

Mokhotlong community demands lifetime compensations from LHDA

'Mantšali Phakoana

MOKHOTLONG

Mokhotlong communities whose livelihoods are likely to be adversely affected by Phase II of the Lesotho Highlands Development Authority (LHDA), namely the Polihali Dam, are up in arms against land compensation that is payable for 50 years, and are demanding lifetime compensation.

The people from the villages of Ha Lebopo, Mahesheleng and Thabang have strongly emphasized that as long as Polihali Dam exists, they want permanent compensation for the affected fields, and properties.

'Malitšoa Masiu, a widow from Ha Lebopo, whose fields are to be affected by the construction of Polihali Dam indicated that LHDA is failing to consult with them during preparations for the construction of the Polihali Dam that is currently underway.

"I am a widow, who lives with three-grand-children who are double orphans; there is no one putting bread on the table in my family and I only earn my living from farming," she said.

Masiu narrated to Informative Newspaper after a public gathering that, officers from the LHDA had consulted her about her two fields which are alongside the place where the Polihali Dam will be situated.

"I was told by the officers that construction of the Dam was about to begin and therefore two of my fields would be taken as part of the construction area. I became very shocked because I knew that was my life and knowing that I would be left with one field thereafter.

"The first question that came into my mind was 'What am I going to feed these children?' life is already difficult enough for us," she noted.

"Now as we speak, demarcations for the dam are already in place in that area," she said.

Masiu further highlighted that she would have nothing to live on if the fields were taken. "Not talking of myself only, but most people in our village make their living from livestock and farming, so now things have taken a turn for the worse because even our livestock is not there anymore; they were earlier stolen by the Zulus, from our cattle posts.

For her part, 'Makabelo Mahapa, another villager, insisted that there were no agreements made between Lebopo villagers and LHDA. "What LHDA is doing is to tell us what they have already decided and implemented; they do not want to get our views on our own land and properties.

We are astonished that LHDA want to give us their decisions on our own land; how do you buy someone's item and set a price of your own, as the buyer?" she questioned.



Some villagers from Ha Lebopo at the public gathering

Mahapa underscored that it would be unfair that LHDA wants to compensate them for 50 years of their life. "This is really unfair, the fields I am using now have been producing for countless years, and they have been used by my fore-fathers and will be used by my grand-children and the coming generation.

"Therefore, if I no longer have a chance to plough them, it means I will be suffering and my life will be changed for ever. As a result, we do not accept this temporary compensation from LHDA. Money comes and goes, but land remains as it is.

"We want LHDA to approach us and take our views into consideration rather than taking decisions on their own; we are not children, we have responsibility, we have to be engaged in the whole process because the developments are ours," she said.

In their view, the communities in these areas insist that although Dams can make a significant contribution to their development, they would not hesitate to make the Phase II fail, as long as the project was not willing to improve their lives, rather leave them in a bad situation.

The villagers said that several times the LHDA failed them and in some situations just ignored them. They listed things they were going to lose as villagers that include; wetlands, water sources, trees and fields.

One, Nqalela Badela noted: "These people are not taking us seriously; it seems like because we are living in the highlands, we do not have our own opinions, they treat us like children while we have families and have gone through experiences.

"Just because we are staying in a rural area, they come here thinking we can allow them to cheat us. We know our rights, and cannot allow someone to take our properties while no benefits accrue to us.

"Since we wanted to see development in this area, we were pleased when we heard there was going to be a Dam constructed here because we were hoping for the best; and thought there would

be roads, jobs, and electricity in this area. Now it is obvious there is nothing better we will gain.

"We expect LHDA to come to our level; some officials from LHDA talk to us in a language they know we will not understand. We should share ideas and all reach a gentlemen's agreement," he said.

The villagers further complained that when LHDA was placing the demarcations for the Dam, LHDA wanted to hire their donkeys for R50.00 each and a human being for R92.00, although they (Villagers) wanted R300 per donkey.

Badela explained: "These people cannot accept that we are assisting each other; they need us and we also need them."

Meanwhile, Seinoli Legal Centre as one of the non-governmental organizations empowering communities, enabling justice, has the same argument that in Lesotho, land tenure is for 99 years upon which one has an option to renew it.

Advocate Lerato Rabatho from Seinoli Legal Centre, mentioned that land in Lesotho is used not only by the current generations but also by generations to come, still yielding the same benefits, hence arguing with the Phase II Compensation Policy, Section 4.1 (4.1.3.2) which says the provision regarding the period for compensation of lost assets such as fields shall be compensated for 50 years annually.

"So if compensation for fields is to end after 50 years that presupposes that even the yield at the fields would be no more, which is not the case.

"Hence our proposal and that of the affected communities insist that it (compensation) be made a life time, failing which, be 99 years, if we are to restore and improve livelihoods of the affected in the event where land compensation is not possible.

According to the Article 7 (18) of the Treaty signed between the government of Lesotho and South Africa in 1986, LHDA is entitled in all measures to ensure that members of local communities in Lesotho who will be affected by

LHDA will be enabled to maintain a standard of living not inferior to that obtaining at the time of first disturbance.

It also provides that LHDA will effect compensation for any loss not adequately met to any member affected by project related causes.

Seinoli Legal Centre further indicated that it was part of Phase I which was completed in 2003 and inaugurated in 2004; highlighted that communities were socially, economically and environmentally affected negatively.

"Some interventions were made to compensate them and to try to restore their livelihood, which somehow were not adequate, hence living the communities worse off.

"We had thought however that Phase II would learn from the experience of Phase I. Looking at the provisions of the Compensation and Resettlement Policy of Phase II, Seinoli is of the view that livelihood restoration will not be achieved for persons affected."

As the villagers claimed they were not given a chance to raise their opinions and which implies consultations not participation, Fako Fako from the Transformation Resource Centre (TRC) explained that public consultation is mainly for information relevant to the community.

"It is about the dates for meetings; names of the people and any announcement through radio print or audio-visual that may be necessary about the project on the one hand.

"On the other hand, public participation is about getting community views and issues; it is about how their lives would change as a result of a development in their community.

"Most importantly, public participation is about the manner in which community views are gathered," he insisted.

In response to public's concern, Divisional Manager Phase II, Tente Tente mentioned that LHDA cannot ignore the fact that the agricultural land has been used by the fore-fathers and will remain for coming generations.

"Hence why in the Phase II compensation policy we introduced the livelihood programme because we want to have programme that will sustain and restore the livelihood of the community affected by the Polihali Dam.

"And the livelihood programme which does not depend on the compensation," he said.

LHDA Chief Executive, Refiloe Tlali came out insisting that in their initiative to compensate the affected communities, they follow and abide by the Lesotho laws in the whole process.

She said they are guided and authorized by the law which states that for the development of the country, land could be used by the government or those initiating the effort.