional, complex views about the genesis of resource-related conflict.

The research at hand assumes a great influence on the genesis of conflicts of the institutions managing or failing to manage not only a resource scarcity, but also the distribution of resources altogether. At the same time, individuals play an important role in forming and changing institutions, being formed and 'changed' by institutions themselves (Bourdieu 1998). This reciprocal transformation process between institutions and individuals or groups of individuals coupled with the third component of resources and their management is at the core of this research.

2.3. A BRIEF DESCRIPTION OF THE SITUATION IN LESOTHO

There are various activities on the national level in the water sector aimed at improving the governance/management and protection of water resources and ensuring provision of water and sanitation, thereby working towards attainment of the MDG's in Lesotho. Most of these activities are stipulated by the international community (e.g. European Commission, World Bank). A short overview follows of the main activities on the policy-making level in Lesotho.

In 1996, a study was concluded – commissioned by the Government of Lesotho – that gave recommendations on “Water Resources Management: Policy and Strategies”. This study led to the development and adoption of the National Water Resources Management Policy (NWRMP) in 1999. Since then a number of activities have been carried out in the country to achieve the goals of the 1999 NWRMP. These included the restructuring of the water sector and the establishment of the Commissioner of Water (CoW) to coordinate the sector and the Policy, Planning and Strategy (PPSU) to support the CoW. Activities aimed at improving access to water have also been promoted and undertaken, with the Department of Rural Water Supply (DRWS) continuing to promote efforts to provide water and sanitation to the rural areas of the country. At present, coverage of the rural areas in providing water stands at around 62 percent.

The Water and Sewerage Authority (WASA) is also continuing to improve efforts to extend water supply and sanitation to the designated urban areas. Since the NWRMP was adopted, the Lowlands Water Supply Project Feasibility study was commissioned to solve problems of inadequate water supply in the lowlands areas of Lesotho. This programme is well underway and includes the fast-tracked component of the scheme, the Metolong Dam which is meant to address water shortages facing the Maseru City and its surrounding areas.

In 2005 the water sector also initiated the Lesotho Water Sector Improvement Project (LWSIP) supported by the Lesotho Government and the World Bank aimed at improving initiatives of securing adequate, sustainable, clean, and reliable water supply and sanitation services in the lowlands areas.

Through this component, a review of the 1999 NWRMP has been undertaken, and a new Water and Sanitation Policy has been adopted in February 2007. This policy is premised on the Dublin Principles and the Integrated Water Resources Management (IWRM).

It includes the following goals (Ministry of Natural Resources 2007a: 3-6):

- *Water Resources Management: Sets guidelines for strategic action within sustainable management of the water resources embracing IWRM principles*
- *Water supply and sanitation services: Sets strategic guidelines within the functions of service delivery of water and sanitation*
- *Water and environment: Sets strategic guidelines for action regarding protection and conservation of water resources and associated eco-systems*
- *Trans-boundary water resources: Sets strategic guidelines for action coordinating the management and usage of water resources with the downstream countries in shared watercourses.*
- *Sector wide approach: Sets strategic guidelines for coordinating all sectors for IWRM and service delivery*
- *Stakeholder involvement: Sets guidelines for involving all stakeholders in IWRM and service delivery*
- *Institutional arrangements and legislative framework: Sets strategic action guidelines for appropriate institutional and regulatory framework of the water sector for implementation of IWRM and effective service delivery.*

Strategies for setting priorities for implementing the Water and Sanitation Policy have been developed with the elaboration of the IWRM Strategy and the related Water Demand Management Strategy to guide water efficiency programmes, and also the Drought Management Strategy to guide the responses of the sector to the increasing frequency of drought events.

Stakeholders have identified the following as key areas of concern: environmental degradation, erosion, wetlands degradation, pollution, access to water and sanitation, institutional arrangements, drought management, transboundary water resources management, floods, and irrigation.

The issues identified are very much a confirmation of the principles of the new Water and Sanitation Policy.

Capacity building and institutional strengthening are also key issues related to the implementation of the recommendations of the IWRM Strategy. The Southern African Development Community (SADC) region which Lesotho is part of, has also developed frameworks for promoting IWRM in the member states. At present, the SADC Regional Water Policy has been developed and adopted and therefore has presented a framework for the development of the current Water and Sanitation Policy in Lesotho. The region has developed and adopted the SADC Protocol on Shared Watercourses. This guides the management of transboundary waters. As the result of this protocol, Lesotho has formed a River Basin Organisation (RBO) in 2000, called the Orange /Senqu River Commission (ORASECOM), with the other four riparian states to the Orange/Senqu River, originating in Lesotho and passing through South Africa, Botswana and Namibia. The ORASECOM has developed and IWRM Plan for the Orange Senqu Basin. (Ministry of Natural Resources 2007a: 3-6) The ORASECOM functions as an advisory body to the parties on issues concerned with the development, utilisation, and conservation of the water resources of the Orange /Senqu River Basin. The Lesotho Highlands Water Project and its institutional framework have been connected with the ORASECOM. (Wirkus and Boege 2005:13)

Increased efforts are also being undertaken to involve the affected communities more in the decision making process and include them in the water management strategies. In the Lesotho Highlands Water Project authorities are currently talking about an integrated water catchment management system where communities are involved in managing the ecosystems and the wetlands. (Email Thamae 9 January 2009)

Nevertheless, many of these concepts of governance and institutions have several deficiencies in implementation – as will be shown in section IV and V due to a lack of adequate communication and participation processes.

III. METHODOLOGICAL APPROACH

3.1. RESEARCH QUESTIONS

Recent empirical studies of natural resource management and conflicts suggest that processes of gaining, maintaining and controlling access are highly dynamic processes in which stakeholders actively negotiate, manoeuvre and shift positions (Juil and Lund 2002). In doing so, they draw on, but also actively recreate, existing institutional frameworks and social, economic and cultural structures (Berry, 1993; Cleaver, 2002).

Accordingly the second basis of this study is the concept of people as actors and not as passive puppets of the influences imposed on them. In order to capture this dynamic, the research project will apply a combined structure/actor perspective (Giddens 1984, Bourdieu 1998) as suggested by Bourdieu's 'Theory of Action' ('Theorie der Praxis', Bourdieu 1976 and 1998) in which he assumes the reciprocal impact of structures and individuals.

Based upon the conceptual background outlined above, the research was guided by the following two core questions in order to bridge the two levels of institutions (question 1) and individual strategies (question 2):

- (1.) How do 'formal' and 'informal' institutions/structures shape (potentially violent) conflicts at a local level in regards to water-related issues?
- (2.) What are the different strategies developed by individuals or group actors to control, enforce or secure their access to institutions and/or water resources?

On an institutional level (core question 1) the institutional framework (e.g. policies, institutions) was examined as well as the ways in which the local governance structures (e.g. customary institutions) can be linked analytically with national and international institutions for water management.

While 'new' institutions and regulations pertaining to the management of natural resources are mostly designed by law-makers at a national (or international) level, the impacts legal frameworks have at the local level are very complex and ambiguous. The research was therefore interested in the actual realisation and 'success' of newly introduced institutions and regulations at the local level.

Efforts made after relocations or resettlements to establish new institutionalised ways of access to and administration of natural resources often originate in attempts to prevent conflicts,

accumulate capital and/or to increase livelihood security. The following questions were therefore posed: How are the relocated people tied into the existing conflict resolution mechanisms? What (new) institutions are employed as issues of water management arise?

On an individual level (core question 2) the redefinition and restructuring of various institutions by stakeholders/ individuals/ local alliances/ networks/ agencies was of concern. Since the perceptions of the services administered by the various institutions (e.g. 'just' distribution of resources, trustworthy administrators) shape the behaviour and the employed strategies, the study examined, how individuals/stakeholders perceive conflictive situations and institutions in regards to water management and conflict resolution.

A special interest was taken in the process of decision making itself.

According to the premise of transparency, the underlying hypotheses are briefly listed in the following, since they have a great impact on each research and its results:

- Legal pluralism (Benda-Beckmann 2002; Griffiths 1986) as well as locally developed and adapted institutions (e.g. customary law and institutions) are particularly valuable in handling and resolving conflicts on the local level
- Community-based resource management and a participatory approach (Van Koppen et al. 2007) are more sustainable and 'effective' and sustainable in the long run than others. (Zips 2003)
- Perceptions of affected people of an 'environmental problem' (e.g. scarcity of natural resources) and of the administered degree of 'justice' in a given conflictive situation and their perceptions of the means at hand in order to tackle the problem are crucial intervening variables.

3.2. TERMS AND DEFINITIONS

Development-Induced Displacement

Development-induced displaced people are people who are compelled to move as a result of policies and projects implemented to supposedly enhance 'development'. Examples include large-scale infrastructure projects such as dams, roads, ports, airports; urban clearance initiatives; mining and deforestation; and the nature/wildlife conservation projects. Affected people usually remain within the borders of their country. Although some are resettled, evidence clearly shows that very few of them are adequately compensated. While there are guidelines on restoration for

affected populations produced by some major donors to these types of projects, such as the World Bank, there continues to be inadequate access to compensation. This tends to be the responsibility of host governments, and interventions from outside are often deemed inappropriate. (Dun et al 2007:3 and EACH-FOR 2007:9)

It has been estimated that during the 1990s, some 100 million people around the world were displaced as a result of infrastructure development projects. It has also been reported that over four million people a year are displaced by dam projects alone. (Stanely 2004:8)

Relocates: The term used in this study refers to people who are displaced to live in a different location, which is however still within the area of the same chief. (Interview Mohai 16 March 2009)

Resettlees: The term used in this study refers to people who are displaced to live in a different location which is headed by a different chief. Resettlees are for example people who have been moved from the highlands to the foothills or the lowlands of Lesotho. (Interview Mohai 16 March 2009)

Displacees: The term refers to both relocatees and resettlees being forced to move from their homes to various new homes.

3.3. JUSTIFICATION OF SELECTED SITES

This section will give a short overview of the Lesotho Highlands Water Project as the centre of this research. It will also discuss the reasoning behind the selection of the respective sites in Lesotho in the research at issue as being guided by several factors.

3.3.1. The Lesotho Highlands Water Project (LHWP)

In the circumstances of climatic and environmental constraints in Lesotho (recurring droughts, environmental degradation etc.) the controversial bi-national Lesotho Highlands Water Project (LHWP) was planned, designed and to date partly realised. It exploits Lesotho's most important resource: water.

The LHWP is a joint effort of the governments of the Kingdom of Lesotho (GoL) and the Republic of South Africa (RSA). It started in 1986 with the treaty signed by the two governments and involves the construction of several large dams and other infrastructure such as roads,

bridges, and power lines. The project is designed to harness the water resources of the Lesotho highlands transferring water to the RSA industrial heartland of the Gauteng region, with a system of dams and water transfer and delivery tunnels. It was anticipated to divert about 40 percent of water in the Senqu river basin to South Africa's Vaal river system in the Gauteng Province.

The purpose of the LHWP was and is to secure the water needs in the RSA while providing Lesotho with facilities to generate its own hydroelectricity (currently almost 100% of Lesotho's requirements). Lesotho in return is paid royalties by the RSA (Klaphake 2005), for the water of the Katse dam (Phase 1A of the LHWP) alone amounting close to M²16 million a month (LHDA 2003).

The project has had an important impact on Lesotho's infrastructure, as hundreds of kilometres of engineered paved roads were built in order to improve access to the different construction sites, and, together with engineered unpaved 'feeder' roads around the dams, continue to provide much improved communication for many villages in the mountainous interior.

Most of the project's financial costs were borne by the RSA, which was given loans from national and international banks (Scheumann and Neubert 2006:26). The World Bank, the European Investment Bank, and many other bilateral donors supported the project financially. (European Investment Bank 2002, LHDA 2004,) The implementation of the Phase 1B of the LHWP for example was partly financed by the World Bank, with loans amounting to USD 45million.

The LHWP was envisaged as a four-phased water transfer project:

	Phase IA	Phase IB	Phase II	Phase III	Phase IV
Name	Katse Dam	Mohale Dam	Polihali Dam	Tsoelike Dam	Ntoahae Dam
Catchment Area (km²)	1 860	938	not built yet	not built yet	not built yet

Table 1: Four Phases of the LHWP (c.f. LHDA 2004 and Kundell 2008)

To date only the first phase of the LHWP has been completed. It is subdivided into two phases: Phase I embodies the Katse Dam on the Malibamatso River, the Mohale Dam on the Senqunyane River, the `Muela Dam and hydropower plant, Matsoku Weir, and a series of tunnels linking these structures to transfer the water across the border to the RSA.

Phase 1A was completed in 1997 with Phase 1B starting in 1998. Construction of Phase 1B ended in 2003, for substantial completion in 2006, but the implementation of associated social and

environmental mitigation measures are still continuing. (LHDA 2007:1) The original loan period of the World Bank (1998-2004) was extended twice by twelve months (to December 2006), mainly to see to the conclusions of the residual environmental, social and institutional related work. (LHDA 2007:1)



Map 2: Phase I of the LHWP
(LHDA 2009)

The treaty provides for negotiations to be held between the government of Lesotho (GoL) and the RSA before further phases of the LHWP can be implemented. Such negotiations are to date ongoing, and as the RSA has reduced its forecasts for population growth, the water demand is growing more slowly than previously expected. Therefore, Phase II of the LHWP is starting later

² Maloti, Currency of Lesotho

than anticipated. (Kundell 2008 and Interview Makututsa 17 March 2009) The two governments are currently deciding when Phase II will be implemented. Phases II, III and IV of the project foresee the construction of Polihali Dam, Tsoelike Dam, and Ntoahae Dam. (Kundell 2008)

With all this, the benefits have to be weighed against the disadvantages of the ecological, social, and political consequences. These include the flooding of grazing land, resettlement of large population groups, and widespread corruption in connection with the project and the management of the project funds (SADOCC 2003c; International Rivers 2005b).

In line with the 1986 Treaty between the GoL and the RSA, the project authorities provided compensation for the losses suffered and put in place development projects in an effort to promote economic self-sufficiency. While compensation was provided in kind and paid to the several hundred households affected by the dams, there is criticism that it was insufficient or delayed in delivery. (Kundell 2008)

3.3.2. Selection and Introduction of Research Sites

On the advice of several approached experts, the research focused on one of the two already constructed dams of the LHWP in order to successfully complete the research goals within the restricted time of four weeks of fieldwork. Accordingly, the study exclusively inquired on the Mohale dam area (Phase 1B of LHWP): *“The organisation of the Mohale Field office Branch is better, and there is more information on Mohale because of well-done baseline studies, notably, the resettlement and development study. Katse had only a few households resettled, and they stayed in the basin. The water and sanitation program in Katse is ongoing - and the development work in the area was not very good.”* (Email Hitchcock 8 January 2009).

Phase 1 affected 2913 households in total. Phase 1B, the Mohale Dam, resulted in affecting 771 households, over 320 of which have been displaced (relocated or resettled) with villages, fields, and grazing lands inundated. (Interview Hitchcock 28 February 2009)

The resettlement programme of Phase 1B was implemented in three stages (LHDA display in Visitor Centre, Mohale Dam):

Stage 1 ‘Pre-Construction Stage’: 99 households (of six different villages) were resettled from 1996 to 1998 due to the pending construction of the dam, roads and the tunnel. 37 households in this stage were relocated within the Mohale Basin, 38 households moved to the

foothills, and 24 households went to Maseru. (Interview Mohai 16 March 2009; Devitt and Hitchcock 2009:20)

Stage 2 ‘Pre-Inundation Stage’: In 2001/2002 and up to 2006, 225 households (of nine different villages) were resettled due to the imminent inundation of the Mohale dam. (Interview Mohai 16 March 2009; LHDA 2003) 27 households chose to relocate while the rest (198 households) moved either to the foothills or the lowlands. (Devitt and Hitchcock 2009:20)

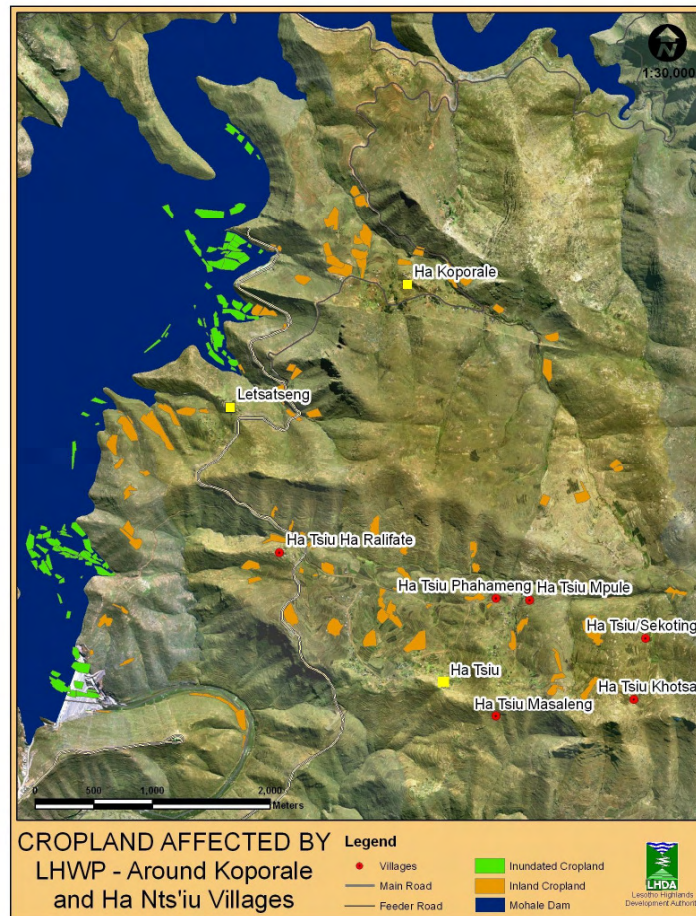
Stage 3 ‘Post Inundation’: 165 households (of eight different villages) were relocated within the Mohale dam area: Lebiletsa, Phomolo, Ponts’eng, Ha Montsi, Ha Mokhathi, Khamolane, Masaleng, and Letsatseng (Interview Mohai 16 March 2009 and LHDA 2003)

This research based itself in two locations: first, in the area where the Mohale dam has been built and people have been relocated or not yet displaced., and secondly, in the destination place of resettled people due to the construction of the Mohale dam in the Lesotho Highlands.



Map 3: Communities with displaced in Maseru (studied villages marked with yellow)
(provided by Stephen Majoro, LHDA)

On the advice of an experienced community trainer, Mr. Thamae, of the local partner institution, the Transformation Resource Centre (TRC), people in two dam-affected communities in the peri-urban area of Maseru city (lowlands) were interviewed, namely the resettlees of Likalaneng in Ha Matala and the displacees of Lesia in Ha Thetsane (see map marked with yellow dots). (Interview Thamae 21 February 2009)



Map 4: The three affected communities studied at the Mohale Dam (marked with yellow)
(provided by Stephen Majoro, LHDA)

3.4. DISCUSSION OF METHODS USED

“[...] case studies, like experiments, are generalisable to theoretical propositions and not to populations or universes. In this sense, the case study, like the experiment, does not represent a ‘sample’, and in doing a case study, the goal is to expand and generalise theories (analytic generalisation) and not to enumerate frequencies (statistical generalisation).” (Yin 2003:10)

Accordingly, the study at hand constitutes an empirical case study of institutions of water management and of conflict resolution on a local level. It is composed of approximately one half desk study (literature review) to include the relevant and most recent studies undertaken by various scientists and the other half is dedicated to empirical research, which was conducted for four weeks from 19 February 2009 to 19 March 2009 and is the core issue of this report.

The case study was designed in such manner, that it could be completed within the posed constraints of time and resources (Yin 2003:163).

The empirical research was a compound of several qualitative research methods³ with the aim to answer the research questions about institutions of water management and conflict resolution in depth. *“The case study’s unique strength is its ability to deal with a full variety of evidence – documents, artefacts, interviews, and observations.”* (Yin 2003:8)

Correspondingly, this research included desk research and literature review, semi-structured narrative interviews (formal and informal) with individuals and focus groups affected by the Mohale dam, and other stakeholders (i.e. experts) involved with the LHWP and the water management in the studied areas, oral history/storytelling, direct observation, and structured focussed comparison⁴.

All these methods can be put within the framework of the ‘Participatory Rural Appraisal (PRA)’, which seeks to integrate the interests and perspectives of disadvantaged and less powerful groups (Chambers 1997) to assess livelihoods and coping/adaptation strategies to their new living conditions.

In order to sustain, contrast and/or complete the collected oral evidences, useful published and unpublished information and documents, such as quantitative data, were obtained from the Bureau of Statistics of Lesotho and various institutions concerned with water management during fieldwork, including pictures from the field sites.

In the course of the initial establishing of contacts before the fieldwork, all the relevant Ministries in Lesotho were sent a letter via email and by post to ask for their support and assistance during the fieldwork period. Unfortunately, none of the relevant representatives of the respective ministries made themselves available during the field research period despite reiterate phone calls and visits. This regrettably slowed down the progress of the research, and allows the researcher to

³ Quantitative data collection (i.e. questionnaires) was suspended from the approach of field work due to limited time and financial resources. Qualitative methods were deemed to be more effective in achieving the research objectives.

make some assumptions on the transparency and concern of the top-level government officials for this topic.

Cooperation was established with a local NGO, the Transformation Resource Centre (TRC), who generously agreed to support this study with its facilities, organising a translator and assisting in any other fieldwork-related matter.

The researcher conducted multiple semi-structured interviews, partly in English (government officials and other institutions) and partly in Sesotho (in the respective communities) working with a Masotho⁵ translator, who had remarkable experience in conducting interviews already.

All in all four *pitsos*⁶ or focus group discussions with dam-affected community members were held.

44 semi-structured interviews were conducted, thereof 21 experts not directly affected by the Mohale dam and 21 members of directly Mohale dam-affected communities. 22 of the interview partners were men and 20 females⁷, excluding the four focus group discussions/pitsos.

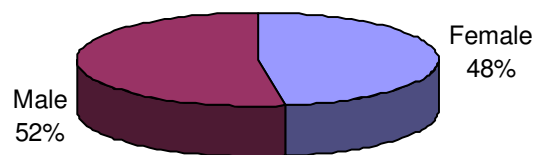


Figure 2: Gender of Interview Partners (excluding pitsos)

⁴ For more details on the advantages and disadvantages of the respective methods see Yin 2003:86 et sqq.

⁵ Singular of a person coming from Lesotho

⁶ public gatherings for discussion of a certain issue of interest

⁷ Two of the interview partners were interviewed twice, therefore the number of interview partners only add up to 42, while 44 interviews had been conducted..

The semi-structured narrative interviews (formal and informal) were conducted with:

- (1) individuals of communities being resettled or relocated due to the construction of the Mohale dam in four selected villages (Ha Tsiu, Ha Koporale, Lesia in Ha Thetsane, Likalaneng in Ha Matala);
- (2) representatives of a dam-affected community not (yet?) being resettled in one village (Letsatseng in Ha Koporale).
- (3) members of communities hosting resettlees and/or relocatees in three selected villages (Ha Tsiu, Ha Koporale, Ha Thetsane), and
- (4) representatives of NGOs and a company (i.e. experts) involved with the LHWP, such as the Transformation Resource Centre (TRC), Survivors of the Lesotho Dams (SOLD), the Lesotho Council of NGOs (LCN) and Sechaba Consultants);
- (5) representatives of the parastatal institutions of the LHWP, i.e. the Lesotho Highlands Development Authority (LHDA), and the Lesotho Highlands Water Commission (LHWC);
- (6) representatives of government - affiliated institutions concerned with water management in Lesotho, such as the Water and Sewerage Authority (WASA), the Department of Rural Water Supply (DRWS), the Lowland Water Supply Scheme (LLWS), the Water Commission, and the Department of Water Affairs;
- (7) representatives of international institutions involved with the water management in Lesotho, i.e. European Commission, Panel of Experts.

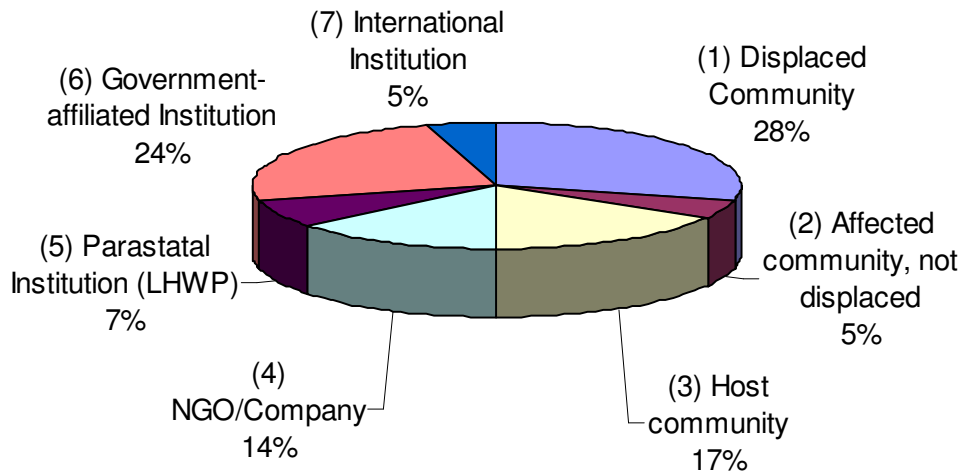


Figure 3: Entities/Groups of Interview Partners (excluding pitsos)

IV. LOCAL WATER GOVERNANCE AND CONFLICTS IN DAM-AFFECTED COMMUNITIES OF LESOTHO

Officially the government of Lesotho, through the Ministry of Local Government (established in 1994), is pursuing a policy of decentralisation, whose overarching objectives are to strengthen the public service delivery, to entrench the democratic roots and to realise the goals set in the National vision (2020) of the Country. (Ministry of Local Government 2006:4) According to the Minister of Local Government, Dr. Sekatle, local governments are “*the ideal Gate Ways for community driven development*”. (Ministry of Local Government 2006:4)

The 1997 Local Government Act (Government of Lesotho 1997) still remains – with its more recent amendments (Government of Lesotho 2004a) – the legislative basis for the newly created local authorities. Institutions, functions and powers of local governments are stipulated therein. One of the services the Local government is to provide for is the maintenance of water supply in the villages.

Through the introduction of the local government system, a dual system/parallel system of chieftainship and local government in Lesotho has been introduced. (Interview Mphatsoe-Makintane 20 February 2009): See Figure 4.

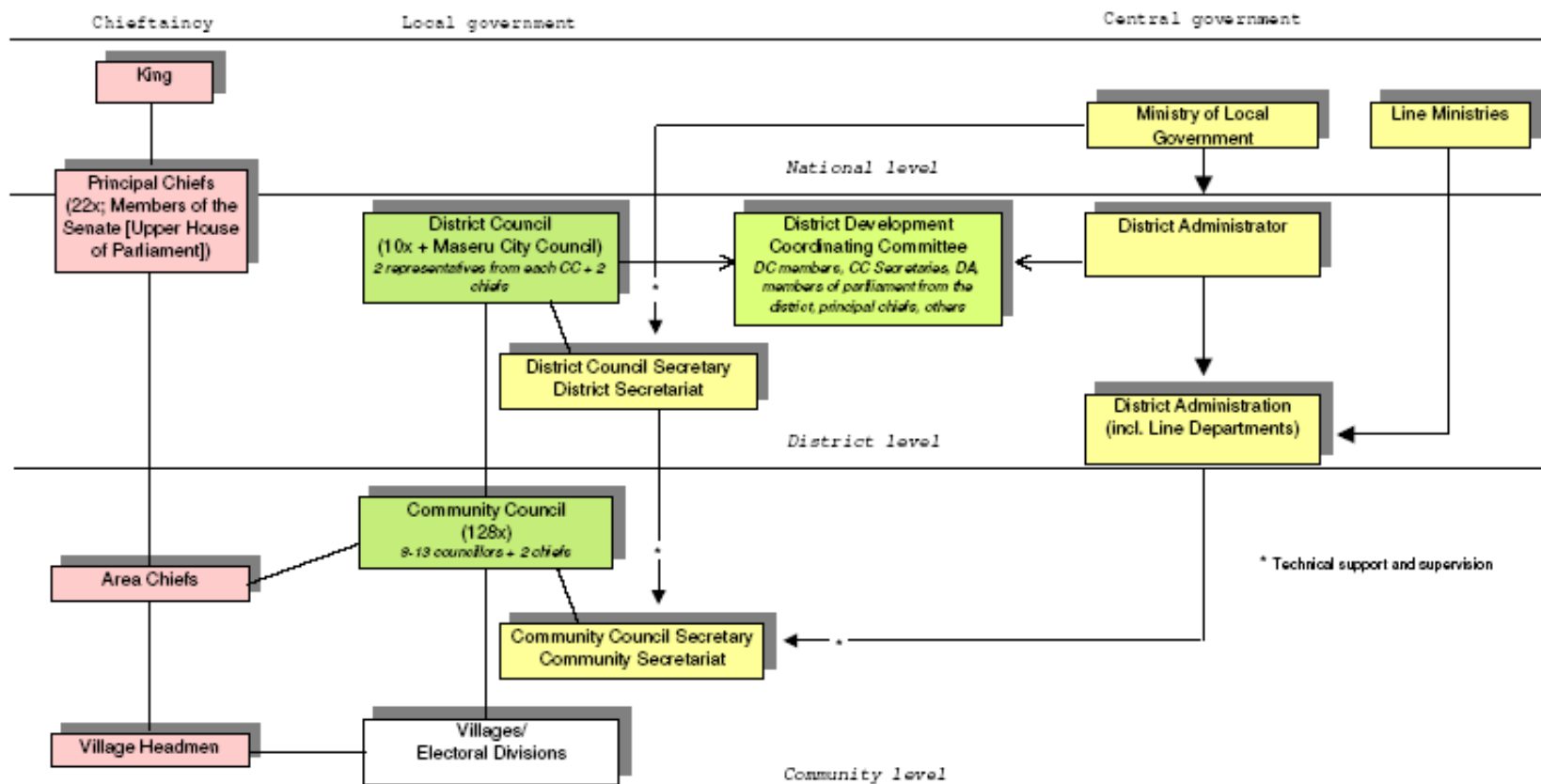


Figure 4: Parallel Systems of Governance in Lesotho (Sperfeld 2006:90)

4.1. INSTITUTIONAL SETUP OF WATER MANAGEMENT AT THE COMMUNITY LEVEL

This section illustrates the institutional framework of water management (policies, laws, institutions, processes) in the respective Basotho dam-affected communities on the community level⁸. It will further explore the intertwining of local governance structures with national and international institutions for water management.

Besides their roles in the water management, almost all of the institutions listed in this section play some role in the process of conflict resolution or even conflict prevention at a local level. These roles will be discussed in more detail in section 4.3.

The following figure shows a triangulation of institutions impacting the water management on a local level. Some institutions are part of several levels and cannot clearly be separated from each other, e.g. the chieftainship system is part of the Government of Lesotho (GoL) and is also community based at a local level. The figure depicts a fraction of all impacts and could be expanded almost infinitely – listing more institutions, but also listing non-institutional elements. Nevertheless, it gives some insights into the institutional aspect of this issue:

⁸ See Figure 4 Section IV.

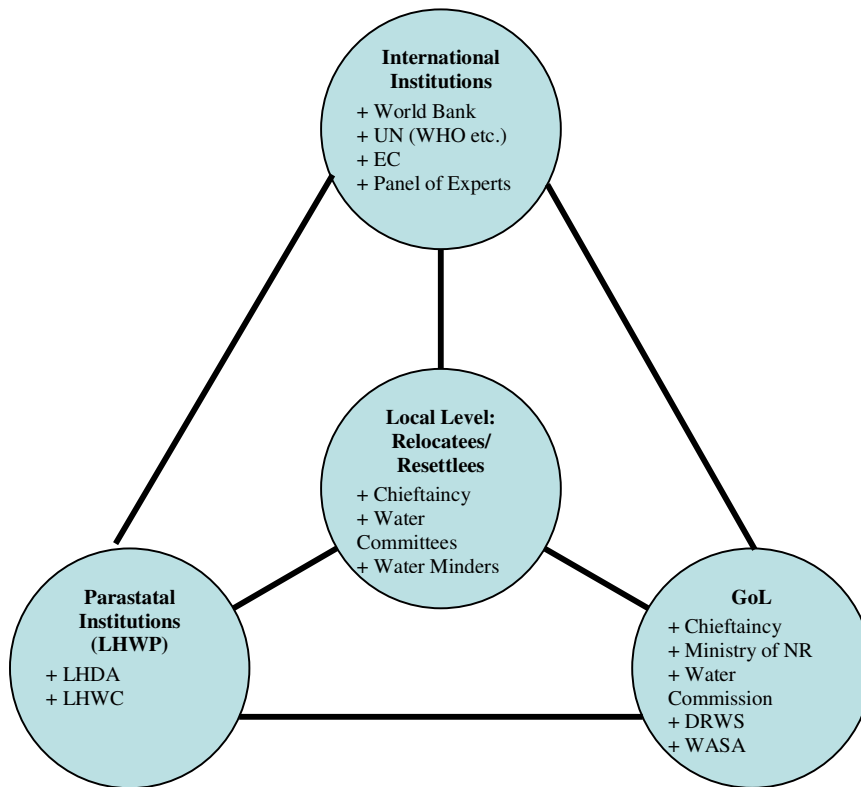


Figure 5: Triangulation of several levels of institutions impacting the water management on a local level in Lesotho

Since the focus of this research is on the community level (see Figure 4 in section IV) the respective institutions acting on the community level will be explained in depth.

Even if the focus here is on the relocatees and the resettles of the LHWP, many institutions listed are not uniquely impacting the dam-affected communities. Institutions described in Section 4.1.1. as well as in section 4.1.2. are certainly influential on the local water management in all communities in Lesotho.

On the other hand, the displacement of people as such demanded the introduction and creation of ‘new’ and ‘unique’ institutions, since many of the primary social ties had been broken up. ‘New’ institutions were enforced or created not only by LHDA, but also by the affected people themselves, recognising the need for a new solidarity.

These efforts to establish new institutionalised ways of access to and administration of natural resources often originate in attempts to prevent conflicts, accumulate capital and/or to increase livelihood security.

The Lesotho Highlands Development Authority (LHDA) has put major efforts in incorporating the relocatees/resettlees in the operation and maintenance of the ‘newly’ introduced water systems and

integrating them in the host communities by establishing various institutions and regulations (e.g. village water committees and water minders) – especially in the rural areas.

Since the Mohale Dam-affected communities are living both in rural and in urban areas of Lesotho - either being relocated or being resettled to a rural or an urban area - it is essential to note, that there is a fundamental difference between the rural and the urban areas of Lesotho concerning the institutions of water management and systems of water distribution.

While in the rural areas of Lesotho the traditional leaders (e.g. chiefs) still play an important role and the establishment of so-called ‘village water committees’ and ‘water minders’ (see section 4.1.4.) are prevailing, the chiefs play a diminishing role in the urban areas. Institutions like village water committees and water minders do not exist at all in the urban areas.

Another difference is that the people in the urban areas have to pay individually for their water, which is being metered in their yards or they draw from public standpipes with a prepaid system. In the rural areas on the other hand the community members do not have to pay for the water itself at all, but do not have access to water in their own yards (only public standpipes) with the exception of about five households (Interview Lekhoaba 2 March 2009).

Since most of the water systems in the rural areas are gravity-fed systems, there are no operation costs, but only maintenance costs which have to be borne by the community members themselves. In the urban water supply, customers have to pay for the cost recovery of the operation costs. (cf. Interview Monyake 13 March 2009)

The responsible institution for the rural areas is the Department of Rural Water Supply (DRWS) while the Water and Sewerage Authority (WASA) is responsible for the urban water supply. This is applicable to all Basotho, no matter if they are affected by the LHWP or not. Unique for the dam-affected communities in Lesotho is that LHDA is the institution responsible to set everything in place and provide the concerned community members with the promised facilities. Once these facilities have been provided, LHDA hands over to DRWS or WASA respectively, depending on the location of the dam-affected people.

4.1.1. Government-affiliated Institutions

The government of Lesotho has several institutions and departments dealing with and working on water projects. Not all of them are directly considered to be governmental, but all of them are at least partly funded by the government and are therefore considered to be government-affiliated:

- Ministry of Natural Resources
- Ministry Of Health And Social Welfare – Environmental Health Division

- Ministry of Local Government – Directorate of Decentralisation
- Ministry of Food Security – Department of Crops
- Ministry Of Tourism, Culture and Environment – NES
- Ministry of Forestry and Land Reclamation
- Department of Water Affairs
- Water Commission
- Department of Rural Water Supply (DRWS)
- Water and Sewage Authority (WASA)

As shown by this list, the relevant sections and legislations concerning water are “[...] *scattered over several orders and acts administered by different departments without any consistency or overall guidelines.*” (Kundell 2008) Efforts are being put into changing that fragmentation by coordinating all issues concerning the water sector through the institution of the Water Commission (including the Lowlands Water Supply Scheme (LLWS) and the, Metolong Dam Authority).

According to the main legislation document concerning water, the Water Resource Act from 1978 the “[...] *use and control, the protection and conservation of water resources, and for connected purposes*” (Government of Lesotho 1978:1) lies with the central government – the Minister: “[...] *the ownership of all water within Lesotho is vested in the Basotho nation. The power to control and regulate the use of water shall be exercised by the Minister*” (Government of Lesotho 1978: section 5). The Water Resources Management Act 2007 declares: “*The Water Commission shall manage, control and regulate the use of water in Lesotho. Where, by virtue of a treaty or international agreement, water resources in Lesotho becomes an international resource, the Minister shall have power to participate in the administration of Lesotho water resources.*” (Government of Lesotho 2007:1).

4.1.1.1. Local Government – Community Councils

According to the Local Government Act of 1997 (Government of Lesotho 1997), the ten districts of Lesotho are subdivided into 80 constituencies, which consist of 129 local community councils. The biggest district (Maseru district) is composed of 18 community councils (district of Leribe), the smallest (Butha-Buthe district) of twelve community councils (Bureau of Statistics 2007).

In every community council there are usually nine to 13 councillors and two gazetted chiefs nominated by other chiefs. In the urban areas there are urban councils composed of nine to 15 members and two gazetted chiefs nominated by other chiefs within the urban council area.

A cluster of villages, constituting an electoral entity, elect councillors destined for community councils.

The services to be provided by the community councils are spelled out in the Local Government Act 1997, as amended by Local Government Amendment Act 2004 (Government of Lesotho 2004a).

Through the introduction of the present structures of local government, the decisions on how the above mentioned services are to be provided are not taken at the village level with the participation of ordinary people, but by the councillors at community council level. This structure ignores the differing needs of the various villages being merged in one community council and runs risk of prioritising some villages while marginalising others. Thereby, “[...] *instead of closing the gap between the higher structures of government and the people, the model has done the opposite: It has widened the gap between the people and these structures, which in theory they must own, monitor/control and influence in a relatively direct fashion.*” (Kapa 2009:16)

Kapa alleges that the local government structure ends at the community council level without reaching individual villages in Lesotho. (Kapa 2009:12)

4.1.1.2. Water and Sewerage Authority (WASA)

Officially WASA is not a governmental, but a company-like institution, making its decision in accordance with, and being financially subsidised by, the Government of Lesotho (GoL). It also has to abide by the standards appointed by the World Health Organisation (WHO), for instance, for water quality.

WASA is mandated to supply tap water to all urban centres in Lesotho, making up about 15 cities, of which Maseru is the biggest. (Interview Makhaola 9 March 2009)

WASA serves over 300,000 people in the urban centres with potable water. It provides safe drinking water to approximately 47,000 post paid connections, plus approximately 400 public standpipes. There are more than 2,500 domestic prepaid connections, and more than 2,200 communal pre-paid card holders. WASA furthermore serves the many industries and commercial premises, which use about 36 percent of the water produced. In total 40 percent of the water produced is used in industries and commerce. (WASA 2007)

Since pipes in the cities are bringing the water from various water sources (rivers, mainly the Caledon (Mohokare) river, which is supplemented by water from the Maqalika dam) via purification plants to various areas in the urban centres, inhabitants of the urban areas have to pay some service charge for the water they consume.

The delivery and charging of water in the urban areas in public places have been implemented in three ways:

- 1.) *Water kiosk ('Water café')*: Water kiosks are small houses with water taps inside and a person administering the water. If an individual comes with a 20 litre bucket he/she pays to that managing person about 20 cents. These water kiosks are managed by the community through elected committees. (SADOCC 2003d; Interview Letsatsi 16 March 2009)
- 2.) *Communal standpipe / Shared water point*: An elected committee is the manager of the water. Every household pays on the first of the month a certain fee to the elected committee to have water in advance. With the collected money the committee pays the bill that WASA charges for the water consumed at the respective community tap. (Interview Letsatsi 16 March 2009)
- 3.) *Public standpipes with prepaid systems*: For the prepaid system, an individual purchases a card in advance and draws water as needed, being charged on the card accordingly. This system was introduced on 1st July 2003 (SADOCC 2003d) in some urban areas in Maseru city.



Picture 1: Prepaid card for a public standpipe in Ha Thetsane



Picture 2: People drawing water from a prepaid system in Ha Thetsane

The manager for public relations of WASA explains the challenges faced with the first two systems: *“We found that the person tending the water kiosk was taking some money for his own needs. At the end of the month you would find that there is not enough money. That is the major problem: People that you could not trust. Because of that most of them have been closed.*

The second one was the same problem: The people took the money and people would end up fighting. But the third one is the answer to all the problems that we have, because each one has his or her own token.”

(Interview Letsatsi 16 March 2009) A concern expressed by the Community Trainer of the NGO Transformation Resource Centre (TRC), Mr. Thamae, is that water will gradually get more expensive with the prepaid systems introduced in Maseru (Water Day Celebration 13 March 2009)

In addition to these three systems, there is the option to have a pipe put into the yard of the house or even inside the house, having one’s own private tap. Those extra costs of bringing the water from the public pipe into the yard or into the house have to be borne by the individual owner – in the case of the dam-affected individuals these costs have been borne by LHDA. A meter installed on the individual’s tap assesses the amount of water consumed and will charge the consumer accordingly at the end of the month. The individual is responsible for any maintenance up to the meter.

Another responsibility WASA took over in the urban areas was to provide the various communities with sewerage systems – either with pit latrines or with pipes connected to the sewerage network. Over 5,000 customers are connected to the sewerage system, while WASA operates a tanker service which serves more than 8,000 registered customers in all the urban centres of the country. These tankers are used to empty septic and conservancy tanks including VIP toilets. The emptying service is provided to households and businesses in areas that have a reticulated water supply, but do not have access to piped sewerage. (WASA 2007)

4.1.1.3. Department of Rural Water Supply (DRWS)

The role of the DRWS in the water management system of Lesotho is to supply clean and potable water to the rural communities and to make sure that the communities where DRWS supplies water, have access to sanitation facilities. This is made sure by the provision of subsidised VIP latrines. (Interview Lekhoaba 2 March 2009)

Currently, the DRWS services about 250,000 people living in the rural areas of the Maseru district (Interview Lekhoaba 2 March 2009)

DRWS allocates one engineer to every district in Lesotho, who manages two teams in each of the ten districts in Lesotho. Every team is composed of one Village Liaison Officer (VLO), one Construction Supervisor (CS) and one Project Officer (PO). Therefore, all in all in the DRWS there are ten engineers and 20 teams, composed of 20 VLOs, 20 CSs and 20 POs.

The members of the team are responsible for going to the respective villages to mobilise the villagers, to conduct a survey and to oversee the construction. Every stage has somebody who is professionally responsible to engage in it.

The VLO is mandated to facilitate the process of proposals for trainings and the process of maintenance. He is also an expert in the mobilisation of the community and in other ‘empowerment processes’. (Interview Lifoloane 9 March 2009)

Since many of the dam-affected communities are (still) living in the rural areas and LHDA is committed to provide safe water for them, DRWS works closely with LHDA in the provision of water supplies and the connected preparation work in the communities. *“They [LHDA] hire supervisors who come here to this office [DRWS] and the other office and they are working on the best ways of constructing water supplies in the rural areas. After that they can go. If they need more training then we go there to train the community with them so that they can see how they are trained and leave them on their own. [...] there will be a supervisor trained by us and there will be a VLO trained by us. Then we can be sure, that they do*

it according to our standards. But every file has to come into this office to be checked whether they [LHDA] have done everything according to the standards.” (Interview Lifoloane 9 March 2009)

As soon as LHDA has completed its mandate in the dam-affected communities, DRWS takes over and is responsible for the maintenance of the water supply only. For that purpose DRWS is interested in having water supplies built only according to their standards. (Lifoloane 9 March 2009) Some of these standards are outlined in the ‘After Care Strategy’⁹, whereby the communities are empowered to maintain the water systems.

4.1.2. Institutions of the Lesotho Highlands Water Project (LHWP)

The treaty of 1986 (LHWP 1986) is one of the most comprehensive and detailed water-related agreements concluded in Sub-Saharan Africa (Turton 2004:274). It lays down clear-cut and binding rules governing the behaviour and the duties of the parties. Since then six protocols have been added to amend the treaty. (LHWP 1999)

Administratively the LHWP is structured as outlined in the following organigram:

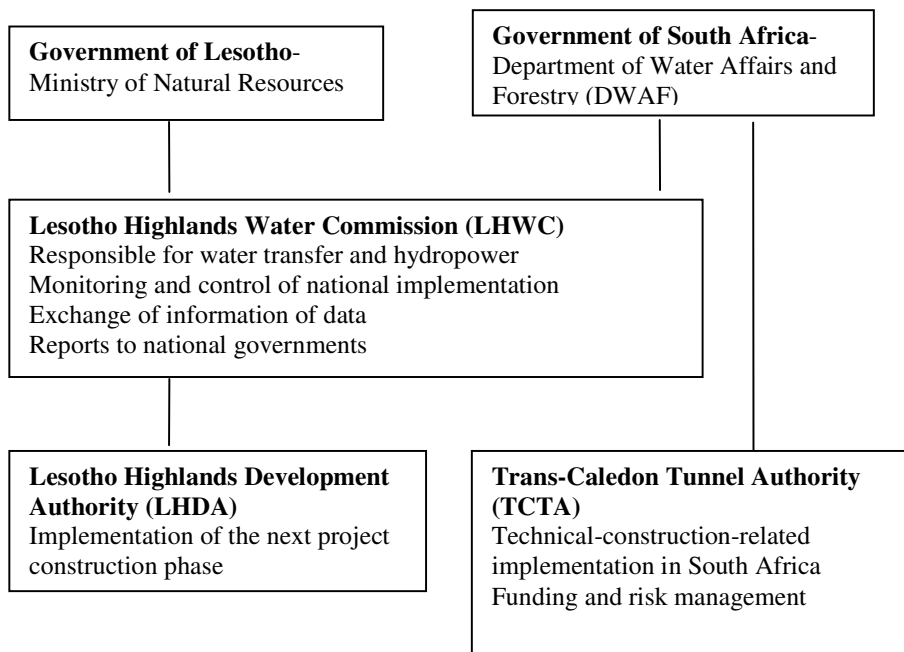


Figure 6: Organisational Structure of coordination and implementation of the LHWP
(Klaphake 2005:37)

4.1.2.1. The Lesotho Highlands Water Commission (LHWC)

A Joint Permanent Technical Commission (JPTC) was created as a coordinating and oversight body with three delegates of each party to the treaty of 1986 (LHWP 1986). In 1999 the JPTC was reorganised to form the Lesotho Highlands Water Commission (LHWC), a body with strengthened competences and capacities. LHDA and TCTCA were made subordinate to the LHWC as an independent body.

In terms of governmental management of the LHWP, the Ministry of Natural Resources in Lesotho and the Ministry of Water Affairs and Forestry in South Africa were the responsible agencies. (Devitt and Hitchcock 2009)

Its main job is to monitor the implementation of the project according to the arrangements agreed to in the treaty. The LHWC has monitoring and advisory powers concerning the activities of the LHDA and the TCTA with regards to operation plans, the calculation of costs, the planning of the funding, cash flow forecasts and reconciliation statements, the design of the works, tender procedures and documents, the allocation of costs and financing arrangements. Accordingly, also compensation policies have to be approved by the LHWC. (JPTC 1991:5; Turton et al. 2004:241; Interview Mwakalumbwa 3 March 2009)

It is the only channel for input of the governments into the projects. *“The government cannot just summon one of the implementing authorities and direct it to do something. That direction has to come through the Commission.”* (Interview Mwakalumbwa 3 March 2009)

4.1.2.2. The Lesotho Highlands Development Authority (LHDA)

Each of the two parties to the LHWP Treaty 1986 (LHWP 1986), namely GoL and the RSA, established an independent implementing organisation of its own. In Lesotho the Lesotho Highlands Development Authority (LHDA) and in South Africa the Trans-Caledon Tunnel Authority (TCTA) were created and entrusted with the implementation, operation and maintenance of the project. (LHWP 1986: Article 6 and 7)

The LHDA is also entrusted with ancillary development such as water supply, irrigation, tourism and fisheries within Lesotho. One of the obligations LHDA is committed to, states: *“The standard of living and means of livelihood of every person relocated or in any way affected by the Project will be maintained to at least the existing level or, preferably, improved.”* (JPTC 1991:17)

Being a Lesotho institution, LHDA has to cooperate with many institutions in order to achieve their objective outlined in the 1986 Treaty (Interview Mwakalumbwa 3 March 2009) - with the local community (mainly dam-affected communities), different construction companies, with WASA, governmental institutions like DRWS, but also international institutions like the World Bank and the Panel of Experts.

⁹ See section 4.3.5.

This cooperation mainly is a consequence of the obligation LHDA has to fulfil towards the dam-affected communities: *“Where we have resettled communities and in the project area – in Mphahlele for example – WE bear the costs of all the boreholes, the piping labour until water comes out. Then we say: ‘The contractor has done his job and we pay.’ [...] In Maseru, for example in Ha Matala, we brought water to the communities by paying WASA to bring water into their yards. At Ha Tsolo again we paid WASA to extend the water systems to those individual’s yards. And the same in Ha Thetsane.”* (Interview Ramoetsi 24 February 2009)

There is also a close relationship with the Ministry of Natural Resources of the GoL, as the manager of the Mphahlele Dam branch of LHDA explains: *“[...] we are a baby of the Ministry of Natural Resources. [...] They give us money.”* (Interview Ramoetsi 24 February 2009)

The officially claimed independency of the LHDA is therefore disputed. A delegate from the European Commission in Lesotho demurs: *“You have the LHDA as a Basotho owned and Basotho founded agency which is part of the Ministry of Natural Resources. At the same time it is kind of parastatal and it receives a lot of funding from South Africa. So it is not really fully independent. From an institutional point of view, it is a very very peculiar animal!”* (Interview Anonym 3 March 2009)

The chairperson of the community-based organisation Survivors of the Lesotho Dams (SOLD) affirms: *“Officially, this is an independent organisation, but according to me it is NOT independent in the way, that it operates through the financial resources of the government.”* (Interview Mphahlele 24 February 2009)

In order to improve on the cooperation with the local community, LHDA established for instance a Public Health Team working with the community based ‘water minders’¹⁰ as well as with the chiefs¹¹: *“Within that team we have what we call a Public Health Inspector. Some of his duties are to ensure that the water systems, the VIP toilets, and the user education continue. He does his rounds in the villages. Some of his duties would be to liaise with the communities and the relevant departments. He would report or facilitate the kind of maintenance that is required.”* There is only one Public Health Inspector responsible for the Mphahlele dam area (Interview Ramoetsi 24 February 2009)

¹⁰ More details on water minders see section 4.1.4.2.

¹¹ More details on chiefs see section 4.1.3.

4.1.3. The Chieftaincy System on a community level

The chieftaincy system remained administratively untouched by the reorganisation in the framework of the decentralisation process in Lesotho.¹² Its influence applies to all villages in Lesotho, including the dam-affected communities.

The king as the 'head' of the chieftaincy system mainly serves a ceremonial function; he no longer possesses any executive authority and is prohibited from actively participating in political initiatives, but elects eleven representatives out of the 33 in the senate (upper house of the Parliament) on the advice of the Prime Minister.

The remaining 22 members of the senate are principal chiefs, as shown by Figure 4. Their task is to guide the chiefs on a village level how they should administer things at a village level. Those instructions are further communicated by the chiefs at a village level to their respective people. (Interview Unknown 6.March 2009) Since every proposed law has to be passed by the Parliament – including those pertaining to the management of natural resources – the principle chiefs have an important influence on the management of water at a local level via the legislative line, but also directly via the institutional line of chiefs.

4.1.3.1. Chiefs

The chief (Sesotho: '*morena*') is the head of a specific community on a village level, but confers with his advisors and a village council which is elected by the community (Interview Unknown 6 March 2009) about the affairs of the people.

Since Lesotho is a patrilineal society, the chieftainship traditionally is passed on to the son of the chief. If a chief does not have a son, the title of the chief is passed on to the family of the chief's brother.

The tasks of a *morena* (chief) were outlined in a semi-official document called the Laws of Lerotoli at the turn of the 20th century. These laws were written down by the British, as a way to integrate customary practice with common law. (Duncan 1960)

The main responsibilities of a chief as outlined in this document are to allocate farming land, give permission to own livestock, control access to grazing land, restrict the cutting of thatching grass and trees, assign locations for house sites, settle disputes and welcome strangers. Many of these duties remain today, often by default as much as by statute, even though new laws and structures have been introduced

¹² For details on the history on the chieftaincy system see Government of Lesotho 2000.

to limit the power of chiefs. However, the new laws, such as the Land Act of 1979, are frequently ignored, and chiefs are still expected to exercise much of their old authority. (Gay 2006: 1-2)

The *morena* of Ha Tsiu, a village in the Mohale dam area, explains: *'My responsibility as a chief is to see to the welfare of the people and to be in charge of everything in the village. I also act as a link between the village and the principal chief. If the principal chief wants to talk to the people, I am there to communicate that message to the people. I make sure that the community stays well and there is a harmonious relationship amongst them. Whenever there are conflicts I am there to settle those conflicts. Besides that we have fields, if some of them do not have a plot to plant, I allocate some plot to them in order for them to be able to survive.'*

Again I would always accompany the principal chief to inspect the pastures to talk with the people to practice rotational grazing. We are there to guide them.' (Interview Unknown 6 March 2009)

In Lesotho, all land is owned by the people and allocated by and through the traditional structure of chieftainship – on a village level the *morena* fulfils this function. (Interview Mwakalumbwa 3 March 2009; Kundell 2008)

"As a chief I have to see to the people here so that they can live in peace. We also have a book for the recording of the deaths, for passports, for births [...] The chief is working all the time.

A major one is the people who are sick in the villages, some HIV, some TBC. We have many problems here. Again we have many people who do not have a job and no food." (Interview Anonym 26 February 2009)

The *morena* is also the person to call a public gathering (Sesotho: '*pitso*') if there is any important issue to be discussed. He cannot be passed over if any decision for instance on water supply and water management has to be made at a village level – he has to be consulted accordingly. Hence, for every *pitso* (public gathering), the LHDA wants to call in order to inform the villagers of any displacement or compensation issue, the *morena* has to be involved and consulted.

While all of the above stated descriptions of the responsibilities and processes are true for a *morena* in the rural areas, it is slightly limited and changed in the urban areas due to the proximity of governmental structures and its 'grasp' in the urban areas.

4.1.3.2. *Pitso*¹³

This public gathering – mostly of all the villagers under one chief – takes place at the chief's place or a specific place dedicated for this purpose called *khotla*.

A *pitso* is called by the chief by either sending a letter to every sub-chief (Sesotho: '*ramotse*'), who is responsible for specific communities or areas belonging to the area of the *morena*, or by sending a person to shout it out loud walking through the village: "*On Sunday at such and such a time you must come here.*" (Interview Anonym 26 February 2009)

Once the villagers are gathered, the chief takes the lead. Almost every *pitso* is started with a prayer uttered by a volunteer – female or male. (Interview Nketsi 26 February 2009) Then the *morena* stands up to explain the reason for calling a *pitso*, reading a letter to the villagers, introducing visitors or the like. This would be followed by a question as to whether the gathered people understood the matter and if there were any questions regarding the issue. (Interview Anonym 26 February 2009) Both men and women can speak out, but according to one interview partner, the opinions voiced by women are not heard as much as the ones uttered by men: "*It goes deep into where we come from. Our socialisation process told us that men are more important. [...] At the end of the day it is still the men's voices that matter.*" (Interview Mphatsoe-Makintane 25 February 2009) This gender issue could nevertheless not be verified by the researchers themselves attending and observing four *pitsos* in the villages.

Decisions are made in a *pitso* by the participating community by their raising of hands. If no clear majority can be registered, there will be votes. The chief would then pronounce the final decision. If the *morena* does not agree with the communities' decision, he has to submit anyways. This is expressed in the Sesotho adage: "*The public has the greater voice.*" (Interview Nketsi 26 February 2009) But according to the interview partners, the chief's discontent might be recognisable by his non-complying behaviour with the decision. If that happens, the villagers go to the principal chief to set things right.

"*Finally there would be another prayer to close the meeting.*" (Interview Nketsi 26 February 2009)

Usually a *pitso* lasts for about one hour.

A *pitso* is the mechanism of communication ideally enabling the villagers to participate in the decision making process of matters concerning them. Hence decisions delegated to the local level are made within the framework of the *pitso*, thus enacting a customary institution of 'democracy'.

¹³ Public gathering for discussion of certain issues of interest

4.1.4. Community-based Institutions

In order to fulfil the responsibilities entered into in the Treaty of 1986, LHDA made elaborate arrangements and set up new institutions to facilitate participative operation and maintenance of the introduced water systems. These certainly allowed the affected communities to participate, and the authority to interact with them. However, at several important points the differences in outlook and approach between the officials and locals proved insurmountable; mutual mistrust arose.

4.1.4.1. Committees in Dam-Affected Communities

Committees have been an integral part of local communities in Lesotho for a long time – even before LHDA came into play. Six to eight committees with different functions per village is common. These include a committee for development, for health issues, a support group committee, a committee for burial, for agriculture, for range land and pastures. These committees work independently from each other, since they have their specific roles. (Interview Unknown 6 March 2009) For developmental projects the affected communities would contribute individually in order to fund the project. (Interview Mokhachane 6 March 2009)

The chief's responsibility is to see that such committees are established, although he does not necessarily have to be part of the committees. (Interview Unknown 6 March 2009)

a) Communal Compensation Committees

Unique for the dam-affected communities is however the establishment of communal compensation committees. It is usually made up of seven members: chairperson, vice-chairperson, secretary, vice-secretary, treasurer and two common members.

The respective people are elected in a *pitso*¹⁴ by the community to become a member of the compensation committee (Interview Mokhachane 6 March 2009). People are nominated and the person with the majority of votes would be entrusted with a responsibility within the committee.

The compensation committee is responsible merely for the communal compensation aspired and/or received from LHDA due to relocation or resettlement. It decides on developmental projects or investments the funds should be directed towards. A member of the compensation committee illuminates: *'The purpose of the communal compensation is supposed to be for development and investment of some kind. It is intended to look after us even if LHDA is not there. We have the grinding mill. Another*

¹⁴ See section 4.1.2.2.

development plan right now is to have access roads and to build small bridges to cross over to school and also to make sure that there is a big water tank so that it pipes water to another area. Currently these are our plans. [...] The wells up there are a reliable water supply. It is important that we put up a tank there which may use solar energy to transport the water. This is the intention of that big tank so that other areas are fed with water.' (Interview Mokhachane 6 March 2009)

In order to avoid mismanagement of the compensation moneys, LHDA arranged some training for the members of the compensation committee, which lasts for about two to three days on a monthly basis. (Interview Mokhachane 6 March 2009; Mats'ela 2009). The content of the training includes (Mats'ela 2009):

- Roles and Responsibilities of the various positions within the committee (e.g. chairperson, treasurer)
- Concepts on committee membership
- Communication skills
- Application of record keeping
- Explanation of the importance of minute taking
- Practice on how to take minutes
- Necessity of reporting activities e.g. routine maintenance
- Operation of pump systems

A member of the compensation committee in Ha Tsiu claims: *"Yes, I now feel confident. First I was afraid [...], but now I am ready and I manage things according to the way I was trained."* (Interview Mokhachane 6 March 2009) The chairperson of the compensation committee in Ha Koporale on the contrary states: *"Yes, there has been training, but I cannot say that I am well trained."* (Interview Mahlomola 5 March 2009)

b) Village Water Committees (VWC)

An institution exclusively found in the rural (but not only the dam-affected) communities is the village water committee (VWC). Usually encouraged by the Department of Rural Water Supply (DRWS), LHDA is the one establishing VWCs in the dam-affected communities.

Encouraged by LHDA, VWCs were elected by the communities in a *pitso* to operate and maintain the water systems introduced by LHDA respectively through their contractors. (Interview Thamae 6 March 2009)

In Ha Tsiu, six people were elected, the seventh member of the committee being the chief. The positions of a chairperson, a vice-chairperson, the secretary, the vice-secretary and the treasurer were allocated to the elected people among themselves. The members of the committee are not paid.

One of the responsibilities lies in the washing of the reservoirs (tanks), collecting the water and serving as public standpipes within the villages. *“Normally we let the people know, that we wash the tanks and tell them to draw water in advance. We normally alert the people. Anything that is problematic in associated with water issues, we always come together in a pitso and let the people know about a particular problem. [...] We are in charge of the water management in general and to specifically to monitor the water supply. If there is a problem in the water supply we attend to that problem, but in particular if taps are broken we attend to the broken taps or we collect money to replace the missing part. One of our responsibilities is also to rush in the water whenever there is a drought, then we regulate the times for people to draw water.”* (Interview Hatasi 6 March 2009)

In addition to the operation and maintenance, the VWC is in charge of making developmental plans concerning water in their respective areas. (Interview Mokhachane 6 March 2009)

Another responsibility is to formulate regulations and rules concerning the water systems and water usages, having been given some suggestions by LHDA and checked by the Department of Rural Water Supply (DRWS). The chairperson of the village water committee in Ha Tsiu elucidates this process: *“It is US who have formulated the regulations. Their role is to say: ‘Do your regulations and we will INSPECT them, just to examine them if they are the proper laws.’ The laws have been formulated by us but checked by the Department of Rural Water Supply.”* (Interview Hatasi 6 March 2009) A member of the VWC in Letsatseng adds the role of LHDA: *“It is US who formulated these regulations because the LHDA said we should set up rules and regulations which we THINK we are going to practise. So we should not look for anything that would be hard to follow. LHDA just came with the advice.”* (Interview Unknown 6 March 2009) Since LHDA makes suggestions as to what regulations should be taken into consideration, the regulations in each village are similar. (Interview Thamae 6 March 2009)

Those regulations have to be verified by the community members in a *pitso*: *“The regulations began with us as the committee, but our word was not final. We would just verify those regulations with the larger community and say: This is what we thought about this particular provision. Is this what you would agree with? Normally they would just make a different suggestion or they would say: Yes!”* (Interview Hatasi 6 March 2009)

The regulations would include the following statements (Interview Unknown 6 March 2009; Interview Hatasi 6 March 2009; Interview *Pitso* Ha Koporale 5 March 2009):

- Children are not allowed to play around the public tap;
- Nobody is allowed to wash clothes around the public tap;
- If somebody breaks a tap or tampers with a tap he or she has to pay and/or mend the tap;
- During droughts certain times are set to draw a certain amount of water, e.g. 20 litres per household in the morning and in the afternoon;
- If a child breaks any equipment the parents have to pay for that equipment;
- Animals are not allowed to be watered by the tap.

Traditionally the rural communities have additional bylaws. These bylaws dictate how much each household pays to contribute towards the running and maintenance costs of the water systems. (Interview Lifoloane 9 March 2009)

Similar to the trainings for committee members in general initiated by LHDA, the members of the VWC also have to attend trainings concerning the responsibilities of the respective positions they hold.

Alas, not all the contents imparted to the participants of the trainings are understood due to the compressed matter of new issues. *“Sometimes it was a little difficult. Some things were new and we were given a number of things to be in charge of. I cannot say, that I am totally knowledgeable in the things.”* (Interview Hatasi 6 March 2009)

4.1.4.2. Water Minders

Responsible specifically for the maintenance of the water systems, the position of the water minder was introduced by LHDA as to comply with the standards of the DRWS (DRWS 1999). Therefore, it is not unique for dam-affected communities, but is exclusively found in the rural areas like the village water committees, even though they are commonly not part of this committee.

In urban areas it is the responsibility of the Water and Sewerage Authority (WASA) to take care of public standpipes and an individual’s responsibility to take care of the water systems placed behind the water meter.

The water minders, present in every dam-affected village, were trained ‘on the job’ by participating in the construction of the respective water systems in their villages. (Interview Thamae 6 March 2009; Interview Hatasi 6 March 2009) Mr. Ramoeletsi from LHDA explains: *“We train the water minders. We ask communities for x number of people that we train as water minders and then we give them a tool box to*

say: *'Now you are qualified, you are able to maintain your water system. If there is a leakage or if something has broken, you can fix it.'*" (Interview Ramoeletsi 24 February 2009)

During that phase of construction the water minders receive some remuneration, but as soon as the water systems are finished, the remuneration for the water minders stops. (Interview Khatala 5 March 2009)

The system of transferring the knowledge of the trained water minders to others varies from village to village. Ha Koporale for example does not foresee any passing on of knowledge to others, meaning that if the trained water minders move away or die, their essential knowledge will be lost.

Water minders in Letsatseng however are more aware of the importance of passing on the knowledge and do so by involving the whole village in maintenance activities. *"It is always announced: 'Hey, today is the day, to go and wash the tanks!' We normally follow them and then we see how the work is done. If they are not there, we can just take the tool box that has been provided and then we can just do the job ourselves."* (Interview Thamae 6 March 2009)

Also in Ha Tsiu arrangements are made: *'If for some reason a water minder is away or dies, we will elect another person. But regarding the training: There are others who are trained already. Those others will train these ones on the job.'* (Interview Hatasi 6 March 2009)

4.2. IDENTIFIED PROBLEMS AND CONFLICTS

Since conflict is by definition the focus of the MICROCON project, it is important to note, that those aspects which contribute to potential cooperation and peaceful interaction are consequently given less attention in this report.

As outlined in section 2.1. conflicts are very intricate and multi-faceted. Usually they cannot be traced back to one singular event or factor, but are an aggregate of several factors and one or multiple triggers.

Lesotho's history is full of tensions and violent conflicts. Currently, however, there are no violent conflicts reported among the resettles/relocatees and in the relationship to other communities and institutions (e.g. LHDA).

Nevertheless, some factors found in Lesotho can be considered to contribute to a latent conflict – a situation of tensions, which may escalate into violence if not properly managed and/or resolved satisfactory by the existing formal and informal institutions:

- High unemployment rate¹⁵
- Inadequate access of the population to health facilities (e.g. hospitals, medical treatment) coupled with high HIV/AIDS rate¹⁶
- Scarcity of natural resources (arable land, drinkable water, wood)
- Inequality in distribution of resources (e.g. money, land, material goods, water)
- Insufficiency and ineffectiveness of communication
- Vast exclusion of affected people in decision making process

The Lesotho Highlands Water Project (LHWP) has forced out several hundred people from their homes (see section 3.3.2.), submerged farmlands, forests and sacred places, destroyed fisheries and caused social, cultural and economic impoverishment of the affected communities.

Besides the environmental impacts especially downstreams, there are many grievances uttered by the dam-affected communities: delayed and inadequate compensation, lack of training to replace their former livelihoods, large numbers of affected people were left out of programmes to restore lives, lack of water and sanitation in resettled communities.

According to several interview partners, AIDS, prostitution and alcoholism were introduced by the work force that moved into the dam area for construction works (Interview Hitchcock 28 February 2009, Interview Thamae 14 March 2009). The new reservoir of the dam itself is a physical disruption to the community life: individual families and even whole villages have been disrupted, since they are cut off from communities or individuals they used to share social ties with.

Some affected people claim that since the water of the Mohale dam basin is closer to them, they are *“getting cold and consequently sick more often”* (Interview Thamae 6 March 2009).

The lifestyle of the displaced people changed dramatically being moved from their original homes due to the LHWP. Not only social ties were broken up as well as structural and institutional customs were changed, but also everyday activities have to be learned anew as the chairperson of SOLD explicates: *“The people in the resettlement areas now have very small gardens. That automatically means that the lifestyle is quite tough. Because here in the urban areas if you want to move you have to take out your money, if you want to ride a horse, if you want to eat: you buy! If you want to cook, electricity, water, everything: You have to buy it!*

But in return they have nowhere to get money. Because most of these people are quite illiterate. Nobody can read, they cannot even write in their own language. All in all it means that they are living a very tough life right now.” (Interview Mahlakeng 24 February 2009)

¹⁵ 45 percent in 2008 (Index mundi 2008)

¹⁶ 23,2 percent of people in the age of 15 to 49 years (UNICEF 2007)

All of these changes and breaking up of accustomed activities contribute to an increasing dissatisfaction among the dam-affected communities supporting a ‘complaint culture’ and further widening the gap between the dam-authorities and the affected communities. Another factor not to be neglected in that regards is the increasing influence of TV, showing luxury and possessions owned by few if not no common Basotho.

Before going into details about the specific tensions between different institutions and people, some structural conditions, including the water situation in Lesotho – as one of the most important natural resources for human survival – and its impact on the relationships between specific groups of people will be discussed.

4.2.1. Structural Elements promoting Conflict

4.2.1.1. Fragmentation

Hand in hand with the parallel system of chieftainship and local government in Lesotho and within the GoL in particular is the problem of many different sections and departments concerned with the management of water. This fragmentation makes effective and sustainable water management difficult and is being felt by the Basotho nation at a local level, particularly when problems arise as Mr. Tsoeu from the Lesotho Council of NGOs (LCN) explains: “*We have fragmentation of legislation: Natural resources that side, environment the other side. Their policies are not very well harmonised. [...] There is no good coordination.*” (Interview Tsoeu 16 March 2009) The fragmentation impairs the transparency of the decision making process tremendously in the water sector as a whole. It can also have some sore implications for the provision of services at the local level, as Mr. Lekhoabe from DRWS argues: “*I leave clients for WASA, but WASA is not ready for those. [...] there might be tensions because everybody would say: You are responsible. [...] That’s why I say there are people in the grey area. Some are outgrowing the services, but WASA is not yet ready to take over these communities.*” (Interview Lekhoaba 2 March 2009)

Even though stipulated by the European Commission, a Water Commission was introduced to coordinate the various efforts in the water sector (Government of Lesotho 2007, see section 4.1.1.), the coordination is still in its infancy. A delegate of the European Commission in Lesotho confirms: “*You have one parastatal doing this, you have the government doing something else, then you have the local community with certain responsibilities which are not clear. [...] Now you make something of it! Then you have the Ministry of Health and the Minister of Education which are also involved in sanitation. That is not an easy situation. What we try to promote is what is called a ‘sector wide approach’. [...] That means that*

the water sector should be coordinated. [...] The Commission of Water has exactly this mandate to coordinate the water sector.” (Interview Anonym 3 March 2009)

Another consequence of this fragmentation is a deceleration of implementation processes of new acts and laws. The Environment Act, for example, has been approved, but not implemented and therefore rendered ineffective. (Interview Makututsa 17 March 2009)

Similarly, the community councils are given the mandate to make bylaws for their area of responsibility, but they are not in effect until they are endorsed by the Minister of Local Government. According to a democracy educator at TRC none of the proposed bylaws have been endorsed by the Minister up to date, which creates a sort of vacuum for the community councils: *“If people do wrong things, they do not know what to do with them. If they judge them, the same Minister says: ‘Who gave you the permission to judge them? I have not endorsed them!’ ”* (Interview Mphatsoe-Makintane 25 February 2009). Consequently the community councils are told to stick to the constitution which means to go to court. This process again is very costly and takes a very long time. *“Going to court is such a long long process, such a hassle, it is costly and the community councils cannot afford it.”* (Interview Mphatsoe-Makintane 25 February 2009).

4.2.1.2. Malfunctioning of Institutions

Although community-based structures have been put in place to operate and maintain the system (e.g. water minders and village water committees), the water systems are not taken care of properly and consequently they fail: *“[...] why people fail to repair systems as we have trained them to do, as we expect them to do while they have O&M Plans [Operation and Maintenance Plans] that they have to follow? There are several factors. One is that sometimes the community itself gets into conflict with each other. They use the money for other issues. [...]*

Sometimes the very person that we trained and we invested a lot gets a job somewhere else. [...] Then our project does not function accordingly because the person that we have trained has gone. That is the second problem.

Thirdly politics: [...] People’s differences are more influenced by the differences in party politics. That again influences malfunctioning of the people.

Fourth, there is a mandate that makes people to stop maintaining the system. They expect the government to do things for them. Because when people run for the office they promise that they are going to do everything free for you. When we come back they say: No, it looks like you are in the wrong lane. We are told that we are going to get the system for free! Maintenance will be free!.” (Interview Lifoloane 9 March 2009)

4.2.2. Water Distribution on a Local Level

Interestingly, the majority of the respondents in this study did not initially highlight water to be of major concern or a reason for conflict: *“I have not yet experienced a conflict over water. Maybe it is because there are laws and regulations that are being followed. I have not seen anything like that.”* (Interview Unknown 6 March 2009)

This fact does not necessarily imply that people could not see a connection between the resettlement or relocation and the water shortage, but was rather a matter of perception and conceptualisation of the topic ‘conflict’. Further in-depth discussion on the topic began to highlight some of the ways in which water shortage is linked to tensions and possible conflicts.

Only one chief of a host community mentions some structural problems with water in the urban area: *“We have a problem! A big problem of water because of the factories. The water goes to the factories!”* (Interview Anonym 26 February 2009)

Droughts and the usage of water for commercial activities (industry, LHWP) often impede access of the Basotho to water. The recurring droughts in Lesotho reported in 2003, 2004, 2007 and 2008 (SADOCC 2003f; 2004a, 2007a; WASH news 2008) worsened the situation not only for the dam-affected communities, but for all Basotho – especially the indigent population. WASH reports in 2008: *“DRWS figures indicate that up to 30 percent of the households nationwide now lack access to safe drinking water and adequate sanitation facilities [...]”* (WASH 2008).

In addition to these severe droughts, there are major pollutants to water in Lesotho: the textile industries and the waste dumps. (Interview Tsoeu 16 March 2009)

Groundwater resources are estimated at 0.5 km³/yr. Aquifer yields are low: of a sample of 818 wells, only twelve percent yielded above one litre per second (L/s). In 1995, about 3,300 wells, equipped with hand-pumps, served the rural population in the lowlands, while ten percent of the urban domestic production originated from groundwater. Except for the area around Maputsoe (aquifer yield 50 L/s), the potential for irrigation with groundwater in Lesotho is low. (Kundell 2008)

The manager of the Mohale branch at LHDA is responsible to look after the community issues, environmental issues, the operation and maintenance of the dam, Mohale town site, as well as the LHDA staff’s welfare. He explains: *“The communities’ water supply comes from the natural springs and is gravity-fed to the villages. All the villages around the catchment of Mohale dam have been provided with water systems. They have also been provided with VIP toilets. [...] In a village, there would be several*

standpipes, because we are trying to ensure, that people do not have to walk a long distance to fetch water.” (Interview Ramoetsi 24 February 2009)

Before the piped water systems are or were introduced, people in Lesotho are or were using wells – sometimes open springs – to draw water, which are subject to hygienic imperfection. The piped water systems are completely new systems introduced by various stakeholders such as DRWS, LHDA and NGOs, like World Vision. (Interview Lifoloane 9 March 2009) According to the manager of Mohale at LHDA, the decision of what water system is to be constructed is made by the communities themselves being advised by the experts: *“We do not impose a system, which they will not be able to manage or maintain.” (Ramoetsi 24 February 2009)*

DRWS estimates that in the rural areas of Lesotho there are 8,223 gravity fed water systems, 1,800 electronic pumps at boreholes and 920 water points (public standpipes). Currently 62 percent of the population in the rural areas of Lesotho (about 84 percent of the total population of Lesotho) has been provided with piped water systems, with 44 percent of the water supplies working effectively. Therefore, 38 percent still have to be provided with clean water. (Interview Lifoloane 9 March 2009) A senior sociologist at DRWS, Mr. Lifoloane, explains that the 18 percent of piped water systems not working optimally or properly is often due to water minders not doing their work or due to droughts. He explains that a rehabilitation of those systems built in the years 1980 and 1990, possibly even in the year 1995 is needed. *“Because our projects are designed to 15 to 20 years, depending on the type of system.” (Interview Lifoloane 9 March 2009)*

The manager of the department for water distribution at WASA reports of similar problems in the urban area of Maseru city: *“The main issue which I think we are about to overcome is that Maseru Water Supply is quite old. The pipes are very old. As a result they burst most of the times. So we lose a lot of water through main bursts [...]. But we are about to overcome that problem with the MCC [Millennium Challenge Corporation] - project. We are going to replace the whole water supply. That is the main challenge at the moment. (Interview Makhaola 9 March 2009)*

The second problem WASA faces is the rapid growth of urban centres and the ensuing greater water demand and infrastructure, which has not been planned for in advance. *“Our water quality especially in the urban areas is poor. Our water quality in the highlands is good. Our coverage in terms of access for people to get water from taps in the urban areas is also not so good since the town keeps expanding. In older areas, the water supply is perfect, but in the newer settlements it has taken us a longer time to meet the demands.” (Interview Monyake 13 March 2009)*

Despite the feasibility studies undertaken by LHDA in the destination places of displacees in the rural areas, many relocatees in the Ha Koporale and Ha Tsiu (rural area) complain about their ‘new’ unreliable water systems: *‘The water situation here is somewhat unreliable here because it is a rain-fed system. When it is dry, the taps do not release water. [...] We cannot say we are happy with the situation. But where we are coming from, we had reliable wells. Dry or sunshine, they would just gush out water. So we had reliable water systems by way of wells, because we were just drinking water coming out of the ground. Even if it was terribly dry, it would not dry out. Those were reliable. But now since we have piped water, this water is no longer reliable.’* (Interview Leshapa 5 March 2009)

While the settlers in the rural areas only have to pay for minor maintenance costs of the water systems, settlers in the urban areas have to pay for their water individually, which is being metered in their yards or at public standpipes (e.g. prepaid systems). Since the resettles come from the rural areas, this leads to a new situation where people have a hard time to adapt. This is expressed by a resettlee in Ha Matala: *‘Where we used to live we fetched water from the rain, but now we have to pay for the water. We do not have money to pay for the water!’* (Interview Pitso 28 February 2009)

For those relocatees and resettles in Ha Thetsane and Ha Matala that have water in the yards or in the house and sometimes even water toilets, the problem is of increased magnitude: the water consumption increases tremendously, enhancing the costs for the water bill. Contiguously, the amount of waste water increases enormously, increasing the costs for the disposal of the sewerage. The ‘leader’¹⁷ in Ha Thetsane explains: *‘They [LHDA] put a septic tank for every household. They are very small, so that they are full in no time. You have to call WASA then.’* (Interview Pelea 25 February 2009)

BOX 1: Costs in Ha Thetsane

‘I do have water in house and the sanity tank is very small. I have to make sure that I take it out two or three times a month. To take that thing out is something like 200 Rand each time. That is plus or minus 600 Rand per month. – it is very expensive and we cannot afford it. Of course there are people who have some toilets, but the people who have toilets inside their houses have a big problem. So, once this is full, it starts pouring down the street then it affects the others as well. [...] The water is like 80 to 100 Rand per month. The electricity depends on how much we are using, usually it is plus or minus 400 Rand every month.’ (Interview Anonym 25 February 2009)

Many of the displacees (as well as other settlers) cannot afford to pay the water bills, which results in the closing of the water taps of those particular people. A resettlee in Ha Matala reports: *‘One time the water*

¹⁷ A ‘leader’ is a representative and member of SOLD (see section 4.3.3) and as such is elected to communicate the grievances of displacees to LHDA or other institutions.

was closed by WASA and the other time you find that there was no water at all. We do not know what was happening, but it was related to WASA. When they closed the water it was because the bill was too high and we could not pay.” (Interview Anonym 27 February 2009)



Picture 3: A closed standpipe in a yard in Ha Thetsane

A delegate of the European Commission tries to relativise the challenging water situation in Lesotho: *“Now you can say, that there are those customers that cannot pay for water because they do not have enough money. While that is true there is always that thing that you can say: You do not have people dying of thirst here. It is not like people are dying because they do not have water. So even the poorest people get the water from somewhere.”* (Interview Anonym 3 March 2009) Some follow-up questions remain though: Where do those individuals get their water from? Is the water the poor people get from ‘somewhere’ safe for drinking or does it cause further problems?

Furthermore, home gardens are an important source of horticultural produce in Lesotho, where an estimated 70 percent of rural households produce vegetables. Most home gardens are rainfed, supplemented with irrigation from household and/or community domestic water supplies, although some families have invested in small pumps supplied by streams and ponds. The produce from home gardens is mainly for self-consumption, with limited quantities appearing on the local village market. (Kundell 2008) How are people to survive from their field and gardens in the case of water scarcity?

Consequently, the opinion of the chairperson of SOLD opposes the statement of the delegate from the European Commission: *“Water is one of the major problems for these people. [...] So, the major problem for these people is water and starvation. Because they used to have their own fields.”* (Interview Mahlakeng 24 February 2009)

What happens if the wells in the rural areas of the highlands dry out? Or if there is a drought and people do not get water anymore through the pipe-systems that were installed? Would DRWS be allowed to take water from the Mohale dam in order to provide the people with water? *“No! Capital NO! That water belongs to South Africa.”* (Interview Lifoloane 9 March 2009)

4.2.3. Various groups of water users

As mentioned before, in regards to violent or other conflicts, the informants within the villages were very restrictive in their accounts. If specifically asked in the interview questions about conflicts among water users, the interviewees would mostly deny the existence of conflicts or would only briefly mention some problems and then continue with other matters. Hardly anybody would go into details, but would rather react irritated and avoid the issue. The interviewers ascribe this phenomenon to the value of ‘peace’ which is highly esteemed in Lesotho.

Nevertheless, in the course of the conversations, water was repeatedly revealed as a source of concern and conflictive situations with various water users implicitly and openly mentioned. This fact is of no surprise since water is an essential resource for survival and for cultural practice. Additionally, since the effects of the displacement due to the LHWP are the cause or the trigger for conflicts these can be considered to be water-related conflicts in a broad sense.

4.2.3.1. Conflicts among Community Members

The presence of violent conflicts among community members, if openly touched upon in a question, is most of the times denied: *“There is no such. [...] we are living peacefully.”* (Interview Nketsi 26 February 2009)

Only one ramotse, a relocatee in Ha Tsiu, reports: *‘The challenges that I face is the conflicts that are within the community. They give me a hard time because they insult each other and this is the challenge. I had to go in between and to settle peace.’* (Interview Khama 6 March 2009) He also tells about blood shed as a consequence of insults as a common occurrence also for other villages. Hence, that kind of fighting is neither unique nor specifically a distinguishing feature of displaced communities.

He did not want to list specific causes for fighting and stifled the discussion: *“I do not know why people fight. [...] Are you satisfied?”* (Interview Khama 6 March 2009)

Therefore, water as a specific cause of internal fights between members of the same community could not be verified.

Only one statement indicates that some internal incidents of conflicts were related to water: The system of ‘water kiosk’ and ‘communal standpipes’ (see section 4.1.1.2.) with one person or a committee managing

the water, many times taking money for personal benefits: *“Most of the conflicts were because of the management of public standpipes. But apart from that, there are no conflicts.”* (Interview Letsatsi 16 March 2009)

Related to the resettlement and/or relocation due to the LHWP, there are internal conflicts regarding the access of compensation money as Mr. Hall from Sechaba Consultants explains: *“It is complicated the internal dynamics of what happens within the household and who accesses the compensation. You must not assume that the household is a united harmonious entity. There are a lot of gender issues and struggles within households – the whole issue who inherits and how the inheritance is managed when the payments is paid. Let us say you have a nuclear household, the father is receiving, then he dies. Now there are three sons and then the wife dies. Now which of the sons gets the payments?”* (Interview Hall 10 March 2009)

The mismanagement of compensation money paid to the community might not only foster conflicts within one household but also within the community as a member of the compensation committee in Ha Tsiu reports. In this instance compensation moneys were stolen by three members of the committee and consequently the payments by LHDA stopped: *“Those people that took the money are still here but the moment that the auditor comes back to us, it should reveal the mismanagement. This is when we can take the people to the court. [...] We do not look at them well. We kind of despise them. But because we are Christians we greet them. But it is hard.”* (Interview Mokhachane 6 March 2009)

4.2.3.2. Displacees and Their ‘New’ Neighbours

The relationship between the LHWP-displacees and their ‘new’ neighbours, often called ‘hosts’, is ambiguous. Some instances report of conflictive situations, others of cooperative relationships and opportunities. Correspondingly, the community trainer from TRC, Mr. Thamae, alleges conflicts within the host and the resettled community to be there, but to be of low frequency. Usually those conflicts would be managed by NGOs. (Email Thamae 9 January 2009)

On the one hand some hosts are pleased with the improved access roads coming with the relocatees and the improved production due to the interaction with the LHDA expressed by the chief of Ha Tsiu: *“We are one nation and one people. So we have not experienced anything, because we are the same people. We live together side by side.”* (Interview Unknown 6 March 2009) On the other hand there have been problems between displacees and their hosts since the hosts refused to give the newcomers grazing land as well as land for their graveyards and denied them access to water and to the same schools (Interview Hitchcock 28 February 2009) Even though dam-affected people do not openly talk about any conflict or hostility with their neighbours, there are subtle issues mentioned in the conversations. (c.f. Interview

Khama 6 March 2009) The *ramotse* of the relocatees in Ha Tsiu: “A number of people have come from below to up here. So there is a congestion and besides congestion there is this competition over a few pastures.” (Interview Khama 6 March 2009)

A special case is Likalaneng in Ha Matala since the area in which the resettles were to be settled by LHDA was in between two villages, namely Ha Matala and Makhoakhoeng. Both of the ‘host communities’ did not want the resettles there: “*This story of Ha Matala is so complicated, because initially the so called host, which are living at Matala before the people resettled, were refusing to accept the resettles. They said, that they do not want the resettles there. They were refusing to be the host for the resettles. But later on they accepted to be the host for the resettles and also accepted some other benefits as the host community. For example you have seen the tarred road around that village. It is made by LHDA as part of the community infrastructure and we have also done the water project for the host and the resettles. Also that was part of the community infrastructure which is a benefit to the host also. But now, why I am saying it is complicated, even the host there are on and off. They do not know their standards, they just want to get the benefits [...]*” (Interview Mohai 16 March 2009)

The sudden change of attitude towards the resettles is explained by a member of the resettles committee: “*Since the LHDA said that they would resettle people and bring up some developments, these chiefs are fighting because they are looking for those developments. They are supposed to be given some money. Those chiefs are looking for those benefits: If those people belong to us, we will get something. [...] This place here, there was no village! So the Makhoakhoeng chief claims that we have one of their fields so we must be on their side. Ha Matala also say that we belong to them. So there were no people here but the area was between the two chiefs. But the area here belonged to Lesotho housing. So you never know why they would say: You are on our fields.*

LHDA just gave it to Ha Matala. Lately they are just taking it back to Makhoakhoeng. So we do not know where we belong to. [...] Up to now there is no solution. We do not know where we belong! We have asked LHDA to explain as to where we belong. They should say: Officially you belong to this chief. But they are not doing it!” (Interview Mohlomi 27 February 2009)

The consequence of this for a western person seemingly irrelevant problem is very big: (1) the resettles do not get the promised communal compensation since they are to share it with their pronounced hosts, (2) the resettles do not have a place to bury their dead (which is a very important element in the culture of the Basotho), and (3) the resettles do not know who to turn to for any conflicts or grievances to be settled: “*We do not have a chief. We do not really know where we belong [...]*” (Interview Mohlomi 27 February 2009)

This case of these resettles in Likalaneng spread further and further and eventually involved many different levels of authorities: *“Ministers and the prime secretary got involved and they were trying to take side. They actually wanted the Makhoakhoeng resettles to resettle their place, which we fought against. They did not want to move again. It was a nasty fight because you had all the governmental officials involved. [...]”* (Interview Hitchcock 28 February 2009)

BOX 2 Resettles and Hosts in Makhoakhoeng /Ha Matala

In the case of Makhoakhoeng, LHDA neglected to inform the host village of the impending arrival of displaced people from the Mohale Dam area until contractors of LHDA started preparing the resettlement site. LHDA officials told the village that they had mistakenly assumed that there was not a chief in the area and that they had leased the land from Maseru City Council. This error led to extreme hostility toward the new arrivals: *“Soon after the resettling in Makhoakhoeng, an older person from Molikaliko (the displaced village) passed away. The deceased person’s family and friends gathered on the day of the funeral to find armed members of the host community blocking the way to the burial site. They threatened them with violence if they insisted on burying the deceased, saying that they did not recognise them as being part of the village. Intimidated, the people of Molikaliko desperately looked for another burial site, finding one in the neighbouring village of Masianokeng, several kilometres away. When a second resettlee passed away several months later, both villages denied them access to burial sites. They were forced to bury the body on residential land which the host community says is near the source of their water supply.”* (TRC 1999:9)

Another very peculiar and ambiguous case is in Lesia in Ha Thetsane. There are no hosts, but almost all of the settlers there had moved to the area for different reasons themselves (mainly for work). The people displaced due to the LHWP were provided with water in their yards or houses by LHDA in contrast to their neighbours. The ‘leader’ of the relocatees in Ha Thetsane reveals a downside of the inequality of water distribution: *“The thing is, that those people across the river do not have taps. So they would normally come to buy water for about 50 cents per bucket from us. Sometimes people have seen that they come to fetch water, when the owner is not here. In such cases they are taken to the chief.”* (Interview Pelea 25 February 2009)

Compared to their neighbours, the displaced people of Ha Thetsane were well off with water in their yards or houses and nice houses made of Maloti bricks. This fact might be a cause for jealousy and subtle conflict from the side of their neighbours, which is hardly noticed by the displaced people who are more focused on the perceived or real mistreatments by LHDA.

“There they are complaining about their houses, but their neighbours are living in a shack or are not getting water at all. They can also be seen as a bit of an elite all of a sudden. They went to an area where there are a lot of problems and they get a lot of support and attention and care and people visiting them

and talking to them.” (Interview Hall 10 March 2009) The chief of a host community confirms that assumption: *“It is just after that they had built the houses they say: ‘Here it is leaking! My house was so big, but this one is so small!’ They have very nice houses! Have you seen those houses here? How can they complain? We are hungry. We do not get anything! Other places, they built good toilets, they built hall offices. But for us they do not do anything!”* (Interview Anonym 26 February 2009)

Likewise the displacees’ complaints about the different lifestyle are met with hardly any sympathy by the chief of a place of origin and a host at the same time: *“I can understand that now the electricity is expensive. But during these days, there was no electricity. When they left the village, there was no electricity. But now they have electricity. So they cannot complain! [...] Now we also have to pay for electricity - it is separate from the resettlement.”* (Anonym 26 February 2009)

The ‘leader’ of the displacees in Ha Thetsane recognises that problematic division in perception also among the displacees: *“For the relocatees that has caused a lot of conflict. Because those from the mountainous areas when they are going to a meeting to complain they are not expecting the ones from Ha Thetsane to complain. For they would say: ‘As for you, you have bathrooms and toilets. Your houses have been built by Maloti bricks. So you are well off.’ It has created a kind of inequality.*

Therefore there is some enmity among the relocatees and resettles. Those ones complain, that they are given some better services while they are not given a toilet or bathroom.

But here we are still in the position that we should get the things we were promised.” (Interview Pelea 25 February 2009) This difference in perception of course hampers not only cooperation between the neighbours and the displacees, but also among the displacees of different areas in Lesotho.

Consequently, hardly any cooperation was found during the study between the displacees and their neighbours. In order to have grievances or matters dealt with by the authorities concerning the LHWP-displacees and their neighbours alike (e.g. roads, street lights, bridge over flooded river), the communities showed no ambitions to work together in that regard.

An exception to this has been found in the urban areas in the water sector in case of water scarcity (see section 4.3.2.).

In the Mohale dam area in Ha Tsiu there is cooperation in the water sector in the sense that the water minders are responsible for the hosts’ water systems as well as for the relocatees’ water system: *“Because we work closely with the village up there, if we have a problem here, they will come.”* (Interview Khama 6 March 2009)

In Ha Tsiu yet another fact reveals something of a latent conflict: in the compensation committee there is one representative of the relocatees, since according to the statement of a compensation committee member, the relocatees that were in the committee before, stole money. (Interview Mokhachane 6 March 2009)¹⁸ Now, the relocatees feel underrepresented and therefore too little involved in the decision making processes affecting them as well: *“The arrangement that the communal compensation is shared with them is no problem. In principle we agree that we are one people. But the modalities how that money is now decided upon is an issue. So it looks like we do not have any power, we are just following the host community. So there is nothing that we can do.”* (Interview Khama 6 March 2009)

Despite all these latent conflicts it is noteworthy to acknowledge the perception expressed by a resettlee in Ha Thetsane as being illustrative for most of the perceptions uttered in interviews: *‘The relationship with the host community is fine, there is nothing much, that we can complain about.’* (Interview Anonym 25 February 2009)

4.2.3.3. The Displacees and LHDA

“I think there is always the risk that people come in and they side with the community and blame

LHDA for everything or the opposite”

(Interview Hall 10 March 2009)

LHDA is an institution with a much disputed reputation. There are few positive voices heard about LHDA especially from the dam-affected communities. Since forced resettlement and relocation is per se an event of dissatisfaction, LHDA is mostly the scapegoat – sometimes wrongly, sometimes justifiably accused.

As the manager of the Mohale dam branch at LHDA explains: *“We have an obligation with the affected communities that their livelihoods should not be worse off. That is our obligation. We have affected their properties and we are obliged to pay them compensation according to the agreed rates on an annual basis. That is where our obligation is.”* (Interview Ramoeletsi 24 February 2009) *“Two principles are central to all but a very few internationally financed resettlement programmes: (1) that the affected people should in large measure be the architects and the builders of their own futures; and (2) that none who are compelled to move should end up worse off than before. These principles were fully incorporated into LHDA's 1997 revision of its compensation and rehabilitation policy.”* (Email Hitchcock 8 January 2009)

¹⁸ This in itself of course allows interpretation as to how the relocatees as a group might be perceived by the hosts in the future. Similarly in Germany or Austria a group is brand marked if some individuals of a group transgressed some regulation.

Even though there are many endeavours to fulfil these obligations, the complaints against LHDA included delayed and inadequate compensation for communal assets, threshold payment, provision of schools, clinics and clean water. (SADOCC 2003b) Since compensation often arrived late, families were plunged in unnecessary debts which could have been avoided if LHDA would have paid the compensation money on time. (SADOCC 2003b) Consequently the dam-affected communities are many times worse off than before, explains a member of the Panel of Experts to the LHWP: *“The income levels of people is much lower than it used to be. The big issue for us as a panel is how well are these households doing. Are they better off than before? And the answer in many cases is: They are not!”* (Interview Hitchcock 28 February 2009)

This of course ignites the fire of dissatisfaction further among the people and makes them sensitive to the respective actions of LHDA.

Information gathered in the interviews was therefore often contradicting, making it difficult to judge, what to believe. It was decided by the researchers that in this study not so much the actual facts, but the *perceived* facts are important since they impact the actions and the actual conflicts.

The main conflictive issues between LHDA and the displacees are the compensation policies and the distribution of the compensation moneys. While LHDA claims to act in the interest of the communities by looking for ways to administer the moneys to the communities without them misusing it, the community members feel that promises have been broken and money is unjustifiably withheld from them.

The compensation and resettlement officer for the Mohale dam branch at LHDA explains the policy briefly: *“Resettlement is twice as much as relocation. For example the base rate which we have in the compensation policy in the resettlement programme is to have 12,000 Rand per household. Whereas for relocation it is 6,000 per household. [...] This is one of the factors that attracted most of the people to resettle rather than relocate.”* (Interview Mohai 16 March 2009) Accordingly, the people of Ha Matala also claim to have chosen to resettle instead of relocating. They further purport that they were promised to be given the communal compensation as individual households: *“I came here because we were promised communal compensation. Those that were still left in Mohale they were told that the communal compensation would be given to a community committee for the rest of the relocatees to bring some developments to the whole community. Those were the ones who are still with their livestock. For us here we were promised to be given the communal compensation per household, not as a community.”* (Interview Sekolopata 28 February 2009)

On the other side LHDA states that the communal compensation money was not to be given to individual households but to a committee consisting of the community as a whole meaning the resettlement

community AND the host community. For the resettles again this is an unacceptable condition especially since they do not consider having a real host at all (see unsettled situation between the chiefs of Makhoakhoeng and Ha Matala in section 4.2.3.2.). *“We do not have the host communities here. We were the first people to settle here. So all these people around us came later than we did. That is why we are angry with LHDA when they say, that we have to share this money with these people. Because we do not even know where they are from.”* (Interview Mohlomi 27 February 2009)

BOX 3: A voice from Ha Matala

“Basically we lived off the natural resources in the mountains. They promised since we were going to live in town they would buy all the things for us. Now we have to buy electricity or gas instead of fetching wood. We were not given that allowance until today.

For those that were just relocated, they are still with their properties and their cattle [...] We had to leave our livestock back there and we have to pay the herd-boys back in the mountains. We have not been giving the communal compensation as promised. How are we expected to pay those people who are still left with the cattle in the mountains?

Even here we are not able to pay for the water! It is only up to five taps that are still functioning here. The rest of the people cannot afford to pay their bills.

We are told to share the communal compensation (natural resources allowance) with the host community. But those that were relocated were not told to share the communal compensation with the host community. But here we have to share it with the whole host community. [...]” (Interview Mohlomi 27 February 2009)

Hence the resettles in Ha Matala do not step down from their demand to receive the communal compensation moneys as individual households as they are convinced it had been promised by LHDA in the beginning before the people were resettled. (Interview *Pitso* 28 February 2009)

This issue raised in a question to Mr. Mohai, the compensation/resettlement officer at LHDA, was met with an indefinite answer that seemed to evade the question. (Interview Mohai 16 March 2009) But a member of the resettlement community in Ha Matala developed his own theory why LHDA insists on the compensation money also being given to the hosts: *“When we tried to analyse the situation even the host community were promised some other things maybe for development. So they are trying to cover up those promises they made by giving just one bulk/lump-sum. So that it will not make them say: Give us that what you promised. And for us not to request the communal compensation. They are trying to cover both with one amount of money.”* (Interview *Sekolopata* 28 February 2009)

In the perception of the resettles LHDA is changing the compensation policy constantly without their consent: *“I have the former compensation policy. But they are changing it EVERY time because they want to run away from many items of the former compensation policy. They are just running away from it. Like this issue of the communal compensation: from the former one it is clearly written that it will go to each individual. It would be there to pay for water, electricity, medicine and everything. They are running away from that page completely.*

We are keeping that former compensation policy. No one can just take it away. They change everything but this one we fight until we die. Because it is our right!" (Interview Mohlomi 27 February 2009)

Their struggles seem to have yielded some fruits: On 8 September 2009, the Ombudsman, Mr. Sekara Mafisa, reversed an earlier decision and ruled in their favour, ending what had become a source of both frustration and anger for the 22 households now resettled at Ha Matala. Nevertheless, LHDA has announced it will contest the Ombudsman's latest ruling. (Molise 2009)

Similarly the conflictive interests are manifest concerning the compensation policy in Ha Thetsane. As explained in section 4.2.3.2. the displacees in Ha Thetsane are compensated according to a 'special' compensation policy, giving the resettles better houses in these areas. But the resettles consider themselves to be treated unfairly: *"So the people that have been affected the same way as we did, are getting something every month. They are given some money, so they can see what to do with their lives."* (Interview Anonym 25 February 2009)

Displacees in Ha Thetsane are persistently fighting against that 'special' policy: *"We have seen the compensation policy, but we have been fighting saying: This is the policy! These are the things that we are supposed to get. But they say: 'No, this one is not for you.' So they made that special compensation policy. [...] We have seen that policy for phase 1B, but we are so unfortunate because we have been excluded from that compensation policy."* (Interview Anonym 25 February 2009)

Unfortunately, many of those agreements which the displacees now claim have not been written down, the displacees claim: *"The other problem is that as Basotho we thought they would just fulfil their promises. So we have nothing that is written down. For some other promises we as resettles wrote down what was promised, but for others we just thought it would happen. So we have no evidence. [...] There is nothing to prove that they did promise that to us."* (Interview Pelea 25 February 2009)

Several theories have been developed by individuals trying to rationalise or find an explanation for the situation of the different perspectives of the displacees and LHDA clashing:

A resettlee has an explanation down pat accusing LHDA of fraud: *"To be real what is happening is that if the LHDA people come to you for example as an old lady, a resettlee, they inform you that you will receive say 9,000 Rand. Since they know, that you do not even know how to write or to read, they will just make you sign and they would change the money. [...] They would make the old lady sign and leave. Maybe by the time the granddaughter returns from work or so, she can see: You have signed for this*

amount but really they have given you this much. LHDA is not really good to the resettlers.” (Interview Mohlomi 27 March 2009)

The Secretary of the LHWC acknowledges that promises might have been made hastily, which displacees are demanding now, but implicitly disclaims responsibility: *“Sometimes people have been promised wrongly. Somebody goes there and ...his interest is to make sure that these people accept and then...So he promises things to people which do not exist. Then people buy in and then they move and they find out later that this which has been promised is not.” (Interview Mwakalumbwa 3 March 2009)*

The translator of this research simply comments: *“LHDA is known in Lesotho for paying their employees well. That is why they cannot do anything for the resettlers.” (quoted in Interview Mohlomi 27 February 2009).*

Another theory is put forward by an indirectly involved person, David Hall, from Sechaba Consultants: *“We have to remember that people are mostly poor, very often quite desperate. They are experiencing real losses and it is quite logical and normal to make as many claims as they can.*

LHDA describes this as a ‘complaint culture’ [...]

With regard to what was promised versus what was actually delivered...What is a promise? The problem is that people would go to a community consultation meeting (pitso) and somebody puts the hand up: ‘Can we not have this, can we not have that?’ The person who is facilitating might say something like: ‘Yes, ok I will make a note and ask the office.’ The next thing what the community says: ‘You promised! That is what we asked for.’ [...] I think it was a mixture of legitimate reasons but I think there was also strategic complaining. I would have done exactly the same. If I could have squeezed a bit more out of LHDA, I would certainly have complained.” (Interview Hall 10 March 2009)

Mr. Mohai from LHDA blames the approach of some NGOs of feeding the conflictive relationship between LHDA and the displacees: *“TRC has also contributed to those complaints. It has contributed a lot to the complaints because they are the NGOs, they have been telling the people a lot of stories which are really against the policy. They want LHDA to come and implement some of the issues which are outside of the policy and they make life difficult for us!” (Interview Mohai 16 March 2009)*

Whether either one of these explanations is true or not is not of most significance; what is important though is that those theories exist and that they greatly influence the perception and consequently actions of the respective people fostering a conflictive situation.

The Decision Making Process

Another big element of dissatisfaction and complaint is the approach of decision making LHDA often used and still uses – even if intentions are voiced to change that. Several villagers of Ha Koporale feel

discriminated against by LHDA in the general interaction: *'LHDA has an abusive nature. We are being abused because of the way we look, by the way we live. That abusive element of the LHDA should also be exposed. They do not talk to us well, they use derogative language, they despise us. This is also our concern: The negative attitude of LHDA. We also want that to be exposed in the report.'* (Interview Pitso Ha Koporale 5 March 2009)

While the LHDA officials claim to involve the local community as much as possible, the local community itself does not feel properly consulted and included.

A resettlee recounts regarding the decision to be displaced: *"The first public gathering for us to be informed was in 1994. When we were first contacted about this issue [...] was around 1993. [...] Around 1996/97 we were not willing to be resettled. So they said: 'No, you will be removed by the military from this place and your houses will be destroyed.' So we were forced to leave these places. That is why I say, we were forced to come here. We never chose to leave our original places."* (Interview Pitso 28 February 2009) A resettlee coming from Ha Ntsi, also chairman of SOLD, tells about the 'decision making process': *"[...] they told us that the machine will damage the houses. We have never been asked about it, they just told us."* (Interview Mahlakeng 24 February 2009) *"[...] once the government says: There is a road to be built, it is hard to say no. You cannot say 'no'."* (Interview Anonym 26 February 2009)

Nevertheless, in general people of the Mohale dam-affected communities were consulted as to WHERE they would like to relocate or resettle and were intensely informed about the respective places in advance. One exception seems to be the relocatees of Ha Thetsane: *"There was no choice, because these houses here had already been built and LHDA was going to destroy the houses back there. So we were forced to come here. [...] They had already built the houses when they told us that they were going to relocate us. So we were not really involved in the decision making process."* (Interview Pelea 25 February 2009)

Regarding the water systems to be implemented in the dam-affected communities, according to LHDA, the local communities have been consulted, being advised by experts. *"We have public gatherings, pitsos. We use the PRA-approach (community participatory approach), where people have to make their own choice, as to whether they would like to use electricity to pump water, gravity fed systems or protected springs. In most villages, where we have resettled communities you will find a combination of those systems."* (Interview Ramoeletsi 24 February 2009), the manager of the Mohale dam branch at LHDA explains.

The chairperson of the village water committee in Ha Tsiu explains the process of decision making on this issue of the new water systems differently: “*LHDA is doing their own things, leaving the community input aside. The communities are the best teachers of their own situation!*” (Interview Hatasi 6 March 2009)

The community trainer at TRC shares his observations: “*People do not participate in the decision making processes. They often come late when decisions have already been taken; they are just asked about their opinion. The water issues are clearly bent on neo-capitalist philosophy, where profit dictates. The people do not participate in the water issues or water management; they are told what to do; they are not involved in the decision making process. Therefore, clearly there is no transparency if people are not involved early at the conceptualisation of the project; communities do not participate at the decision making level.*” (Email Thamae 9 January 2009)

“*Since people are just told what to expect or what to do: surely a dependency syndrome is being created here. Communities are not empowered to stand on their own two feet; they rely on government officials for information and on how things are done*”. (Email Thamae 9 January 2009)

This ‘dependency syndrome’ leads right to the next conflict-contributing factor, the issue of responsibility.

The Question of Responsibility

The big question is: Who is responsible for the displacees of the LHWP? This question cannot clearly be answered since there are differing opinions on that issue, reflecting the various positions but also the fragmentation in the management/governance structures.

Almost all of the relocated or resettled people consider LHDA to be the first instance and the first contact point for any grievances they have with water, with their houses, with compensation in general, with roads and many other infrastructural problems encountered. (Interview Khama 6 March 2009)

LHDA on the other side does not consider several of the grievances as being within their scope of responsibility anymore. The dam-authority argues that they hand over the responsibility of the water systems to WASA and the respective displacees in the urban areas and to DRWS and the established community-based committees and water minders in the rural areas. “*Once we have built the water systems in the village and we have taken the costs, then we hand over the water system to the Department of Rural Water Supply. If a standpipe breaks and the water minders are not able to maintain that, then they are to report to the Rural Water Supply who is going to assist them.*” (Interview Ramoeletsi 24 February 2009)

According to a member of the Panel of Experts, LHDA should be the one responsible for the grievances put forward to them by the displacees: “*LHDA should be responsible, but their attitude is: Once the house is built it is a ‘sign-off’. In some cases they would go back because of the good will of a few people. [...]*” (Interview Hitchcock 28 February 2009)

The confusion as to who is responsible is widespread and is the cause for a further aggravation of the conflict on the local level, since problems are not taken care of, are prolonged or are left unfinished.

BOX 4: LHDA and Ha Matala

“One other situation is the tension between LHDA and Ha Matala. Where initially, when they arrived in 1998/1999, after they were settled there and everything was provided to them, they ignored to pay their water bill. Several months later when WASA closed their water, they came to say: ‘LHDA please can you assist to pay for us?’ For some reason we paid the first time and we wrote to them and explained to them: Look, this is your bill, it is not for LHDA. Please continue to pay for your own bill. Probably people were just taking advantage, they were explained, but probably we just need to reemphasise it. This year in 2009, they came again to say, that WASA has stopped their water system and that we should pay for their water. We had to remind them to say: Look in 1999 we paid for your water, we understood, that probably we were not clear as to who has to take responsibility, we explained it to you, that it is your responsibility. It is the responsibility of every individual who lives in Maseru by their own choice to access water from WASA by paying. So it is your responsibility to pay! Therefore, we have not paid.” (Interview Ramoeletsi 24 February 2009)

Even within an institution there is often a lack of understanding of who the responsible person is and hence the responsibility is passed on from one person to the other: *“When we were at LHDA they would say: I cannot work on this. Go to this and this person!”* (Interview Mohlomi 27 February 2009) In the perception of the resettles that is an indication of disrespect towards them, not taking their grievances seriously: *“We do not have any trust in LHDA. They have deceived us a number of times. The grievance that we have been putting before LHDA is that we have not received answers to these grievances.”* (Interview Khama 6 March 2009)

The ‘leader’ in Ha Thetsane contemplates: *“Maybe we would not be crying this much if they would have fulfilled all the promises that they gave to us when we were resettled.”* (Interview Pelea 25 February 2009)

4.3. IDENTIFIED (POSSIBLE) SOLUTIONS & INSTITUTIONS OF CONFLICT

RESOLUTION

The way dam-affected people deal with those conflicts or grievances described above is diverse depending on the nature of the conflict and other circumstances, using several mechanisms at the same time.

Several react with helplessness and resignation, expressed by a chief of a host community: *“We used to fight. There is nothing we can do. We always get the same answer: ‘We bring the water!’ What should we do? There is nothing we can do!”* (Interview Anonym 26 February 2009)

Another mechanism responding to the lack of water is to look for alternative water sources, if the water bill cannot be paid for: *“We have to drink the water from the dam. Sometimes we have wells, where the pigs and dogs swim. It is not drinking water.”* (Interview Anonym 26 February 2009) Others collect and use rain water (Domestic Rainwater Harvesting (DRWH)). (Hartung and Patschull 2001)

In general formalised ways of conflict resolution and informal mechanisms are used for conflict resolution. A central feature of the planning stage of Phase 1B was the establishment of the formal structures in the affected communities to facilitate the participation of the affected families in the planning and implementation of the programme. Some structures are still in existence while others proved unserviceable in the implementation phase of the project. Some institutions have newly been introduced while others have been in existence in all Basotho communities. Simultaneously there are ‘informal’ (customary) practises trying to solve concerns.

On an individual level institutions are redefined and restructured by various actors. Individuals tend to approach various institutions in order to have the most benefit in a given situation to secure, control and/or increase the access to resources. A resettlee summarises the line of institutions they would turn to in order to resolve a conflict or have grievances being taken care of: *“The first person that we would go to is LHDA. If that does not work we usually go to the Water Commission. If the Water Commission does not do anything we usually go to the ombudsman. The TRC can be included in all of these stages.”* (Interview Pitso 28 February 2009)

In that sense this section will briefly explore those institutions influencing and/or controlling the conflict resolution processes on a local level. Again, some institutions cannot clearly be separated from each other and allotted within a certain subgroup. It is not seldom the case that they are subject of several levels (e.g. SOLD is constituted of the displacees, but is itself a NGO; CALC is stipulated by LHDA but is based within the communities). Many of these institutions have been described already in section 4.1. and therefore are just succinctly listed for the purpose of completeness.

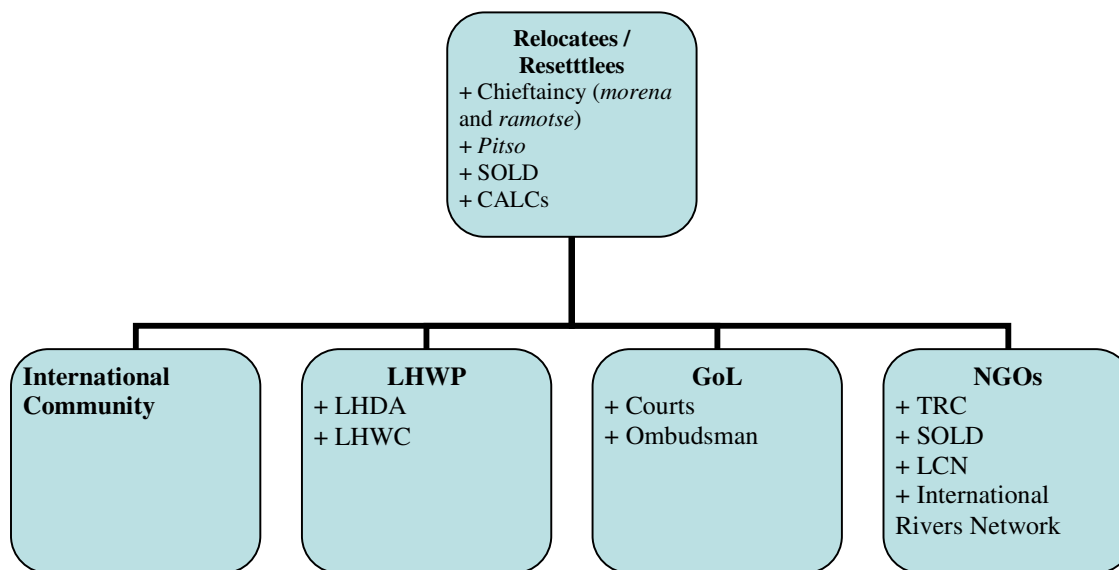


Figure 7: Institutions of conflict resolution on a local level

4.3.1. The Chief (*Morena*)

One institution functioning very well for conflict resolution in Lesotho is the traditional chief (*morena*)¹⁹. As soon as people fight within a community, people go straight to the chief or the headman (*ramotse*). He is the person responsible for maintaining or establish peace within the community. “*The chief is the chief security person in that village because the doors of the chief’s place are open 24 hours. [...] He is the most important person in the village. Even if a councillor [from the community council] is there, the chief’s word is like the final word.*” (Interview Mphatsoe-Makintane 25 February 2009)

Wherever a *morena* or *ramotse* is in charge, it is the institution that is at the forefront of dealing with conflicts over water supply, animals and other issues. The chief of Ha Tsiu explains: ‘*If there are conflicts of certain issues they usually refer to me as a chief for me to arbitrate and trying to weigh they issues and to find where the wrongdoing lies. So, ultimately I come to build the bridges of peace again.*’ (Interview Unknown 6 March 2009)

The chief would call the conflicting parties together, but not being allowed to sit next to each other. The *morena* would then request each of the parties to tell his or her side of the conflictive event. Witnesses would be called to sustain or object to the statements. Based on the information received and the effectual regulations, the *morena* would make the final judgment. If someone does not agree with a decision, he or she is able to appeal to the magistrate court (Interview Unknown 6 March 2009)

¹⁹ See also section 4.1.3.

In case of water stolen, according to the leader in Ha Thetsane, nobody had to pay any punishment, but the offender was just given warnings that they must not take the water again without permission by the owner. (Interview Pelea 25 February 2009)

Nevertheless, the jurisdictional power of the chief is restricted: *“Where I find that the issue is of gravest nature, I can take it to the local council. Otherwise I have the responsibility of bringing peace, by saying: ‘Please do not ever do this again.’ This is within my jurisdiction. I can just call you and then show you your mistakes and then if you accept, it is done. So we are saying: ‘Don’t ever repeat them!’ But where the conflict is of a serious nature, I can take it to the courts.”*(Interview Maime 5 March 2009)

Headman (*Ramotse*)

The headman (*ramotse*) of a certain community within a village is subject to the *morena*. A *ramotse* is not an institution which is unique for the dam-affected communities but is a ‘traditional’ institution like the *morena*. He or she is therefore responsible only for the internal conflicts – the concerns in regards to resettlement in specific are dealt with separately by other institutions (Interview Tjekesane 26 February 2009)

A *ramotse* in Letsatseng explains the tasks of her position: *“Generally I am responsible for the good governance of the people here and I am in charge that the people live in harmony here. Literally I am an eye of the chief. I am also responsible for the range management. Also if the people have conflicts I usually bring them together to mend their crisis.”* (Interview Thamae 6 March 2009)

The *ramotse* does not get any remuneration for the work he or she does.

For more complicated and tougher conflicts, the *ramotse* has to refer the conflicting parties to the chief: *“If you have a conflict with our neighbour you would come to me. If it is getting tougher I have to take him to the chief.”* (Interview Tjekesane 26 February 2009)

The disadvantage if taken to the chief is: at the chief’s place people have to pay to have their conflicts taken care of.

4.3.2. Cooperation among the inhabitants of a village

The most important mechanism for successful conflict prevention is the establishment of regulations accepted by preferably all community members. This is tried to be accomplished in a *pitso* as explained in section 4.1.3. If anybody transgresses those regulations they serve as a measuring unit to impose warnings or punishments on the delinquent. The chairperson of the village water committee in Ha Tsiu explains: *“What is important is that we have laws and regulations. If any one of us, anyone of the community*

members infringes on those regulations, he or she gets a certain punishment. You find that the laws and the regulations itself are sufficient in responding to a particular problem.’ (Interview Hatasi 6 March 2009)

In case of any leakages or other damages of the water system needing money for repairs most of the dam-affected communities – especially those in the urban areas – , turn to LHDA for support. The *ramotse* in Letsatseng explains a different mechanism established by the community: *‘They [LHDA] have installed in us, that it is necessary for us to be independent. We have contributed 40 Rand per household, so if the pipes burst or anything happens to them, we have that contribution and we take from it to mend these breaks.’* (Interview Thamae 6 March 2009) This way independence and a team spirit is cultivated.

In the urban areas a special form of cooperation has been developed: those people who cannot afford to pay for the water bills anymore and whose water consequently is shut off buy water from those that still have water. A relocatee in Ha Thetsane explains the cooperation established in case of a drought: *“We go to the people with ground water and buy it from them. [...] But only a few people can afford it because it is very expensive.*

It is not necessarily the rich people who can afford to buy the groundwater, but the ones who have problems with their water join hands and pay for someone to make such a borehole. After some time the next one is supported so that they can have the groundwater. For the relocatees we are not in that system because we have our taps, it is only the host community people who join hands to dig water, to make those boreholes. [...] They are the ones who do not have taps. But we the relocatees have to go to them and buy water from them if we do not have water anymore. [...] The people who are selling water have different prices. For some it is 50 cent for a 20 litres bucket, for others it is 1 Maloti.” (Interview Phutsisi S. 26 February 2009)

Another relocatee in Ha Thetsane explains this potentially conflict-inflicting situation of inequality in water distribution: *“It is a question of being merciful. But it is true that it sometimes can create some conflict. But I feel that if my neighbour fails to pay a monthly bill of maybe 100 Maloti, I feel that if I ask her to pay 50Maloti still she would not make it. That is why I said, that she can only pay 20 Maloti.”* (Interview Pelea 25 February 2009)

4.3.3. Non-Governmental Organisations (NGOs)

The Non-governmental Organisations (NGOs) play a very important role in the conflict resolution process and even the conflict prevention process by supporting the displacees in claiming their rights and

supporting them in bringing their grievances to the relevant authorities and institutions. Especially during the implementation phase NGOs found useful roles in helping to identify the problems affecting project-affected people and bringing them to the attention of the LHDA, the Ombudsman and other authorities. (Devitt and Hitchcock 2009:14)

The role of NGOs is to lobby groups in natural resource management as they design conditions for environmental justice and organise community-based associations and committees.

But representatives of the dam-authorities often do not see the NGOs of benefit to solve a conflict, but rather to stir up the communities and incite dissatisfaction: *“I really have no problem with these NGOs, but I have a problem with the way some of them conduct their business. Because they incite people to have negative attitudes towards LHDA. So much that you would find people will end up thinking that by making noise they can have more benefits from LHDA. So much that you find they create conflicts between us and the resettles or the affected individuals.* (Interview Ramoeletsi 24 February 2009)

a) Transformation Resource Centre (TRC)

The most important local NGO supporting the dam-affected individuals in Lesotho is the Transformation Resource Centre (TRC). The ecumenical, non-governmental Resource Centre was established in 1979 to promote democracy, human rights, rule of law, water and information dissemination, interactive debates and to strengthen the parliament. It has been given the mandate to observe the LHWP closely since its beginnings.

One of its four main programmes is on environment and ‘water for justice’, besides the programme for democracy and human rights, information and communication and the library. All of these programmes aim at empowering the civil society, giving the citizens information and training to be active participants in the affairs of their country. (TRC 2008)

A resettlee at Ha Matala explains: *“TRC is helping us now. When we are in difficulties we are calling on them: ‘Please help us! Come and make suggestions to us!’ Because they are there for us to help us. They are the ones who are helping us even to go to the ombudsman. They were the ones who went to the Commission with us. We are working together.”* (Interview Mohlomi 27 February 2009)

Even LHDA can see some benefits from working with TRC: *“With TRC we held meetings, pitsos, together. When we disseminated the compensation policy they would be there maybe try to find some of the weak points in our policy and try to advise the communities. At the same time we would have our own meetings to look at how we approach the communities, in order not to antagonise each other.”* (Interview Ramoeletsi 24 February 2009)

Another way TRC works aiming to support dam-affected communities is by organising meetings for people to discuss relevant issues. One of those meetings was the ‘Water Day Celebration’ on 13 March 2009 the confluence of Senqu and Sengunyane in Hloahloeng in mountainous areas of the Southern part of Lesotho. People in attendance were people already affected by the LHWP, people who were to be affected (Metolong-dam and Polihali dam), representatives of NGOs (DPE²⁰, TRC, SOLD), and governmental representatives

Issues on the anti-privatisation of water, on the management and protection of wetlands, on environment and pollution, climate change and general water politics and the position of Lesotho in the power politics of water were discussed. In this event all affected communities advised each other and shared experiences on issues regarding compensations, development and resettlement Communities affected by LHWP Phase I.

TRC believes that the experiences and advices gathered at Hloahloeng informed future planning of dams to include communities affected in the decision making process. (TRC 2009)

b) Survivors of Lesotho Dams (SOLD)

At the World Summit in Johannesburg in 2002, participants coming from various dam-affected areas in Lesotho discovered that they were facing the same problems. Consequently they decided to form an institution. In 2004 eventually the funds were there and SOLD was formed as an offspring of TRC. SOLD is the unification of people of all different dam-areas confronted with the same problems. Mr. Mahlakeng, chairperson of SOLD, illuminates: *“That’s why SOLD was formed. So that they can combine, that they can unite, that the can be strong.”* (Interview Mahlakeng 24 February 2009)

He estimates a membership of SOLD of over 10.000 people or even beyond but is not sure of the exact number. (Interview Mahlakeng 24 February 2009).

“The major role of SOLD is to push LHDA to fulfil their promises. Since LHDA does not want all the resettles to flock to LHDA for their problems, we have decided to form this SOLD so that we will be heard as one voice. Also now we are making our way forward to form our own constitution which we will submit to LHDA to give us a shape as to who we are.” (Interview Pelea 25 February 2009)

Unfortunately, SOLD is not well known among the displacees and therefore not approached as much as anticipated (Interview Mokhachane 6 March 2009) *“We do not know SOLD, but we know the role of TRC.”* (Interview Khama 6 March 2009) This can be attributed to the fact that SOLD is a rather new institution with fairly inexperienced staff members, but also because the affected people are forced to work long hours to earn their living so that they cannot participate in organisations like that (c.f. Interview

²⁰ Development for Peace Education

Anonym 27 February 2009) Additionally the cooperation with LHDA is not well established, with staff members of SOLD being less experienced in associating and arguing with officials and often having less educational background.

Leaders

Some individuals within a dam-affected community are chosen by the community members to become a so-called 'leader'. As such they are a member of SOLD and present their communities' grievances due to the LHWP to SOLD, but also to LHDA. *"The leaders call pitsos for those people in their own respective villages [...]. They would write a letter together or call LHDA to ask for a meeting with them. In the village what I do is to write up the problems that villagers bring up. So that when I go to the meeting I can mention the problems of the people."* (Interview Pelea 25 February 2009)

One of the leaders considers herself to have the most influence in matters concerning the grievances of displacement since all the people bring their problems to her. She would then take those to LHDA and therefore be an important mediator between LHDA and the local community. (Interview Pelea 25 February 2009)

4.3.4. Committees in Villages stipulated by LHDA

Other interesting institutions established at a local level are the various committees stipulated by LHDA. Since LHDA recognised a need for a closer cooperation with the dam-affected communities, they promoted and urged the affected people to form committees for resource management but also for liaising with LHDA. Some of these institutions have been discussed already in section 4.1.4. – the compensation committee, the village water committee and the water minders. They of course play a central role in preventing conflicts by involving the communities in the resource management and thus putting responsibility on their shoulders as well.

4.3.4.1. Combined Area Liaison Committees (CALCs) /Resettlees Committee

A committee requested by LHDA, called the Combined Area Liaison Committee (CALC)²¹ (Hoover 2001:49-52) had been established on a local level in 1998.

According to the resettles it consisted of four fixed 'representatives' – called Community Liaison Assistants (CLAs) (Hoover 2001:49-52) - which are elected by the community. Three additional individuals were chosen as needed, case by case. The CLAs were supposed to conciliate between LHDA

²¹ Dam-affected communities often refer to the CALCs as 'resettlees committee'

and the community by informing the villagers about what was going to happen in regards to the LHWP and to provide LHDA with feedback from the community. (Interview Mohlomi 27 February 2009)

A member of this committee, now also called 'resettlees committee', in Ha Matala expounds: *"Before usually all of us would go to LHDA. So LHDA advised us that they cannot accept all of us as a group and that we better should choose a committee to represent us. So we have those four people to represent us. But when there is a hot issue at hand to deal with we bring in three other people and we become seven. We do not have a particular title who is the chairperson or so, but we have a secretary that will write down the problem to be taken care of."* (Interview Mohlomi 27 February 2009) Another member of the resettlees committee adds: *"Since we cannot all go to LHDA, four of us take people's problems and complaints to LHDA and bring back the response. If LHDA wants to meet us, we do not get together as the whole with all 24 households, but we as the committee have to represent the whole community."* (Interview Sekolopata 28 February 2009)

BOX 5: Experiences of a CLA in Ha Matala

*"I was a Community Liaison Assistant (CLA). In a village they employed two people that had at least form E, the highest level in high school. They employed these people and trained them for about six months. So we were told that they were going to resettle these people. The villagers did not know. So we went for a training for about six months. When we went back we brought papers to show them that we are going to be resettled. They were surprised and they did not want to be resettled. So we had to inform them. Normally we would be told, that we should not tell the people that they are not going to give them this, but to tell the people that they are going to receive it. But we told them: We are part of these people! How dare you to ask us to lie to them whereas we are going to feel the same pain as they are going to feel!
We told the community not to agree, because they would not tell the truth. That was long before we were resettled. Finally we have been resettled."*
(Interview Mohlomi 27 February 2009)

It seemed that CLAs were not undisputed by the local communities fearing that it is an instrument used for LHDA's own purposes.

However, as the LHWP wound down, LHDA abolished the CLAs who had been instrumental in helping facilitate the resettlement and post-resettlement process. (Devitt and Hitchcock 2009:29)

4.3.5. Government-affiliated Institutions

In order to overcome the fragmentation in the water sector and thus relief and/or resolve the grievances of the inhabitants (like water scarcity) in Lesotho, several new plans (e.g. Lowlands Water Supply, Small Towns Water Supply Systems) have been developed and institutions adopted. (Interview Lifoloane 9 March 2009)

As mentioned in section 4.1.1. the Water Commission was established in November 2001 (Interview Mashini-Lefothane 17 March 2009) to coordinate all water sectors within the government and

stakeholders like WASA, DRWS, Department of Water Affairs, LHDA, Lowlands Water Supply Scheme, Metolong Authority. (Interview Makututsa 17 March 2009)

“It is a new position, but I think that they have actually done very well in pulling together and getting the different players to talk to each other. Like on this rural-urban divide and who is responsible for peri-urban, the Commissioner of Water’s office plays quite an important role. [...] There are a lot of water-sector meetings. So there is a lot of good coordination. [...] There might be a little bit of overlap but there is not that much! They all have pretty distinct and clear roles. You do not find a lot of disagreements.”

(Interview Hall 10 March 2009) A delegate from the European Commission remarks: *“What we have not achieved yet is for them to use those meetings to coordinate.”* (Interview Anonym 3 March 2009)

The constitution provides for an independent judicial system, made up of the traditional courts that exist predominantly in rural areas, and the local courts in the cities, the Magistrate's Courts, the Court of Appeal, and the High Court, whose chairman is normally proposed by the king himself. There is no trial by jury; rather, judges make rulings alone, or, in the case of criminal trials, with two other judges as observers. (Dube 2008)

These institutions are rather seldom used by displacees for grievances caused by the LHWP since it is very costly to go to court.

Therefore, in general complaints raised in regards to the compensation policy and other displacement issues are attempted to be dealt with through the Field Operations Branches of LHDA, one of which is Mohale. If no satisfactory result is achieved for those who feel aggrieved, they take their grievances to the government of Lesotho and the Ombudsman or, in some cases to non-governmental organisations. The Ombudsman responds by holding hearings on complaints in Mohale and in the foothills. One of the results of these hearings was a report published by the Ombudsman in 2003 which outlined the various complaints (Office of Ombudsman 2003). LHDA again responded with an increase of its efforts to resolve complaints ranging from repairing cracks in houses to providing compensation to owners of agricultural fields.

a) The Ombudsman

The existence of the Office of the Ombudsman is provided for in Chapter XII of the Lesotho constitution. It is established by an act of parliament namely the Ombudsman Act No. 9 of 1996.

The Ombudsman himself is appointed by the King upon advice by the Prime Minister whereas the staff members of the office (currently estimated at around 25) are appointed in accordance with rules and regulations governing the public service. Officially it is an independent body which handles cases of malpractice in public institutions including investigation into cases of corruption.

The chairman of SOLD elucidates the Ombudsman's role: *"The Ombudsman is acting as a mediator if there is a conflict whereby the people are oppressed by the rich people. That is part of his work. It is not everybody who will take the case to court of law. The court of law is too expensive. People do not pay for a lawyer. The Ombudsman is there to do that. [...] He is chosen by the government."* (Interview Mahlakeng 24 February 2009) The core mandate of the Ombudsman is to investigate allegations of administrative malpractices in the public sector, make reports and recommend remedial measures accordingly. The investigations revolve around

- Injustice, maladministration, corruption, unlawfulness, violation of fundamental rights or freedoms, general or particular dislocation of orderly administration in any specific authorities;
- Degradation, depletion, destruction or pollution of the natural resources, environment or the ecosystem (Ombudsman Act 1996: Section 7(6)).

The office has accordingly been investigating the grievances of the communities affected by the Lesotho Highlands Project.

As suggested before, the ombudsman's independency is disputed. *"That the Ombudsman is appointed by the King on the advice of the Prime Minister and its staff complement is appointed as part of the civil service may compromise its independence and autonomy. The independence of the Ombudsman Office should be assured, both in law and practice, in order to avoid possibilities of, even perceptions of, political patronage."* (Matlosa 2006:34)

The institution of the ombudsman therefore seems to be a good idea to resolve conflicts and take care of grievances, but fails in its initial aim to be independent and to aid the oppressed accordingly due to the interrelationship with the government.

"This ombudsman has to interfere in our affairs. The ombudsman has to give a ruling to the LHDA to give us our entitlement. But we realise, that the ombudsman himself has no powers to direct LHDA to give us compensation. How do you advise we should handle this issue. Where should we go now? Because the ombudsman is not helping us. Where should we go? To what courts should we go?" (Interview Pitso 5 March 2009)

A member of the CALC in Ha Matala even presumes: *"We think that LHDA maybe gives him something to just keep quiet. Because we have heard by rumour that the ombudsman's office said, that we have to go back to the Commission. Now they are playing cards on us. We do not know where to go."* (Interview Mohlomi 27 February 2009)

b) After Care Strategy

In order to resolve grievances in regards to the management of the water systems in the rural areas and its consecutively conflicts, a strategy was developed by the Department of Rural Water Supply (DRWS) and adopted by the government called the 'After Care Strategy'.

"With the pipes that you have, some of them do not work. So in effective coverage, the number of pipes that work per village are very low. But the pipes within the villages are many. So we realise that what we have now is an After Care Strategy. When you put in the pipes, you give people the rights to water, but even the responsibility to manage the water and to maintain and manage the system." (Interview Monyake 13 March 2009)

The After Care Strategy is part of a several staged 'Project Life Cycle' intended to involve and empower people in the rural areas in regards to the water systems (WS)

An important part of this After Care Strategy is the Operation and Maintenance Plan (O&M Plan) helping communities to remember their role during the post-construction phase. The community members are encouraged to work out the plan themselves: *"They should know how much they have to pay, how much costs there might come up by making calculations of likely places, where things might break or wear out quickly. So that they will be prepared to cater for the costs. [...]"* (Interview Lifoloane 9 March 2009)

This O&M Plan is also often referred to as 'bylaws' *"We always make a copy and leave a copy with the communities, so that it gives them confidence and they consider it to be their own. When there are problems you bring along the bylaws. Then you can work out the problems, based on what they know already."* (Interview Lifoloane 9 March 2009)

V. ANALYSIS AND DISCUSSION OF FINDINGS

5.1. PROCEDURAL REASONING OR THE PATH TO OWNERSHIP

Prof. Hitchcock, a member of the Panel of Experts, remarks about the LHWP: *“From my experience –and I worked on a number of resettlement projects around the world – this is probably one of the better ones, maybe one of the best!”* and he adds: *“But it has got huge deficiencies [...].”* (Interview Hitchcock 28 February 2009)

Inevitably the question follows: Why do those deficiencies exist and in what aspects are they found?

Obviously the reasons are multi-faceted. One of the explanations can be that people displaced – being forced to move without a choice of staying in their homes, with familiar people around them, in familiar areas with familiar customs, with places they have a relationship with and with known strategies for survival and of power – are suddenly pushed from an active controller of their own lives into the role of a passive and submissive receiver, depending on a greater force, namely LHDA.

Often not only homes are taken away and social ties are disrupted, but also many times the dam-affected communities are robbed of their independency and self-esteem by being deprived of providing for their own families. The secretary of the LHWC is well aware of this jeopardy of creating a population of dependency: *“These are my personal views now. To me when you are dealing with people it is not the same as when you deal with machines. When you construct a dam, you bring cement there. The cement is just material. It will accept whatever you want to do to it. If you do it badly it will react badly.*

But when you deal with human beings it is not the same, you see. You might think you are doing a good thing, but then it becomes a bad thing. For example I have noticed, it is not predominant, but when you compensate people and you give them more than they deserve, they will come back and ask for more and more and more. Then you find yourself creating a dependence syndrome where people now stop even working using their own initiative to work and earn a living. Now, they just sit out there and wait to be given handouts. [...] The idea is good to compensate people, but now it is treacherous. [...] I am not saying people should not be compensated. People should be compensated: Yes, fully! But also measures should be entreated to make sure that people start living a normal life where your dignity derived from working is enhanced.” (Interview Mwakalumbwa 3 March 2009)

Even though LHDA is according to the statements of its representatives earnestly striving to change that ‘dependency syndrome’, it is not satisfactorily achieved.

In this regard it is interesting to ask the question: How are individuals taken to that point, where they can see themselves again as active creators of their own lives having agency within their allotted scope?

According to the opinion of the author this is achieved best by involving the individuals in the decision making process, allowing the affected individuals to be designers of their own lives again. This is also endorsed by the democratic and legal theories of governance (Zips 2002; Rouveroy Van Nieuwaal and Zips 1998) The World Commission on Dams similarly notes that *“the most unsatisfactory social outcomes of past dam projects are linked to cases where affected people played no role in the planning process [...]”* (2000:176)

This could be realised by enacting ‘communicative reasoning’ (‘Kommunikative Vernunft’) as suggested by the German philosopher Juergen Habermas (Habermas 1981). He suggests a new term of reasoning, based on procedural negotiation between groups or individuals of so called ‘Geltungsansprueche’ (validity claims) of (1) truth (Wahrheit), (2) correctness (Richtigkeit) and (3) authenticity (Wahrhaftigkeit). Ideally those are negotiated in a situation free of power-relations, resulting in a decision based on consens, not just compromise. (Habermas 1981) In this ideal situation all individuals (possibly) affected by a decision, would be able to participate in the decision making process. In this decision making process the participants would have the same opportunity to participate in a communicative speech act by being able to open and/or continue a discourse any time. Furthermore, in this ideal situation all participants equally are able to establish the three validity claims (‘Geltungsansprueche’) of truth, correctness and authenticity to substantiate or disprove arguments, opinions, wishes and feelings. This understanding of procedural reasoning is interrelated with a procedural understanding of justice, which again is tied to the participatory approach of a free opinion-making process.

In reality this ideal situation however is seldom if not never found, but it can serve as a benchmark to critically look at the reality in order to work towards improvement of the reality.

Rather, in reality a field of power-relations is prevailing with various ‘capitals’ of individuals playing a decisive role, as explicated in Pierre Bourdieu’s ‘Theory of Action’ (‘Theorie der Praxis’) (Bourdieu 1998). He illustrates how various forms of capital (economic, cultural, social, symbolic capital) are translatable into power at different levels, creating inequality among various ‘players’ in the field – and in the process of negotiating access to or control of resources.

Taking a closer look at Lesotho’s practice of discourse between the dam-affected communities and the government-affiliated institutions (LHDA, WASA, DRWS) reveals a dual tradition: on the one side there are many efforts aiming at a participatory approach, being pushed mainly by the international community (e.g. World Bank, European Commission) and various NGOs (e.g. TRC).

This pressure has been given in inasmuch as various structures for communication between the local level and the institutions on a higher level (CALCs, various officers, village water committees) have been

established. Thorough consultation has taken place in regards to where people want to be resettled (NOT: whether they want to be resettled) within Lesotho and what water systems they would like to have installed if living in the rural and peri-urban areas.

On the other side displacees complain of being excluded from the discourse about compensation policies and other issues regarding the displacement due to the LHWP, making amendments and changes without their consent. Even institutions, like the village water committee and the water minders, stipulated from the outside, namely by LHDA or DRWS, not originating from the communities themselves, lack an understanding of their importance and a sense of responsibility and ownership within the dam-affected communities. It is assumed that this fact is due to missing communicative arrangements between the dam-affected communities and the governmental-affiliated institutions and/or a lack of 'communicative reasoning' during the decision making process.

Therefore, in Ha Koporale for example there is only one water minder taking care of the water systems, since two others dropped out. The water minder left explains why: "*When there is a problem and I call these two people, they refuse, because there is no longer payment.*" (Interview Khatala 5 March 2009)

Such 'new' institutions, like the village water committees, water minders and co-operatives, can be considered to be accepted by the communities, but often not understood properly or even not known by common members of a community. Some interviews showed that even a *morena* or a *ramotse* were not sure of the existing structures and regulations. Hence those institutions often fail in proper implementation. On the contrary, those institutions like regulations and bylaws regarding the water systems are working rather well that are decided upon by the communities themselves. The process of communities setting up the regulations themselves creates an understanding of their importance and establishes a sense of ownership of and identification with those rules.

This lacking sense of ownership of institutions can be extended to the compensation policy, the provided facilities (like houses), and many more issues of complaints described above.

Instead of applying 'communicative reasoning' and the participatory approach also in apparently small issues, LHDA and many times the government go the 'faster' way of deciding without actual participation of the local communities as real partners. This assumption of going the faster way, avoiding lengthy discussion with the local communities, is often erroneous. Many of the complaints and lengthy processes resulting from this 'quick way' of one-sided decision-making processes could probably be avoided or at least decreased in number, if people felt they were taken seriously in getting a sense of ownership and responsibility of the new situation.

If the importance and functioning of an institution is not properly explained by the authorities and consequently not fully grasped by the people that should implement the institution, it is deemed to be

ineffective. Even the well intentioned trainings for the people on a local level involved in committees and acting as water minders is of inferior value, if the training does not provide people with information they have the ability to understand not having any educational background in accounting or other training. (see section 4.3.5.)

This is of even more importance in Lesotho since the adult illiteracy rate is with 81.4 percent in the years 2000-2004 tremendously high (WHO 2006). During interviews it was observed, that it is difficult for dam-affected villagers to give numbers and dates of their villages and their personal lives (Interview Khama 6 March 2009)

Nevertheless, it is assumed that no violent or other conflicts of grave nature are found among the dam-affected communities due to the existing structures which include the local communities. Irrespective of these institutions not functioning properly in their implementation, the mere intention and existence of them coupled with other prevailing norms in the society (value of peace, hierarchical order etc.), seems to avoid the protraction and aggravation of conflicts coupled with the existence of self-made regulations for water use.

DRWS summarises reasons why so many of the rural water systems do not function properly (Ministry of Natural Resources 2007b:1-2), some of which are listed below. Many of these reasons confirm the collected data and could be met with the above explicated procedural reasoning involving the community in the decision making process as real partners:

- *“Lack of consensus on national policy resulting in shared responsibility between the community and DRWS for maintenance of the water systems and subsequently lack of commitment from the communities for management of the systems;*
- *Village Water committees do not have a legal status and are therefore not able to take action against defaulters e.g. households not paying water fees or misusing water;*
- *Many water system operators are not paid for their services for the community and are therefore not very committed to providing a good service.”*

All these reflection on participation and ownership is of even greater importance, taking into consideration that villagers are used to be involved in the decision-making process of issues concerning them via the customary institution of the *pitso*.

5.2. FRAGMENTATION OR THE PATH TO IRRESPONSIBILITY?

The problem of minimal involvement of the local community in the decision making process in practice is aggravated by the fact that there is a fragmentation of institutions in the water sector in Lesotho.

In theory, some very simple structures exist, to implement, operate and maintain the respective water systems:

- Lesotho Highlands Development Authority created under the LHWP-treaty is entrusted with the ancillary development of the LHWP, such as water supply.
- Community Councils as the lowest level of Local Government are the owners of the water systems after the water systems have been constructed, commissioned by the LHDA
- Village Water Committees, legally established under the Community Councils are responsible for the management, operation and maintenance of their water systems
- Water Users pay of water services if they live in the urban areas. In the rural areas they have to pay for maintenance of the water systems subsidised by the government.

In the implementation process, however, these structures are experienced as being not as simple, with several other institutions and organisation playing a role. Taking a closer look, the demarcation of each institution's or stakeholder's responsibility is not as obvious to the respective interviewees, especially the dam-affected people. While e.g. LHDA has a clear picture of what is within their frame of responsibility, all villagers interviewed, see a greater responsibility lying with the LHDA and claim, that LHDA is not fulfilling the promises made to them.

Representatives of LHDA on the other side argue, that the villagers' demands are continuously increasing, while the villagers complain, that LHDA is constantly changing their policies without the villagers' consent.

Also on the higher level (national government level) the cooperation and coordination between the various fragmented entities responsible for water issues is rather weak, as stated openly also by a representative of the European Commission in Lesotho (Interview Anonym 3 March 2009). This of course has implications for the dam-affected communities on a lower level.

This weak coordination, which is currently being tackled by the recent implementation of the 'Water Commission' (under the Ministry of Natural Resources), is according to some interviewees the result of the parallel government structures of the old system of chieftainship and the 'newly' introduced and imposed system of local government as part of Lesotho's democratisation. According to a representative of the Department of Rural Water Supply (governmental institution), this confusion causes development to stop. (Interview Lifoloane 9 March 2009)

5.3. TRANSPARENCY OR THE LACK OF IT

The existence of several parallel institutions of water management and conflict resolution leads to confusion not only for the institutions, but also for the individuals and groups. The ensuing and accompanying fragmentation of responsibility in the water sector therefore seriously interferes with most people's ability to control, enforce or secure their access to institutions, water resources and resources in general. For others however this fragmentation offers an interesting opportunity of disguised activity without real obligation to answer to a certain institution. It allows for a missing transparency in regards to the activities undertaken at the decision-making level, greatly influencing the sector of water management (cf. Interview Makututsa 17 March 2009)

The chairperson of SOLD for example considers the government of Lesotho to be the beneficiaries of the royalties Lesotho receives from the LHWP: *"We have plus minus 1,8million people. Then from the Republic of South Africa there are payments of 25-30 million Maloti on a monthly basis. Since Basotho are starving, why are they starving? Who is benefiting? Some kids of the resettles do not go to school because they do not have any means to attend school! That's why I say: The government of Lesotho is the benefiter of this country."* (Interview Mahlakeng 24 February 2009) A member of the Panel of Experts confirms: *"Alas, that money has not gone back where we think it should – to the affected communities. It is going to the national level, it is going to the ministers and they are making decisions on where that money goes. [...] There is about 300million Rand a year."* (Interview Hitchcock 28 February 2009)

It is remarkable, that no Minister in Lesotho was available for an interview and nobody was able to expedite any numbers on the distribution of money in the various sectors – not even the Commissioner of Water replied to several emails posed to him, asking where the priorities of the GoL are and how much money is dedicated to the water sector. *"So we wonder: Where is that money going? Who is now benefitting if the people who are really affected are not benefitting that much?"* (Interview Tsoeu 16 March 2009) The secretary of the LHWC explains vaguely: *"Initially they had set up a fund, the royalties were going to that fund and that fund had dedicated programmes, mainly poverty alleviation programmes. Now, the individual projects in that fund I am not familiar with. [...] I think as much as one would like this benefit to accrue to those areas where people are affected by the construction of the project. But the governments have priorities and any income coming to the government becomes part of the national fund. [...] So now the royalties become part of the national fund to be spent just like any other income collected through taxes, levies and whatever."* (Interview Mwakalumbwa 3 March 2009) The question is left open: Who are the real beneficiaries of the royalties received by the transferring of water from Lesotho to RSA? The lack of transparency makes a governmental institution suspect, allowing some speculations where millions of Rand/Maloti disappear and aggravating the growing dissatisfaction among the Basotho watching government official riding in luxurious cars while hardly being able to survive themselves.

5.4. INTERNATIONAL STAKEHOLDERS AND THE BASOTHO OR DEMOCRACY ON PAPER ONLY

The fragmentation indirectly is also the result of the network relationships between the GoL and the international stakeholders. It is a development stipulated by the international community, making financial aids dependent on the fulfilling of certain criteria – namely democratic structures.

“Actually it is international pressure that forced Lesotho into that. Because when you change and become a democratic country you do not just choose what you want. There are certain criteria to follow, if you are saying you are a democratic country. Going into local government was part of saying: ‘If you really are a democratic country we need to see you going into local government.’

[...] Decentralisation is just in papers, the whole process is just in papers. Look at the budget we had last week. None of the Ministries is ready to go to the district level. Everything, even the budget is still decided on the central government – at the ministry level. ” (Interview Mphatsoe-Makintane 25 February 2009). Non-compliance with the set criteria by the international actors jeopardises any future relationship and consequently financial aid (cf. Interview Mwakalumbwa 3 March 2009). *“Now we are struggling between transitioning ourselves from our common leader (the traditional leader) to the leadership imposed by the political dispensation. [...] They want us to adopt the democracy of which they have matured. [...] It comes with relations: If you do it, we are going to give you this. Then we have to take it because we are hungry anyway.”* (Interview Lifoloane 9 March 2009)

The problem of methodology is the same as found on the local level: systems imposed in that way are usually not sustainable in the long run, since there is a lack of a sense of ownership. Once the ‘watching eye’ of the international community is gone or sleeping, the introduced system often fades away. A front is maintained to satisfy the demands of the often unfortunately only superficially ‘watching’ international community and /or donors. Many of the criteria set by the international community are only in existence on paper.

In practise customary systems, premises and values remain in existence, leading to confusion in regards to responsibility and certain processes (e.g. conflict resolution processes). This co-existence of several institutions can be considered to be of great value, maintaining adapted and well-established structures, but it can also at the same time, if not openly acknowledged, lead to confusion and clashing interests.

In general a tendency can be observed that customary institutions like chiefs and *pitsos* are still playing an important role in the rural areas, whereas those institutions play a diminishing role in the urban areas being gradually taken over by the introduced democratic system of local governance.

The community trainer of TRC sheds light on prevailing attitudes of many people in Lesotho in regards to gender: *“You know what is happening in Lesotho? Lesotho is one of those few countries that listens to the international calls. For example right now in Local Government about 80 percent of our councillors are women. [...] I think it is the socialisation process that we go through: Even if there are nine women and one man, who have come to a meeting. If those women are asked to choose a chairperson for their association they will choose that one man. If you ask them: ‘Why did you choose that man?’ The answer will be: ‘Because simply he is a man!’ He is superior.*

It goes deep into where we come from. Our socialisation process told us that men are more important. So no matter how much the international communities can push for women’s representation, it is representations in numbers. But we still do not hear their voices. At the end of the day it is still the men’s voices that matter.” (Interview Mphatsoe-Makintane 25 February 2009)

Those norms and values are difficult to change ‘overnight’ – complicating the process of introducing a truly ‘democratic habitus’ (c.f. Bourdieu 1976) that does not only exist on paper.

All these reflections play an important role in responding to the two core questions posed initially and guiding this study as outlined in section III and IV:

- (1) How do ‘formal’ and ‘informal’ institutions/structures shape (potentially violent) conflicts at a local level in regards to water-related issues?
- (2) What are the different strategies developed by individuals or group actors to control, enforce or secure their access to institutions and/or water resources?

The compensation officer at LHDA concludes: *“I have just seen, that there are a lot of mistakes which we have just gone through. So I have some plans in mind in order to overcome those problems. I can make a lot of recommendations and work together to have it better - to have it better in Phase II.”* (Interview Mohai 16 March 2009)

VI. CONCLUSIONS AND RECOMMENDATIONS

6.1. CONCLUSIONS

This study focused on the institutional dimension of water management on a local level, preventing, enforcing or mitigating a conflictive situation.

It aimed at developing recommendations for the prevention of violent escalation of localised water-related conflicts. Following the concept of conflict as a multi-dimensional and multi-layered complex (see chapter II), this research aimed at including various levels (i.e. international, regional, national, and local level), putting the local level in the centre and briefly exploring various impacts of the other levels on the institutions at a local level.

Generally it can be observed that grievances and problems per se are not the cause or trigger for violent conflict, even more so in Lesotho since the norm of 'peace' is highly valued among the Basotho. Instead, the mechanisms of how conflicts and grievances are managed are decisive. Therefore, conflicts can obviously have a destructive component, but are also able to set an impulse for necessary reforms and improvements (cf. Töpel and Pritz 2005:47).

Water scarcity contributes to dissatisfaction in Lesotho, but there are several more aggravating causes in regards to the building of the water-related developmental project (LHWP) and the ensuing displacement. Latent conflicts between water users were mostly found between the dam authorities (LHDA) and the dam-affected communities, less among the villagers themselves.

The micro-level perspective was mandatory for this study in order to permit insight into the implementation and actual functioning of the existing structures and institutions of water management and conflict resolution in Lesotho. It revealed that even though many well-intentioned structures of communication and of co-operation in the water sector are in existence in order to avoid an eruption and escalation of conflicts, implementation is lacking in fulfilling its purpose of satisfactorily meeting the needs of the dam-affected people, securing that they are not worse off than before the construction of the dams and of allowing them to actively participate in the decision making process.

From a macro-level perspective it can be observed, that a local government with community councils has been established, many women have been placed in governmental institutions, a Water Commission for a better water sector cooperation and an After Care Strategy have been developed. Furthermore, it can be shown that the LHDA has set up an encompassing compensation policy with community based management structures also in the water sector (see section IV.). Nevertheless, uniquely on the micro-

level a deficiency in implementation can be identified, stimulating latent conflicts potentially evolving into open conflicts to possibly escalate – if not taken care of properly.

Hoover concludes: *“While the veneer of ‘consultation with stakeholders’ may have improved the project’s image, the voices of the most affected remain excluded from decision-making.”* (Hoover 2001:52)

This study appeals for an improved participatory approach in the decision making process and therefore constitutes a valuable confirming contribution to those democratic and legal theories of governance (Vienna School of Governance 2008), that show, if and how a political system, network, or relationship is tied to broader society-wide communicative processes that have a democratic, legitimating quality. They claim that so-called indigenous societies many times transpire to be better suitable for a proceduralist conception of justice that combines notions of communicative competence, democracy, and rule of law, than the self-acclaimed Western representatives of ‘modernity’ (Van Rouveroy Van Nieuwaal and Zips 1998). Likewise the institution of the *pitso* in the Basotho communities reveals the value and importance of the participation of individuals in the decision making process of issues affecting them.

6.2. RECOMMENDATIONS

“From Phase I there has been a lot of experience and we have become wiser and a bit more accommodating. Luckily the best international practice is there. We are not going to reinvent the wheel, we are just refining the wheel which has already been put in motion. At least we are going to be given a second chance” (Secretary LHWC, Interview Mwakalumbwa 3 March 2009)

As a matter of fact, many wheels are already working in the sector of water-management in Lesotho. Unfortunately though many times those wheels are still too rough squeaking and grinding, other times there are too many wheels taking the right of way from each other, and still other times the wheel simply is not appropriate or fit for the ‘ground it is rolling on’. It can even be assumed that sometimes wheels are stopped for some individual’s personal purposes trying to benefit from that stalemate.

Most of the wheels therefore need refinement to adapt to the ground, others to run smoothly in themselves and others should be completely done away with.

The following gives some selected recommendations on how to go about this process of refinement of water management and conflict resolution on a local level before, during and after displacement.

The author of this report is aware of the fact, that the LHWP is a highly complex and multi-faceted project with multi-million royalties involved. Thus, the following recommendations are to be understood as an approach to conflict resolution as outlined as one of the aims of the MICROCON project, *“with the purpose of uncovering much-needed fundamentals for better informed domestic, regional and*

international conflict policy, which places individuals and groups at the centre of their interventions.”
(MICROCON 2009)

Whether the listed recommendations are in reality feasible or remain an idealistic attempt at conflict resolution for the people affected by the LHWP will to a large extent depend on the diverse (government) interests involved. Unfortunately, experience of other international projects shows that the satisfaction of minority groups usually is not on top of the governmental priority list.

Nevertheless, these recommendations at least can be considered as benchmarks, giving valuable suggestions for improving the situation for those affected by the LHWP, but also for those working with the affected people and their complaints.

a) Improve and increase frequency of trainings

Committee members often feel inadequately equipped to fulfil their tasks appropriately. Also common villagers often do not know about the responsibilities of committees in their villages (e.g. village water committee, compensation committee).

Policy Recommendation

Provide more frequent and improved trainings to the committee members and train trainers to adapt their trainings and lessons to the respective (lack of) educational background of the participants.

Include chiefs in trainings and put responsibility on them to delegate training among villagers about the importance of committees for sustainable water access in the future. Best structure: *Pitso*.

b) Benefits of the project should go back to dam-affected people for more sustainable water management

“Lesotho has water. It is a pity to see a country with water, having people without water. Maybe the challenge here is – especially when you are exporting water to another country – to create infrastructure for the provision of clean water to people. I think that should be priority number one.” (Interview Mwakalumbwa 3 March 2009)

Policy Recommendation

“We are recommending for phase II that the royalties go directly to LHDA for distribution of the affected parties.” (Interview Hitchcock 28 February 2009)

Affected communities must be guaranteed through policies to be direct beneficiaries of projects like the LHWP, by receiving a certain percentage of the royalties (Thamae 2008:5) and/or by investing in the installation of effective infrastructure to guarantee the provision of water to affected people. There should

and must be specific commitments listed towards the dam-affected communities in order not to be mere toothless confessions on the paper.

c) Include locally adapted mechanisms and customary traditions

Many institutions have been introduced to the Basotho society with good intentions (e.g. community councils of local government system). Unfortunately many of these have not taken into consideration that there have already been local existing institutions and mechanisms (e.g. chiefs). Consequently many institutions fail in the implementation process due to the confusion as to responsibilities, due to lack of ownership and due to irritation in regards to ‘new’ authorities.

Policy Recommendation

Consider legal pluralism (Benda-Beckmann 2002; Griffiths 1986) with locally developed and locally adapted customs and strategies as possible and valuable institutions in managing resources and handling and resolving conflicts on a local level and establish corresponding policies. Ways need to be developed in which ‘traditional’/‘customary’ informal approaches and ‘modern’ formal approaches are amalgamated with the goal of optimising conflict prevention or facilitating cooperation.

Anastasov (2002), for instance, offers eight steps to improve local water management, some of which could be valuable in Lesotho as well:

- (1) Installation of independent information centres
- (2) Collection of necessary information materials
- (3) Establishment of contacts with local and national stakeholders
- (4) Formation of ‘water clubs’
- (5) Set up of a website
- (6) Organisation of discussions in the ‘water clubs’
- (7) Arrangement of round tables with various representatives
- (8) Organisation of educational seminars

d) Establish Council to improve Lines of Communication and Participation in Decision Making Process – The Dam Council for Basotho Participation (DCBP)

In continuation of the previous recommendation, the core message of the report as a whole can be summarised in the following recommendation.

Approaches genuinely involving and engaging local users in the decision making process are more efficient, more effective and more equitable than usual top-down practices. They are also the key to ownership and local commitment. It is precisely those elements that are missing in the relationship

between government-affiliated institutions and dam-affected communities, mostly lacking ownership, responsibility and identification with the various institutions stipulated by the authorities.

Affected communities must have a right to be consulted and to participate in the discourse concerning their future in every project a country undertakes (Thamae 2008:5) The chairperson of SOLD demands: *“Project Authorities should talk with the owner of properties and the owner should be able to say, what he/she needs. It should not be the other way around!”* (Water Day Celebration 2009)

Policy Recommendation

A participatory approach of communities in the decision making process of resource management should be cultivated and supported as sustainable and ‘effective’ strategies creating ownership and a sense of identity and responsibility (Van Koppen et al. 2007; Zips 2003). This can be achieved by strengthening the dialogue between parties, particularly national and local governance structures, civil society and private sector.

Accordingly, it is recommendable to actively search for an either already existing entity or establish a new entity concerned with the communication process between the local community and the government-affiliated institutions, to be called ‘Dam Council for Basotho Participation’ (DCBP). Several thoughts should thereby be taken into consideration:

Such a council has to be accepted by the dam-affected communities as well as by the LHDA and the government as equal partners in discussion. It should not be an insertion of an additional level in between the affected people and the decision making level, since this would most likely result in a further division and exclusion of the local community. Instead it should be an instrument for direct communication and the platform for direct decision making.

In order to avoid a toothless entity of merely superficial tasks, this council needs to be equipped with the necessary ‘instruments’. Hence, as a fundamental prerequisite, the relevant people have to be members of this entity: Persons with the ‘highest’ decision-making authority in a community (e.g. chief) provided he or she is affected by the dams, a representative of LHDA entrusted with a high level of decision making authority, representatives of NGOs (e.g. TRC) as well as international observers should be core members of this institution. Particularly, the representative of the dam-affected communities has to be chosen and/or approved by his/her people in a *pitso* continually conferring with them.

The respective membership of the DCBP has to be adapted to the respective purpose of the institution, whether it is an institution implemented to serve those, who have been affected by the dams in the past already OR to serve those, who will be affected in the near future.

The ‘rules of the game’ within this council should be based on the principles promoted by Habermas (1981) such as equal opportunities for all participants to express their perspectives, put forward validity claims and to be equal partners in the actual decision making.

Its goal should be to satisfactorily accommodate the needs of all participating groups, actively seeking a consensus; a compromise is only acceptable, if a consensus is not possible. Actions must be in accordance with the decisions made and have to be able to be explained and made transparent to all affected groups (internet, TV, radio, newspapers, *pitso*, etc.).

In order for it to work efficiently, the purpose and central importance of the DCBP has to be explained to all community members in a clear and simple manner, understandable to the community members.

Simultaneously, the respective officers and staff members at LHDA have to be trained to treat and respect community members as equal partners, meeting them at the community’s level using ‘the language of the villagers’.

That way the people will have a better chance of influencing decisions affecting them rather than working through representatives in the community councils that are not directly in contact with them. (Kappa 2009: 19)

The financial support for the DCBP should come from a variety of sources, to avoid any dependency.

Not only on a local level, but also in the national and international discourse the prevailing premises should be adapted to the premise of the Arusha in former Tanganyika and realised as much as possible with respective policies: “*We discuss and discuss the matter and then we agree. When we agree, that is the end.*” (Gulliver 1963:232)

BOX 6: Wishes for the next 10-15-30 years, expressed by interview partners

Manager of Water distribution at WASA: “*Trouble free network, trouble free distribution system, where people are getting water 24 hours seven days a week with the right pressures and the right quality. That would be all, that would make me a happy woman. [...] So that they can pay for the quality service they get.* (Interview Makhaola 9 March 2009)

“*For the whole area that I am ruling in first of all I would wish roads to be constructed properly. Also the availability of water, developments of toilets, employment creation and electricity development. A better life for the people I am ruling.*” (Interview Anonym 26 February 2009)

'Our greatest wish is to be removed. But in the event where we are not resettled, we want certain developments to take place, such as electricity and things that will make live better.' (Interview Thamae 6 March 2009)

"My wish is, that LHDA is straight. There are still two dams I believe that are going to be built. My wish is, that the people that are going to be affected are served straight away. [...] If they could just be straight, trying to stay with the policies, that we have agreed on, trying to follow the constitution. The compensation policy could be much better I think.' (Interview Anonym 25 February 2009)

'My wish regarding water in the next ten to thirty years is that we would never be water stressed. We should have water in abundance at the water points as we are in the mountains here. So we must have sufficient water.' (Interview Hatasi 6 March 2009)

"My wish is that we could have a community hall here, that could be used by different groups and that we could be in a position to rent it out. That is my wish. Another wish is that we could have a clinic in this village. A clinic so that we attend to our people immediately. Many times we loose lives where it could still be saved.' (Interview Mokhachane 6 March 2009)

"Electricity and more sustainable water maybe through the use of big tanks. Those would be the wishes." (in Interview Khama 06.March 2009)

"Drain the dam, so that we can go back to Mohale. We want our place back! Life is difficult here – take us back to Mohale!" (Interview Pitso 28 February 2009)

In order to emphasise the demand of the displacees for their current situation to change, an emphatic statement of a relocatee in Ha Koporale: *"Here you are amongst us and you want to know our views on all the questions you asked. How are you going to help us in our grievances! We want YOU to do something! What will your role be? What are you going to do? Or is this just a talk show? Are you here to be any other people who have come here? What is it, that you are going to do? [...] We want something concrete, something tangible. Tell us what you are going to do! We do not want fantasies, we do not want a talk show, we want to know, what your next steps are going to be!"* (Interview Pitso 5 March 2009)

6.3. FUTURE RESEARCH

Due to the limited time and resources, this research is constrained in its scope of findings.

It would be of great worth not only for the case of Lesotho, to develop a specific concept as to how to amalgamate ‘traditional’/‘customary’ informal approaches and ‘modern’ formal approaches with the goal of optimising conflict prevention or facilitate cooperation.

Currently, one of the most pressing issues to be researched is to find an appropriate entity, which LHDA should pay the compensation money to in order to guarantee sustainable development. This process of searching for an entity should be in constant consultation with the communities, making the discourse transparent to them and including them as equal partners in the decision making process.

This question is connected with the question of what will happen to the dam-affected communities in the future and how to support sustainable development as posed by a resettlee in Ha Matala: *“Here where we are we are supposed to be compensated for 50 years. The question is what will happen after 50 years? What will my children do after 50 years? We were forced to come here. If the water is useful for Lesotho for more than 50 years why should we be compensated only for 50 years?”* (Interview Pitso 28 February 2009)

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7.1. PERSONAL CONVERSATIONS

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Hitchcock, Robert (2009):

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Reilly, Tandi (2008): *Email*. 13 July 2008.

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- *Email*. 9 January 2009.
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7.1.1. Interviews

Anonym: Relocatee, Lesia, Ha Thetsane, Lesotho. 25 February 2009.

Anonym: Chief of host community in urban area, Maseru, Lesotho. 26 February 2009.

Anonym: Resettlee, Likalaneng, Ha Matala, Maseru, Lesotho. 27 February 2009.

Anonym: Delegate of European Commission, European Commission, Maseru, Lesotho.
3 March 2009.

Bogardi, Janos: Director, United Nations University Institute for Environment and Human Security,
Bonn, Germany. 26 February 2008.

Group meeting: Members of community, Ha Tsiu, Lesotho. 6 March 2009.

Hall, David: Director, Sechaba Consultants, Maseru, Lesotho. 10 March 2009.

Hatasi, Tebelo: Chairperson, Water Committee, Ha Tsiu, Lesotho. 6 March 2009.

Hitchcock, Robert K.: PoE member, Panel of Environmental Experts - LHWP, Maseru, Lesotho.
28 February 2009.

Khama, Nkopane: Ramotse of relocation area in Ha Tsiu, Ha Tsiu, Lesotho. 6 March 2009.

Khatala, Theresia: Member of Water Committee and Water Minder, Ha Koporale, Lesotho.
5 March 2009.

Lekhoaba, Fusi: District Engineer, Department of Rural Water Supply (DRWS), Maseru, Lesotho.
2 March 2009.

Leshapa, Malenyora: Leader of resettlees, Ha Koporale, Lesotho. 5 March 2009.

Letsatsi, Khotso: Public Relations Manager, Water and Sewerage Authority (WASA), Maseru, Lesotho. 16 March 2009.

Lifoloane, Fusi Emmanuel: Senior Sociologist, Department of Rural Water Supply (DRWS), Maseru, Lesotho, 9 March 2009.

Mahlakeng, Tom Monaheng: Chairperson SOLD, Maseru, Lesotho. 24 February 2009.

Mahlomola: Chairperson of Compensation Committee, Ha Koporale, Lesotho. 5 March 2009.

Maime, Kori: Chief, Ha Koporale, Lesotho. 5 March 2009.

Makhaola, Mamathe M.: Manager Water Distribution, Water and Sewerage Authority, Maseru, Lesotho. 9 March 2009.

Makututsa, Bokang: Legal Officer, Water Commission, Maseru, Lesotho. 17 March 2009.

Malachamela, Felix: Director, Lowlands Water Supply Scheme (LLWS), Maseru, Lesotho. 9 March 2009.

Maliehe, Mapontso: Resettlee, Likalaneng, Ha Matala, Maseru, Lesotho. 27 February 2009.

Mashinini-Lefothane, Mamaseko: Procurement Officer, Water Commission, Maseru, Lesotho. 17 March 2009.

Mohai, Thabo: Compensation/Resettlement Officer, Lesotho Highlands Development Authority (LHDA), Maseru, Lesotho. 16 March 2009.

Mohlomi, Makuena: Member of Resettlees Committee, Likalaneng, Ha Matala, Maseru, Lesotho. 27 February 2009.

Mokhachane, Makoali: Member of Compensation Committee, Ha Tsiu, Lesotho. 6 March 2009.

Monyake, Vuyani: Hydrobiologist, Department of Water Affairs, Hloahleng, Lesotho. 13 March 2009.

Mphatsoe-Makintane, Mookho: Democracy Educator, Transformation Resource Centre, Maseru, Lesotho. 20 February 2009.

Mphatsoe-Makintane, Mookho: Democracy Educator, Transformation Resource Centre, Maseru, Lesotho. 25 February 2009.

Mwakalumbwa, Ilembu: Commission Secretary, Lesotho Highlands Water Commission, Maseru, Lesotho. 3 March 2009.

Nketsi, Malitlhare: Relocatee, Lesia, Ha Thetsane, Maseru, Lesotho. 26 February 2009.

Palesa, Monongoaha: Project Manager - Maseru Wastewater Project, Water and Sanitation Authority (WASA), Maseru, Lesotho. 27 February 2009.

Pelea, Malerato: Leader of resettles, Lesia, Ha Thetsane, Maseru, Lesotho. 25 February 2009.

Phutsisi, Maseka Victoria: Relocatee, Lesia, Ha Thetsane, Maseru, Lesotho. 26 February 2009.

Phutsisi, Seka: Relocatee, Lesia, Ha Thetsane, Lesotho. 26 February 2009.

*Pitsos*²² / Focus group discussions

- Resettles (approx. 20 people): Likalaneng, Ha Matala, Maseru, Lesotho. 28 February 2009.
- Resettles and members of host community (approx. 30 people: 20 females, 10 males, 1/3 resettles): Ha Koporale, Lesotho. 5 March 2009.
- Relocates and members of host community (approx. 14 people: 7 females, 7 males, 2 relocates): Ha Tsiu, Lesotho. 6 March 2009.
- Relocates (approx. 10 people): Ha Tsiu, Lesotho. 6 March 2009.

Ramoeletsi, Richard: Manager, Mohale Dam area, Lesotho Highlands Development Authority (LHDA), Maseru, Lesotho. 24 February 2009.

Sekolopata, Mohlalefi: Member of Resettles Committee, Likalaneng, Ha Matala, Maseru, Lesotho. 28 February 2009.

Thamae, Mabutsetsa Lenka: Community Trainer, Transformation Resource Centre (TRC), Maseru, Lesotho. 21 February 2009.

Thamae, Mabutsetsa Lenka: Community Trainer, Transformation Resource Centre (TRC), Maseru, Lesotho. 14 March 2009.

Thamae, Malira: Ramotse (Headman) in resettlement area, Letsatseng, Lesotho. 6 March 2009.07.22

Tjekesane, Mapaki: Ramotse (Headman) in Lesia, Ha Thetsane, Maseru, Lesotho. 26 February 2009.

Tsoeu, Tseliso: Agriculture, Environment & Natural Resource Coordinator, Lesotho Council of NGOs (LCN), Maseru, Lesotho. 16 March 2009.

Unknown: Member of Water Committee, Letsatseng, Lesotho. 6 March 2009.

Unknown: Chief, Ha Tsiu, Lesotho. 6 March 2009.

Unknown: Deputy Principal Secretary, Ministry of Agriculture and Food Security, Maseru, Lesotho. 10 March 2009.

²² Public gatherings to discuss a certain issue

VIII. LIST OF ABBREVIATIONS

CALC	Combined Area Liaison Committee
CLA	Community Liaison Assistant
CoW	Commissioner of Water
CS	Construction Supervisor
DCBP	Dam Council for Basotho Participation
DoC	Department of Cooperatives
DPE	Development for Peace Education
DRWS	Department of Rural Water Supply
EACH-FOR	Environmental Change and Forced Migration Scenarios
ECA	Economic Commission for Africa
GoL	Government of Lesotho
IWRM	Integrated Water Resources Management
JPTC	Joint Permanent Technical Commission
KoL	Kingdom of Lesotho
LCN	Lesotho Council of NGOs
LHDA	Lesotho Highlands Development Authority
LHWC	Lesotho Highlands Water Commission
LHWP	Lesotho Highlands Water Project
MICROCON	A Micro Level Analysis of Violent Conflict
NWRMP	National Water Resources Management Policy
PO	Project Officer
RDP	Rural Development Programme
RSA	Republic of South Africa
SADC	Southern African Development Community
SADOCC	Southern Africa Documentation and Cooperation Centre
SOLD	Survivor of Lesotho Dams
TCTA	Trans-Caledon Tunnel Authority
UNDP	United Nations Development Programme
VLO	Villager Liaison Officer
VWC	Village Water Committee
WASA	Water and Sewerage Authority
WHO	World Health Organisation