

**PARTICIPATORY DEVELOPMENT:
A CASE STUDY OF THE LESOTHO HIGHLANDS WATER
PROJECT, PHASE 1**

CORRECT COPY

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DECLARATION

I Retšepile Mary-Antoniette Mofokeng, declare that this thesis is my own original work and has never been published or submitted in any institution or university and all the sources of materials used for the thesis have been duly acknowledged.

Students signature.....

Date.....

DEDICATION

This thesis is dedicated to my late grandma and love of my life, Theresia Mofokeng who has been my torch bearer for my academic ambitions. Her motivation and believe in me has been inspirational and was a 'push' in me and will continue as such.

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I thank myself for the hard work, suffering and working on this thesis every day all day. Even after going through surgery I still managed to bounce back on the grind. Therefore, here is to me,

“Cheers”.

Most importantly, I want to thank my most dedicated supervisor Mark Rieker for his hard work and support. I thank him for always being patient and doing his best to help and lead to the right direction. He is most deserving of the phrase;

“Give that man a Bell’s”.

I also thank my family who have been very supportive economically, emotionally and mentally and made sure I was healthy and well at all times. Further, I would like to thank Dr Manicom for the emotional support she gave me when I was yet to go for surgery. She put aside professionalism and was there for me. To these people I say,

“You are heaven sent”

ABBREVIATIONS

ALC-Area Liaison Committees

ANC-African National Congress

BBC-British Broadcasting Co-operation

EISA-Electoral Institute of Southern Africa

FAO-Food and Agricultural Organization

HDR-Human Development Report

IAPP- International Association of Public Participation

IAPP-International Association of Public Participation

ICE -Inventory of Conflict and Environment

IUCN-International Union For conservation of Nature

JICA-Japan International Cooperation Agency

JPTC-Joint Permanent Technical Commission

KOL- Kingdom of Lesotho

LHDA-Lesotho Highlands Development Authority

LHWP-Lesotho Highlands Water Project

LLE-Local Legal Entities

NEDLAC-National Economic Development and Labour Council

NEPAD-New Partnership for Africa Development

PRA-Participatory Rural Appraisal

RDP-Rural Development Program

RSA- Republic of South Africa

SADC-Southern African Development Community

SCF-Save the Children Foundation

TCTA -Trans-Caledon Tunnel Authority

TRC-Transformation Resource Centre

UNECA -United Nations Commission for Africa

UN-United Nations

USADF-United States African Development Foundation

WAFPC-Water Affairs and Forestry Portfolio Committee

WCD-World Commission on Dams

WWF-World Wide Fund for Nature

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ABSTRACT

Development stakeholders globally argue that participatory development is the best model of development strategy in achieving sustainable, self-reliant development. This is one of the major tools of democracy used by democratic governments. This type of development strategy asserts that if people decide on their own development and if development becomes person-centred, there is a high possibility of successful and sustainable development projects within communities. It should be understood that participatory development involves people's participation in development projects from the adoption stage of project to monitoring and evaluation of those projects.

In Lesotho, lack of participatory development in development projects is reflected in environmental impact assessment reports by a number of developers. In these reports, participatory development and beneficiary empowerment are not regarded as valuable. It seems empowerment and capacity building is on the margins of the government and developers in Lesotho.

This study addresses issues of participatory development with the focus of the Lesotho Highlands water project. It provides a critical examination of the events around the project from its conception, the beginning of the construction of phase one of the project to the end of this phase. The study then provides a critical analysis of the treaty of the Lesotho Highlands Water Project signed in 1986 with much reflection on participatory development and all it entails.

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CHAPTER 1

INTRODUCTION AND BACKGROUND

1.1 INTRODUCTION

Participatory development has been recognized by governments, Non-governmental Organizations and Non-Profit Organizations as a strategy for sustainable, self-reliant development in projects that are meant to develop communities. It has been identified as one of the tools in democratic countries which give citizens an opportunity to decide on their development. Participatory development involves the engagement of all stake holders in the development process.

The Lesotho Highlands Water Project is one of the largest development projects in the world. It involves the diversion of rivers, blasting of mountains, building of huge dams that take a large part of the land in the rural areas of Lesotho. Most importantly the Lesotho Highlands Water Project involves the invasion of the people's private land. It also includes the removal of people from their original places of habitat and resettling them to other places so that their lands can be used for construction of dams.

According to participatory development, the people who were affected by the project (dam affected people) had to be part of the project from the beginning to the end. They had to participate as stakeholders in the project; firstly as the people who are about to lose property to the establishment of the project and secondly as the targeted beneficiaries of the project. In this study participatory development is discussed through its principles and values and how it is implemented.

The study further examines the events of the Lesotho Highlands Water Project and reflects on the values, principles and implementation of participatory development. The study gives recommendations on how the project can continue with a greater regard to participatory development.

1.2 BACKGROUND AND OUTLINE OF THE TOPIC

The Lesotho Highlands Development Authority (LHDA: n.d) states that the Lesotho Highlands Water Project (LHWP) is a joint venture, between the Kingdom of Lesotho (KOL) and the Republic of South Africa (RSA) designed to connect the water resources of the highlands of Lesotho channel them to constructed dams and divert the water to South Africa (LHDA: n.d). The idea of the LHWP can be traced as far back as the 1930s when South Africa formed the notion of building dams to capture the Lesotho high summer rainfall and transfer water to the Vaal in the now Gauteng province in South Africa (LHDA, n.d).

The Lesotho Highlands Development Authority (LHDA, n.d) states that the first survey of the feasibility of transferring water to the Republic of South Africa was introduced by the then British High Commissioner to Lesotho Sir Evelyn Baring in the 1950s. A South African consulting engineer, Ninham Shand, was then appointed to conduct a study on the extent to which transferring the Lesotho water to RSA was possible. Lesotho was to benefit financially out of this venture since the water was going to be sold. Further studies were conducted in 1968 to 1972 (LHDA,n.d).

According to the Lesotho Highlands Development Authority (LHDA, n.d), more studies were carried out in 1974 by Henry Olivier and Associates who was appointed by the government of South Africa. These studies assessed the feasibility of the establishment of water and hydroelectric power projects in both countries. In 1977 Henry Olivier and Associates submitted a report to the South African government that provided a detailed study of alternative plans for the diversion of water from Lesotho to the Vaal basin and for a possible hydroelectric project (LHDA, n.d).

Additionally, the Lesotho Highlands Development Authority (LHDA, n.d) states that detailed feasibility studies to suit the requirements of the two governments were carried out from August 1983 to December 1985. The Feasibility studies established that it was economically possible for the project to deliver about 70m³/s of water from the highlands of Lesotho to the Vaal River system by the year 2020. Hydroelectric power was to be generated in Lesotho, which

will enable Lesotho to generate its own electricity. The project was to be developed in five phases and was found to be the cheapest option compared to other competing schemes in South Africa. The LHDA, (n.d) further explains that the studies claimed that there were no technical, social, environmental, legal, economic or financial considerations, which would oppose the fact that the recommended project would provide substantial benefits for both countries (LHDA, n.d).

According to the Lesotho Highlands Development Authority (LHDA, n.d), “the signing of the Lesotho Highlands Water Project Treaty by the Government of Lesotho and of the Republic of South Africa on the 24th October 1986 established the Joint Permanent Technical Commission (JPTC) to represent the two countries in the implementation and operation of the LHWP”. Further detailed engineering studies and services proceeding to the main works were scheduled to commence in early 1990s following the signing of the treaty. The treaty obligates South Africa and Lesotho to implement Phase 1A and 1B of the project and provides the options for development of additional phases in the future (LHDA, n.d).

Dixon (1998) stated that “both Botswana and Namibia would benefit from the project. Lesotho, on the other hand, would be compelled to pump water to South Africa even in times of drought”. In return, in recent years, Lesotho has been experiencing droughts, and the Basotho have seen their crops suffer with taps running dry as the water supply company constantly cut the water supply due to rivers that run dry. Having water running through tap pipes has become a luxury in Lesotho as its water is being transferred and distributed in South Africa. It appears the Lesotho Highlands Water Project did manage to solve the South African need for water but at the cost of scarcity of water in Lesotho.

This study examines the Lesotho Highlands Water Project using the framework of participatory development. The study explores the participation of beneficiaries in their own development. It seeks to look at the establishment of the Lesotho Highlands Water Project through the lens of participatory development.

1.2.1 DEVELOPMENT

Korten describes development as “a process by which the members of a society increase their personal and institutional capacity to mobilize and manage resources to produce sustainable and justly distributed improvements in their quality of life consistent with their own aspirations” (1990:117). This is to say, development of any kind must focus on enhancing the capability of the beneficiaries. The intended-beneficiaries should be involved in deciding on what they want as part of developing their own communities. Any project in a community that is aimed at bringing about development should fit into the people’s lives; it should focus on what people want and need. The context at which development is taking place should make people priority; this is what Korten (1990) calls person-centered development.

Sen (2000:3) argues that “development can be seen as a process of expanding the real freedoms that people enjoy”. It should enhance the existence of freedom in people’s lives. Sen (2002:3) further argues that “ development requires the removal of major sources of unfreedom: poverty as well as tyranny, poor economic opportunities as well as systematic social deprivation, neglect of public facilities as well as intolerance or overactivity of a repressive state”. This establishes that freedom of the people to decide, work and manage their lives is part of development. It must allow people to enjoy life free from oppressive political factors that deprive them of resources and give them the chance to economically empower themselves.

1.2.1 PARTICIPATION

According to the United States African Development Foundation,

Participation in the development context is a process through which all members of a community or organization are involved in and have influence on decisions related to development activities that will affect them. This implies that development projects will address those community or group

needs on which members have chosen to focus, and that all phases of the development process will be characterized by active involvement of community or organization members (USADF, n.d).

It follows then that, in the development landscape, participation means that members of communities should be involved fully in development issues from adoption to implementation of policies or projects that affect their lives. Decisions have to be based on what they consider to be of importance to them. They have to be empowered by being given the opportunity to guide and control the process of their own development as they are part of the process from beginning to the end. Since development should be led by the intended-beneficiaries, it means that they also act as monitors and evaluators of the development process.

1.2.2 PARTICIPATORY DEVELOPMENT

The Food and Agriculture Organization (FAO, 2003) states that participatory development is a phenomenon that emerged during the mid-1970s. This was due to the nascent awareness of governments that different development strategies which were meant to alleviate rural poverty were not sustainable. Governments around the world and non-governmental agencies realized that the success and sustainability of development projects was dependent on an active, efficient and lasting participation of the intended-beneficiaries. The promotion of citizen's participation in projects by agencies around the world was a result of this awareness (FAO, 2003). Thus participatory development seeks to give the local community a chance to be part of their development through engagement with developers and governments in projects; from planning to decision-making to implementation and monitoring and evaluation of projects with the intention to render these development projects sustainable.

1.3 LITERATURE REVIEW

Rossi and Freeman (1989:73) argue that the emergence or the realization of a social problem calls for the establishment of new policy or projects. This means that social problems are an indication that there is a need for a project to be carried out and projects are therefore meant

to enhance people's lives and should propel communities to sustainable, self-reliant development. The need for clean water has led to the establishment of Clean Water projects. This has led to the construction of dams globally and this has become one of the development strategies in the rural areas of many third world countries.

Countries such as Argentina (Yacyreta Dam), Brazil (Tucurai Dam), Guatemala (Chixoy Dam), Pakistan (Tarbela Dam), Thailand (Pak Mun Dam) and Lesotho (Katse Dam) have entered into the dam construction terrain of development under the clean water initiatives (Matli 2006:78-81). The questions in the foregoing are, do dam constructions in these poor countries contribute to development of the actual beneficiaries and their environment? Are the beneficiaries participating in the implementation of these projects? Mashinini's (2010: 1) study on water projects and sustainable livelihood revealed that the dam construction landscape has become very dominant in the development dialogues leading to the establishment of United Nation's World Commission on Dams (WCD) in 1997. Mashinini (2010:1) emphasizes that "the bone of contention is whether dams promote or hinder sustainable development and livelihoods of the dam impacted areas and communities; and what needs to be done as mitigation of the dam impact". Mashinini's concern is that policies on dam construction should be based on the enhancement of sustainable development and livelihoods of people affected by the construction of those dams. This however requires good governance. For the rights of the people to be recognized to the extent of valuing their input as important and worthy in large development projects, the political environment of a country must be suitable.

Uphoff (in Cernea 1985:467) argues that "putting people first in development projects comes down to tailoring the design and implementation of projects to the needs and capabilities of people who are supposed to benefit from them. No longer should people be identified as 'target groups'. Rather, if we must speak of them abstractly, we should consider them as 'intended-beneficiaries'. They are to be benefited, rather than impacted". This means that, in development, citizens' needs must be considered first. Development must take place with the intention to better people's lives; elevating the condition or status of life of the people from the

position it is in to a better state. People should enjoy the benefits of development, not suffer because of it, especially the people affected directly by development projects.

Participatory development puts the needs and wants of the people first and is promoted and enhanced by good governance that prioritizes democracy. A politically stable and democratic government is likely to guarantee a successful avenue for participatory development.

1.3.1 GOOD GOVERNANCE

The Japan International Cooperation Agency Research Institute (JICA, n.d) argues that when defining good governance, governance should first be defined on the basis of whether it is functioning effectively and efficiently towards achieving its goals. In this study, good governance is defined in terms of whether it has the needed capacity to achieve self-reliant and sustainable development and social justice (JICA, n.d). Good governance therefore is indicated by the ability of the government to attain the goals it has set for itself in relation to people's development. With the selling of water to South Africa, the government of Lesotho intended to improve the economy of Lesotho and in the process alleviate poverty, but research shows that poverty was a by-product of the Lesotho Highlands Water Project. This is a matter of concern and it raises important questions.

1.3.2 DEMOCRACY

According to Heywood (2002:68) democracy is a method that good governance uses to recognize the interests of the majority and guarantees and protects the right of participation of minorities. It follows then that good governance promotes and enhances democracy and in the process supports participatory development. Democracy refers to a form of administration of government that enables citizens to participate in activities that concern them (Heywood 2002:68). Thus democratic governance is that in which citizens have a right to engage in decision-making and participate in the processes of governance. Democracy and good governance are important in this study as both concepts facilitate community engagement in matters of development that affect them; laying a foundation for participatory development.

1.3.3 THE IMPACT OF DAMS

Given that dams are built in people occupied areas, dam projects potentially affects people's lives in a major way. They can affect lives positively or negatively. If carried out properly with the participation of people affected, dam projects can positively affect people's lives. They also have the potential to affect lives negatively if a project is an isolated entity that imposes its development on the people in communities (Cernea 1985:468). Non-participatory dam projects lead to involuntary resettlements, loss of people's property, disruption of people's lives and cultures and the loss of potential sources of income which results in poverty instead of sustainable livelihoods of affected people (Mashinini 2010:4-5). Given that dam projects affect people's lives, they need be carried out strategically and with consideration by putting people first. This helps prevent the dissatisfaction of affected parties because participation enable both the developer and the beneficiary to decide on and participate in important steps in project implementation that will influence the outcome of such projects.

Matli (2005:2) states that, in the early days, dams were built for water storage in drought stricken areas but with time their role in human development evolved. In today's world, water development projects and dams are built as part of human development through irrigation, hydro-electric power, fisheries, flood control and domestic and industrial water usage related to increased levels of economic activity (Matli 2005: 2). Matli's perception depicts that the construction of dams is meant to improve the lives of people since they are meant for development, provide various benefits and revenue for countries involved in such projects. Therefore, human beings and their needs should be put first in a dam construction. According to the WCD (2000:2), dams are a means to an end, not an end in and of themselves. The World Commission on Dams considers that the goal of any dam project "must be the sustainable improvement of human welfare. This means a significant advance of human development on a basis that is economically viable, socially equitable, and environmentally sustainable" (2000:2).

Since the construction of the Katse dam and the 'Muela dam of the Lesotho Highlands Water Project in the early 1990's, which were built on privately owned land, the Basotho nation has had different opinions on the importance of the dam to the dam-affected people. There have

been both positive and negative discussions among people and also in the media as to whether the project has improved the lives of the people of Lesotho or not. The project has provided infrastructure in the rural areas where it is operating but at the same time it has driven people from their land.

According to Mashinini (2010:1) the LHWP treaty was between two undemocratic governments; the military government which conducted the coup d'état and the apartheid government of South Africa. The two governments made a decision that Lesotho will sell water to the Republic of South Africa, in return for financial gain for Lesotho and the apartheid government of South Africa would assist the military government of Lesotho to generate hydroelectric power (Mashinini 2010:1-2). As mentioned above, large dam projects affect the life of the people living in the areas where the dams are to be built; the LHWP would change people's lives dramatically. Therefore, participation of the people at all levels of the project was important given that they were going to be affected by the project. Later on in the progression of the project a compensation plan was drawn up by the Lesotho Highlands Development Authority (LHDA), which is the governing body of the LHWP in Lesotho. The compensation plan stipulated how the dam affected people would be reimbursed for their losses (LHWP 2011). Land and housing were the major losses resulting from the construction of the dams, and this led to involuntary resettlements. Mashinini's (2010: 4) study reveals that the project had developed a compensation scheme for all categories of assets affected. In reality, however, this was a failure as many Basotho remained uncompensated for their loss (Mashinini 2010:4). Since the rural Basotho depend on land and livestock for survival, the inability to compensate land to all resettled households exposed the Basotho to food insecurity and poverty (Mashinini 2010:4).

Pottinger (in Thamae&Pottiger 2006:23) suggests that the lack of transparency in the establishment of the Lesotho Highlands Water Project in its early stages contributed to its failure to solve social problems caused by itsresettlement program. She suggests that the use of a participatory planning process with the assurance of transparency throughout the process is critical(Pottinger in Thamae&Pottinger 2006:23). Given that projects are meant to enhance

people's lives, transparency is critical and important for any project. In addition, participation promotes transparency and accountability and thus successful policies.

Past research on the Lesotho Highlands Water project have focused on the history of the project; what happened, the problems brought by the project to the people and the natural environment in the affected areas, the infrastructure the project provided for Lesotho especially in the rural areas, and how the project made promises that it failed to fulfill. Other research such as the article by Thamae&Pottinger (2006) "*On the wrong side of Development: Lessons Learned from the Lesotho Highlands Water Project*" suggested the need for participatory development in the implementation of the Lesotho Highlands Water Project.

This study however, examines the space for citizen's participation in the Lesotho Highlands Water Project treaty itself. The study also assessed the events surrounding the controversies of the LHWP relating to participation.

This research assesses the principles of participatory development and relates them to the LHWP. It also examines the outcomes of the project in relation to the dam-affected people. Participatory development is supported by the *World Commission on Dams Framework 2001* and the WCD's *New Framework for decision-making of 2000* as it relevant to the study. The study shows that the use of participatory development is vital in development projects.

This research contributes to the growing body of literature on participatory development in relation to dam construction. Most importantly, it demonstrates that the treaty has to be reviewed now that both Lesotho and South Africa are democratic states. When selecting this topic, the assumption was that the design of this project excluded the needs of the dam-affected people, it was designed not to fit in the lives of people but for people to fit in the life of the project; people were forced to adapt to the disruptions and changes brought about by the project. According to the World Commission on Dams' *A new framework for decision-making(2000)*, dams should be treated as a means to sustainable livelihoods for the people.

The construction of dams should not take priority over the people but should benefit the people living in the dam-affected areas.

1.4 RESEARCH PROBLEMS AND OBJECTIVES: KEY QUESTIONS TO BE ASKED

Various research papers show that although the Lesotho Highlands Water Project was meant to increase the revenue of Lesotho and help the country produce hydroelectric power, it has brought about poverty in the process. This study has reflected on the implementation of the project within the framework of participatory development. It examines why poverty became the by-product of the project. The study therefore addresses the following questions:

1.4.1 SPECIFIC QUESTIONS TO BE ASKED

- What was the rationale behind the establishment of the LHWP?
- To what extent has the project prioritized participation in the design?
- Is participatory development reflected in the LHWP treaty?
- To what extent has community participation occurred in the project?

1.4.2 BROAD QUESTIONS TO BE ASKED

- What are the principles of participatory development?
- What is the suitable political environment for participatory development?
- How should participatory development take place?

1.5 PRINCIPAL THEORIES UPON WHICH THE RESEARCH PROJECT WILL BE CONSTRUCTED

1.5.1 PARTICIPATORY DEVELOPMENT THEORY

This study examines the Participatory Development theory and examines its presence in the LHWP; if the dam-affected people participated in the activities of the project. Issues of participatory development are unpacked through analysing the implementation process of the project. This is because participatory development is an implementation strategy and the study seeks to assess the implementation process of the Lesotho Highlands Water Project through participatory development.

Participatory development theory is relevant to this study because the project of dam construction in the highlands of Lesotho is interwoven in the large fabric of development meaning it is a development strategy. As it has been mentioned above that large dam projects affect people's lives severely, it is important to consider the participation of people in this project. This theory helps to guide the study as it examines the level of participation of citizens in the project and also to prove if there was participation or not. It is also very useful in the study as it provided an input on how the continuing implementation of the project should be carried out.

1.5.2 WORLD COMMISSION ON DAMS FRAMEWORK

Participatory development here is supported by the World Commission on Dam new framework for decision-making as a supplementing framework. The World Commission on Dams (WCD) Framework for decision-making is very relevant to this study because the LHWP is part of the (WCD) and should be governed as such. According to the World Wide Fund for Nature (WWF)'s report on *World Commission on Dams: Guidelines and Recommendations*;

The World Commission on Dams (WCD) was set up in 1998 by the World Bank and the World Conservation Union (IUCN). The 12 member strong commission represented a broad range of stakeholders involved in the dam debate, including industry, governments, water resource managers, and people affected by dams. The mandate of the commission was to conduct an independent review of the development effectiveness of large dams, to assess alternatives, and to develop practical guidelines for decision-making (WWF Report).

This is evidence that the World Bank and the World Conservation Union realized that there is a need to address dam construction issues because as it has been mentioned before, dam construction affect people's lives significantly.

1.6 RESEARCH METHODOLOGY AND METHODS

The proposed study is non-empirical, using a qualitative case study method. In the process of doing this research, fieldwork was not conducted, but rather the study was based on existing documentation. The analytical method used is a document analysis approach because information is derived from existing documents. These are internal documents of the Lesotho Highlands Water Project such as projects articles and reports. Other documents used are existing research documents on the Lesotho Highlands Water Project. These are mostly internet sources. The sampling technique that has been used is purposive sampling of documents. Maree & Pietersen (2007:10) asserts that “purposive sampling is used in special situations where the sampling is done with a specific purpose in mind” In this research documents were sampled with the purpose of examining participatory development in dam construction and also the presence of participatory development in the progression of the Lesotho Highlands Water Project. The selection of material was based on this purpose. Data analysis of the study took a thematic analysis approach. Braun and Clarke (2006: 79) suggest that “thematic analysis is a method for identifying, analyzing and reporting patterns (themes) within data”. These themes are patterns found in every source of data. These themes were used to identify the presence or the absence of participatory development in the Lesotho Highlands Water projects which is the phenomenon that the study intended examine. The themes have been used as criteria that guide the analysis of data.

1.7 STRUCTURE OF DISSERTATION

1.7.1 CHAPTER ONE: INTRODUCTION AND BACKGROUND

This chapter introduces the study. It discusses here the background of the Lesotho Highlands Water Project. This chapter of the research also outlines the reasons the researcher chose to do this study; it explains the research problem. The chapter further includes the key research questions and objectives of the study. The relevant theoretical theory to the case study is discussed in a briefly in chapter one. This chapter also constitutes of the methodology used to collect data and also to analyze it.

1.7.2 CHAPTER TWO: THEORETICAL AND CONCEPTUAL FRAMEWORK

This chapter explores the concept of participatory development which is the theoretical framework that guides the study. It also provides a conceptualized explanation of democracy, good governance and policy and how they link to participatory development. It also discusses the relevance of the World Commission on Dams in this study.

1.7.3 CHAPTER THREE: CASE STUDY AND ANALYSIS

This chapter provides the historical background of Lesotho Highlands Water Project. It also explains the structure of the project and how the project is managed. It provides the important and relevant parts of the 1986 LHWP treaty to the study. The chapter further provides the events that happened following the construction of the dams regarding the dam affected people. The analysis of the case study is based on the nature of the Lesotho Highlands Water Project treaty and principles of participatory development.

1.7.4 CHAPTER FOUR: CONCLUSION: SUMMARY AND RECOMMENDATIONS

This chapter of the research provides the summary of the study, recommendations and conclusions.

1.8 CONCLUSION

This chapter has provided an introduction that explains the relevance of assessing participatory development in the context of the Lesotho Highlands Water Project. The chapter further outlines the background of the LHWP. The key concepts identified for this study in this chapter are development, participation, participatory development, governance, good governance and democracy. The objective and research questions are identified in this chapter. The chapter has provided the framework which will guide the study and the outline of the research, chapter by chapter has been outlined.

CHAPTER 2

THEORETICAL AND CONCEPTUAL FRAMEWORK

2.1 INTRODUCTION

Participatory development has lately been seen as an important development strategy both internationally and locally. Participatory development has become an issue of concern for academics and development practitioners. Civil society organizations and non-profit organizations advocate for it. This chapter conceptualizes participatory development for the sake of analysis of the Lesotho Highlands Water Project Phase 1. It will also link participatory development to democracy, good governance and policy. It is further illustrated in this chapter the important role that the World Commission on Dams takes in participatory development advocacy and for its relevance in dam construction.

2.2 BACKGROUND ON PARTICIPATORY DEVELOPMENT

Participatory development is an old phenomenon, but its practice emerged in the 1970's. Below is a short historical background of participatory development. James (2010: 26) states that;

Participatory development has long been a widely discussed concept in development debates. Though its intellectual origins may be traced to the notion of development conceived and popularised by Mahatma Gandhi in India even decades before independence, various institutions and agencies in the advanced capitalist countries tried to offer a recipe for development in the post-war period under various themes like "community development programme," "rural development," etc. for the Third World. The concept of participatory development got further momentum when the global financial institutions and agencies such as the World Bank promoted "basic needs" approach in development. Even as such attempts were under way, many began to argue that participatory development could emerge as a "radical alternative" to the mainstream growth path.

2.3 CONCEPTUALIZING PARTICIPATORY DEVELOPMENT

Participatory development provides people with the voice and power to decide, engage and implement. It supports development that centers on the needs of the communities as stipulated by the beneficiaries. This framework considers the sociological and political aspect of communities and their importance to development and the promotion of people's participation in development. According to Campbell and Mattila (2003:420)

There is no one definition to participatory development, but there are two keys to describing the concept: the actor and the meaning of participation. In terms of the "actor", the literature refers to the "people's participation", "community participation", "people's own development", "community development" and "self-help". Use of these categories reflects a variety of political and sociological epistemologies. The important commonality is the shift of a passive voice (such as in basic needs development) to an active voice. The second aspect, the meaning of participation, refers to the positioning of participatory initiatives on the continuum from manipulating participation for the achievement of externally identified project goals to the empowerment of actors to define such goals themselves as well as the actions required to achieve them.

This framework proclaims that the desired development should originate within the communities. This is because development is a process that affects people's lives. It maintains that development is a process that should involve people participation in their own development. Participatory development puts more emphasis on the idea that people are the masters of their own development and the best sources of information of what they need and what they are capable to sustain. It stresses that development has to be sustainable and self-reliant. According to the Japan International Cooperation Agency Research Institute (JICA n.d), Participatory development "is an important approach for people-oriented development that

emphasizes raising the quality of participation in local societies as a step toward the realization of self-reliant sustainable development and social justice. Good governance is the ideal foundation for participatory development as a function of government in order to create a favorable environment for promoting participation” (JICA n.d).

The diagram below (Figure 2.1) by the JICA illustrates what participatory development entails.

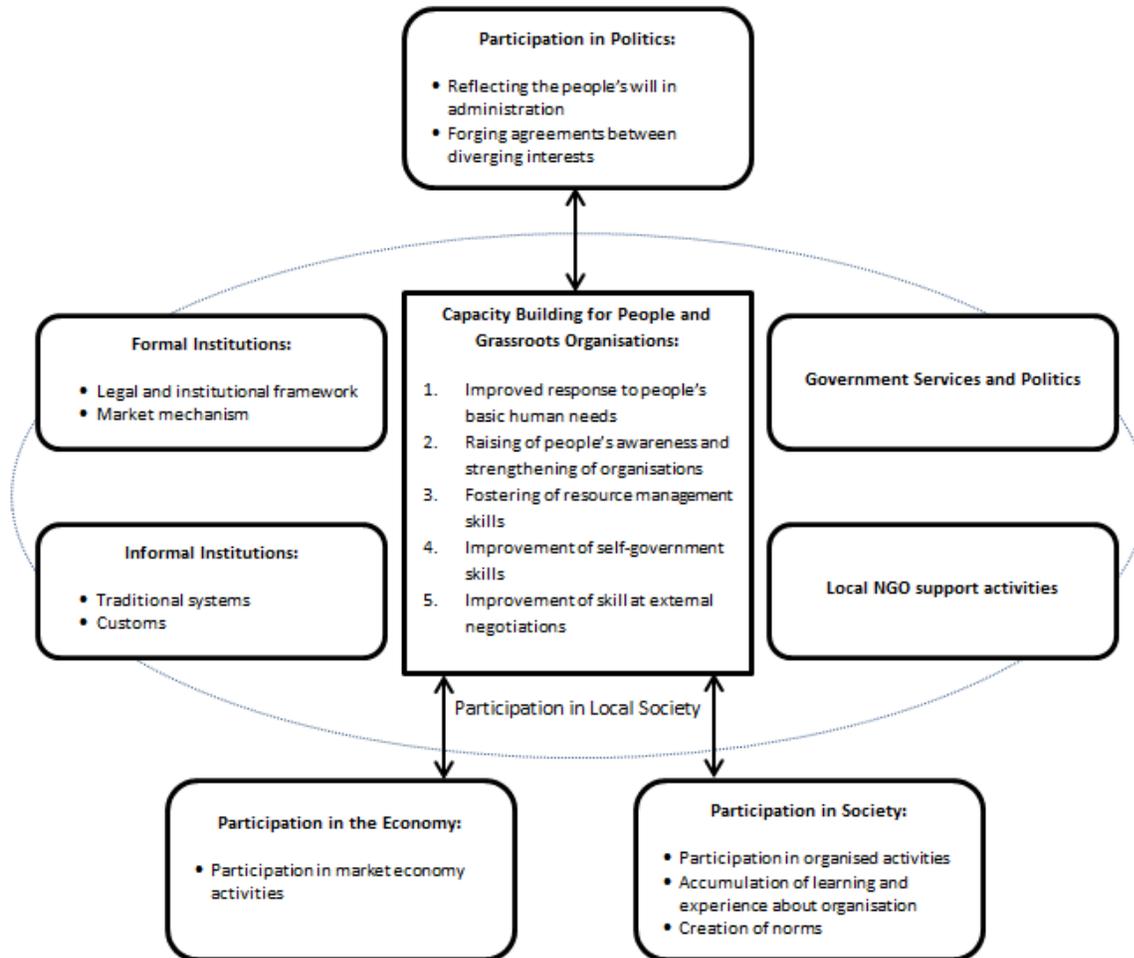


FIGURE 1 The process and values of Participatory Development (Source: Adapted from Japan International Cooperation Agency Research Institute, online)

Naidoo and Mathabatha (2004:6) define public participation as “an active process whereby beneficiaries influence the direction and execution of development projects rather than merely receiving a share of projects benefits”. Participatory development is a process whereby people themselves actively and directly take action in projects developed to change their lives. Thamae

(2012:21) argues that this kind of development enhances the rights of the people by gathering and addressing the concerns and the needs of the people, especially the poor members of the community (Thamae 2012:21). This means that Participatory development is person-centred; it aims at putting people at the centre of a development with the consideration that they are intended-beneficiaries of the development process. In a participatory development strategy people are not treated as passive recipients who do not know what they want. But rather, their ideas and inputs are considered because they are the masters of their own development. Participatory development is guided by the belief that no one knows what people need more than themselves.

Oakley (cited in Naidoo and Mathabatha, 2004:8) argues that participatory development refers to an active and informed involvement of communities of people in their own development by empowering them through their participation in decision making, thereby directing the development towards a positive outcome for them. According to Thamae (2012: 20), citizen's participation is a powerful aspect of democracy as it encourages public opinion. Citizen's participation helps communities to be able to realize their problems, what they need and how to achieve what they need. This kind of development helps citizens to be resourceful because they think of ways to try to solve their problems. Oakley (cited in Naidoo and Mathabatha, 2004:8) further argues that it is an interactive process where community views are gathered as people learn from each other and make each other aware of the problems and needs of their communities.

Participatory development is when the people take action in changing their lives, it is about the rights of the people to decide what they want and it addresses the concerns and the needs of the poor. Hollsteiner and Midgley (cited in Naidoo and Mathabatha, 2004:7) argue that "participatory development refers not to everyone in an identifiable community, since local elites already have a strong voice in decision making, but rather it refers to the poor majority with little access to resources and power". The emphasis by Hollsteiner and Midgley (2004:7) is that participatory development centres mostly in the lives of the poor who are normally not heard in communities due to lack of influence. Since the poor are normally the majority of the

people who are affected by the projects, participatory development helps by emphasizing firstly on listening to the concerns of those members of the community who are affected either negatively or positively by development projects. Secondly participatory development seeks to address those concerns with the direction and execution of the directed beneficiaries (Hollsteiner and Midgley 2004:7).

Hope and Timmel (1995:26) assert that citizen's participation also centres on dialogue and that this dialogue "is based on people sharing their own perceptions of a problem, offering their opinions and ideas, and having the opportunity to make decisions or recommendations". Supporting their argument further, Hope and Timmel (1995:26) emphasizes that for a proper and truthful citizen's participation to take place, knowing the state of affairs of the community is essential. This knowledge is best achieved through dialogue. Meaning that through dialogue, the community's ways of life, their survival tactics, how they produce food and how they do business in everyday life is understood. The culture of the community has to be considered in the process of a participatory development. Participatory development centres on the understanding that the community has the wisdom and knowledge to describe their situation. This approach to development is fundamental according to Hope and Timmel (1995:26) as it opens up channels of communication through which the citizens can communicate how they would like to participate (Hope and Timmel 1995:26). It is clear that in participatory development, the focus is on the people because it is about people's rights and people's participation in decision-making processes. It is fundamentally about how the poor benefit from the project and better their lives through the benefits brought about by the projects.

Explaining further, participatory development is when people provide input on the project based on their knowledge, opinions, views, ideas, concerns, suggestions, anxieties, and from the perspective of cultural norms. This study argues for citizen's participation of different groups with different opinions in the Lesotho Highlands Water Project phase I. In this case, the participants in the development project are the people affected by the project, the government of Lesotho and the South African government. The study contributes to the argument made by

Hollsteiner and Midgley (cited in Naidoo and Mathabatha, 2004:7) that the poor are at the centre of participatory development: they make it significant.

2.4 PARTICIPATORY DEVELOPMENT DISCOURSE

Participatory development has been identified as a concept of value by multiple organizations in Southern Africa, the rest of Africa and to the rest of the world. These institutions and organizations are the African Union (AU); The World Summit for Social Development of 1995; the United Nations: Agenda 21-An Agenda for Sustainable Development into the 21st Century of 1992; the African Charter for Popular Participation in Development and Transformation of 1990; Manila Declaration on People's Participation and Sustainable Development of 1989; International Association for Public Participation (IAPP) (Theron 2009:113). .In South Africa, the *Batho Pele* Principles that was developed in 1997 prioritizes on citizen's participation. These documents, among others, emphasize citizen's participation as they argue for giving people the power to determine, control and influence the allocation of resources (Theron: 2009:113).

The Southern African Development Community (SADC) has emphasized participatory development through the SADC's principles and guidelines governing democratic elections (2005:4-5). They recognize the importance of citizen's participation, particularly in reference to electoral processes. The SADC's principles and guidelines to participatory development are:

- (1) Full participation of the citizens in the political process;
- (2) Freedom of association;
- (3) Political tolerance;
- (4) Regular intervals for elections as provided for by the respective National Constitutions;
- (5) Equal opportunity to exercise the right to vote and to be voted for;
- (6) Independence of the Judiciary and impartiality of the electoral institutions and voter education (SADC 2005:4-5).

Electoral democracy paves way for the political participation and this is fundamental to the way different communities engage in the decision making process.

The former President of Tanzania, Julius Nyerere, (cited in Hope and Timmel, 1995:26) declares that participatory development is of great importance and it enables people's feelings to be respected and taken in to consideration in the development process as they are of critical value. Participatory development has been highly supported and promoted by the South African government and is evident in the South African Constitution as it emphasizes citizen's participation through Act 108 of 1996 chapter 7. This constitution encourages community involvement on issues of local government (Mathekga, 2002:18).

Participatory development is also emphasized by the World Commission on Dams (WCD) under the umbrella of the United Nations (UN). The WCD has the seven strategies of development, the most relevant strategic for participatory development is the first one which states: "gaining public acceptance". The key message around participatory development is that of an active, informed involvement of all groups of people who have rights, and who must have free, prior and informed consent (WCD, 2000:215). The WCD continues to promote participatory development through its guidelines and core values and the most relevant states: "participatory decision making" (WCD 2001: 1444).

The Human Development Report (2002:51) argues that "participation and inclusiveness in issues that affect communities is a right, which is basic and participation contributes to human development as part of it". Through the emphasis on democracy and good governance and making people's participation possible, the New Partnership for Africa's Development (NEPAD) has become a strong supporter and ally for participatory development. NEPAD has pledged to make valuable the involvement of citizens in decisions and programmes that ensure sustainable development in the 21st century.

2.5 IMPLEMENTING PARTICIPATORY DEVELOPMENT

Thamae (2013:3) argues that the approaches taken when carrying out participatory development are very important. Respect, humility and knowing that community members are the best teachers of their situations when approaching the community should be the core values of any developer. Thamae (2012:20) further asserts that, considering that the reason for undertaking citizen's participation is to invite the community into the development process, it is very important to make them understand and believe that their input is of great significance. Gathering the opinion of all members of the community is vital, particularly the opinion of those who are often left behind in decision making processes: the poor. Knowing and recognizing the leaders of the community is valuable - these could be chiefs, local councilors and any other people who have been entrusted with responsibility of the people; those who are respected and trusted by the community. Developers must know that the way an issue is put before the community is extremely important (Thamae 2013:3).

Greyling (2006:99) clearly states the reasons for undertaking participatory development and best ways in carrying it out, namely that it:

- (1) Builds public understanding of the need for a proposed policy, program, plan or project and leads to better and more durable decisions
- (2) Creates trust in decision-makers and their processes, leading to stable policies and enduring decisions
- (3) Provides an early warning of issues that require mitigation
- (4) Builds public ownership and a stronger stake in initiatives leading to participants carrying out their responsibilities during implementation-they do not want to be seen letting their co-participants down
- (5) Identifies local customs or institutions that could be barriers to implementation, with opportunities to adapt activity before implementation begins

- (6) Creates opportunities for stakeholders to discuss their differences directly, often leading to creative new solutions
- (7) Manages single-issue viewpoints through an interactive process which allows a broad range of balancing perspectives and values
- (8) Enriches decision-making through a diversity of opinion and the local and traditional knowledge and collective wisdom of a range of stakeholders
- (9) Builds “legitimacy” for decisions that allows them to withstand changes in government or company policy and leadership

Greyling (2006:99) argues that participatory development embraces open contact with, and facilitation of, the involved parties; potentially affected people and those who are interested. Constant contact and involvement, open discussions and interviews where participants say their views and suggest on how they would like to participate helps participants make informed decisions and choices as they participate. All participants should have access to information and this information should be conveyed in the language of the community members (Greyling 2006:99).

According to the UNDP (2001:32) Guide to Participation manual one of the primary objectives of participatory development is to assess the development needs of the people through a methodology called Transect walks. Transect walks simply affirms that with walking through a village which is about to be affected by development, real community needs are established.

Transect walks enable that recognition of the developmental needs of the people as developers are able to talk to people directly. They meet real community members in places such as by river bank where a woman is washing clothes, in the fields where man and woman of the village are weeding and harvesting, in a local bar where young people spend their days due to lack of employment, at a local well where girls go to fetch water for drinking. This implies that enough time is needed for developers to gather such information. Transect walks methodology is derived from Participatory Rural Appraisal (PRA) model of development which grew out of the

Rapid Rural Appraisal (RRA). PRA insists that the people have the wisdom to decide their own destiny (UNDP 2001:32).

Motteux (2001:24) , argues that PRA has important interactive procedures with the community as it provides the following:

- (1) Learning directly from and with rural people and stakeholders;
- (2) Learning quickly and progressively, with sensitivity, flexibility, creativity, cross-checking, and not following rules and regulations provided by the third party;
- (3) Respect for all rural people and all stakeholders;
- (4) Interest in opinions and ideas of rural stakeholders;
- (5) Patience and proper concentration;
- (6) Humility
- (7) The use of materials and methods that empower rural people to express and analyze their knowledge;
- (8) No imposition of ideas, values methods and techniques;
- (9) Not imposing academic pressures.

According to Shepherd (1998:203) through PRA the powerless become the powerful because the power of the outsiders is shifted to the local people.

Thamae (2013:2-3) argues that “there are values of participatory development, around which communities cannot participate and be mobilized if they are not observed. These are

- (1) Recognition and appreciation of local wisdom;
- (2) Identification of talented individuals within the community;

(3) Identification of the roles of different publics;

(4) Understanding the psyche and the culture of the people and

(5) Respect of people's culture".

Recognition of what is already available in the community and making use of it is important in participatory development, this is called asset-based development. Community members use what they have as part of their development. Identifying the people's capabilities; what they can do is also vital in carrying out participatory development. Tolerance is very important as it helps developers to be sensitive to the cultures of communities and not impose their own cultures or other cultures which they may consider better.

There are steps to follow when carrying out participatory development and these are clearly provided below by the International Association of Public Participation (IAPP n.d). Firstly, the developer has to inform, providing information to the participants is priority in participatory development as this enable the citizen's to understand the problem and why there is need for the kind of development brought forward(IAPP n.d). It also enables them to think of other alternatives that can be used to address the problem. Secondly, the developer has to consult with the community members by getting feedback on what they have decided on; their decisions on the matter. Getting back to the community and providing reports shows a level of acknowledgement because the people get to know how their input has influenced the final decision(IAPP n.d). Thirdly, the developer has to involve the people. The people's involvement is the objective of participatory development. This enables that developer to be able to consider and understand the concerns of the people at all stages of development through working closely with the people. The views and decisions of the people should be considered and reflected at every stage of the implementation process(IAPP n.d). Fourth, the developer has to collaborate. Working with community members as partners is the aim of participatory development; therefore collaboration is one of the key aspects because the developer and the members identify alternatives and preferred solutions together as they continue with the development process(IAPP n.d). Fifth, the developer must empower the intended-beneficiaries

(IAPP n.d). Shepherd (1998:203) states that in a participatory development the powerless become the powerful. Meaning that, the developer empowers the people through all the above mentioned activities and processes.

According to the International Association of Public Participation (IAPP n.d), in order to carry out participatory development properly the following guidelines must be followed:

(1) A developer must ensure that all comments made by stakeholders at all meeting are properly and accurately recorded and filed and acknowledged. The comments may be made in a focus group discussion, workshop and rallies and written comments.

(2) A developer has to make sure that what he or she has filed is the accurate information provided; it is important to verify the information at the next stakeholder meeting by going through the minutes of the last meeting with the people and confirming with them if the information captured is the right one.

(3) A developer has to have the capacity to channel the issues that are raised by stakeholders to the right people. A developer has to always be able to steer the conversations to the scope of the process at the same time acknowledging the issue raised.

(4) A developer must be able to clarify on issues that need a broader explanation.

(5) A developer must at all times provide needed information at stakeholder's request; information must be accessible to all stakeholders equally.

Thamae (2012:20-21) claims that when there is an issue that requires community opinion, the issue has to be discussed thoroughly to understand the consequences and opportunities of agreeing or disagreeing with it. In some cases, there may be confusion in issues and a decision has to be made, therefore enough time must be provided so that the community members discuss the issue and understand it well. The community opinion is normally needed in order to find out how the community will be benefited.

2.6 GOVERNANCE AND PARTICIPATORY DEVELOPMENT

2.6.1 DEMOCRACY AND PARTICIPATORY DEVELOPMENT

Becker and Raveloson (2008) defines democracy as follows, “the word “democracy” is a term that comes from Greek and it is made up of two other words *demos* (lit: people) and *kratein* (lit: to govern, to rule). “Democracy” can then be literally translated by the following terms: *Government of the People or Government of the Majority*” (Becker and Raveloson 2008).

This means the sharing of decision making that is widely available by the people equally. Scudder (2005:88-89) argues that citizens must participate in decision making, and that the strength of participatory development lies in the decisions made by the people based on their knowledge. This means that democracy is for every one regardless of wealth, social status and it is for many people not just a few. For example, “The Universal Declaration of Human Rights adopted by the General Assembly in 1948, clearly projected the concept of democracy by basis of the authority of government.” stating “the will of the people shall be the basis of the authority of government”(The United Nations and Democracy: online)

Participation of women in parliament and governance and in decision making processes of all issues that affect them is also a call for democracy. Gender equality is speaks of the major concerns of democracy, which means man and woman should have equal access to the issues of the world. People living with HIV/AIDS are also a major concern for democracy as it requires that to also be included in decision making process and have a right to participate on matters concerning them such as governance. Morna and Nyakujarah (2010:20) emphasize direct participation of vulnerable groups, such as women and people with HIV/AIDS.

2.6.2 GOOD GOVERNANCE AND PARTICIPATORY DEVELOPMENT

According to the Japan International Cooperation Agency Research Institute (JICA n.d) “participatory development is an important approach for people-oriented development that emphasizes raising the quality of participation in local societies as a step toward the realization of self-reliant sustainable development and social justice. Good governance is the ideal foundation for participatory development as a function of government in order to create a favorable environment for promoting participation”. The emphasis made by (JICA n.d) is that there is a very close relationship between participatory development and good governance.

God governance does not only enhance participatory development but participatory development also promotes good governance. In this way, the relationship between participatory development and good governance is a kind of helical, intertwining relationship, not a unilateral cause-and-effect relationship (JICA n.d).The following diagram by JICA illustrates the relationship between participatory development and good governance.

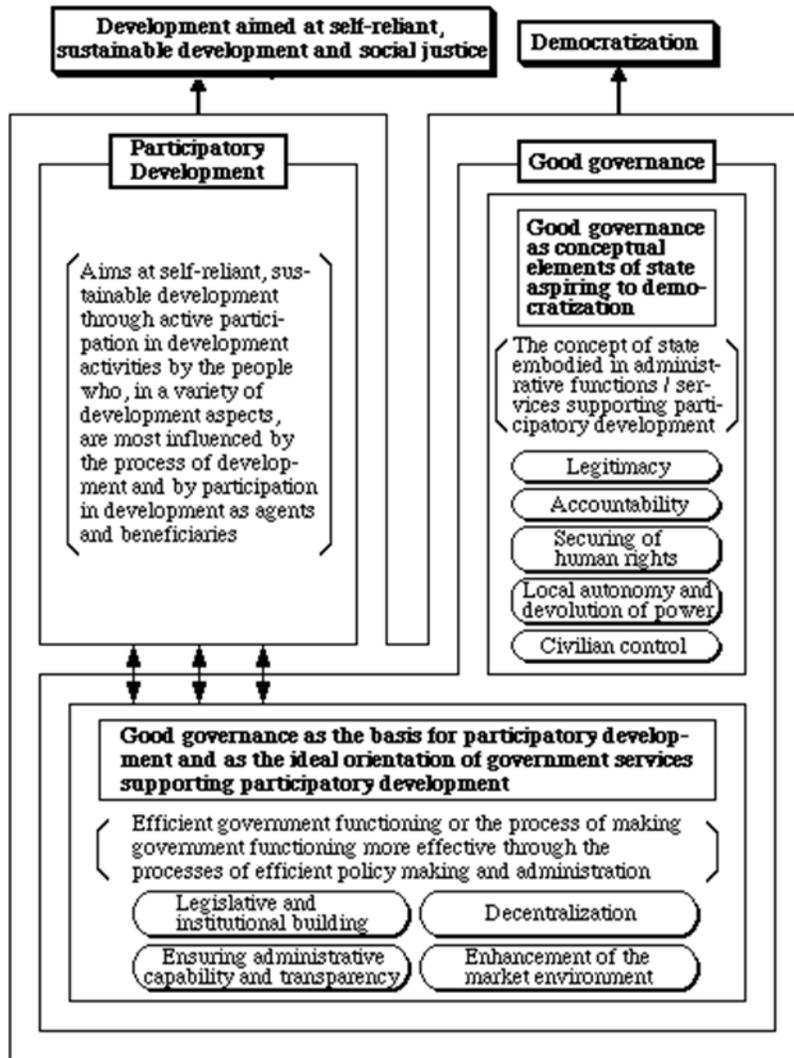


FIGURE 2 Relation between Participatory Development and Good Governance (Source Japan International Cooperation Agency Research Institute, online)

The Electoral Institute of Southern Africa (EISA 2003:5) argues that citizen’s participation enhances good governance as it promotes transparency and accountability. EISA illustrates this

point by arguing that “participation is an essential pre-requisite for good governance as it improves information flow, and gives voice to those most directly affected by public policy” (EISA 2003:5).

Thamae (2012:23) emphasizes that participatory development takes place within good governance and a democratic culture. Thamae (2012:23) further argues that the concept of governance has become a major challenge to some states, especially the state emerging in a constitutional democracy. Liberation movements across Africa have aimed at fighting against colonialism, apartheid and other forms of oppression. Governments have moved from one party states and military states to democratic forms of government. Colonialism was replaced by military dictatorships, which in turn was replaced by civilian governments, in which emphasis was on regular elections and competitive democracy. This was a second wave of democratization, whose concern has always been on regular elections, and not on service delivery; not emphasis on public participation and good governance or even participatory governance (Thamae 2012: 23). The Human Development Report (2002:51) indicates that “good governance is manifested when “people’s human rights and fundamental freedoms are respected, allowing them to live with dignity; when people have a say in decisions that affect their lives; when “people hold decisions makers accountable....and when women are equal partners with men in private public spheres of life and decision-making”.

Kanyenze, Kondo and Martens (2006:15) assert that democracy is characterized by openness, accountability, transparency and people centeredness. Therefore, democracy is about people’s voices being heard in matters of governance. Democracies provide liberty and freedom for people to participate in decisions and development programmes in a meaningful way. The popular view of governance is an emphasis on accountability, transparency, non-corruption and other systems-so called democratic culture. It is clear that governance is related with the use of power to manage, to control, and to distribute resources (Thamae 2012:23-24). Governance has always been seen as the exercise of power in the management of a country’s economic, social and natural resources. Governance is how decisions are made or how a country is administered. In the context of citizen’s participation, governance becomes the people’s ability

to decide and contribute to their own development which comes as their liberation and freedom. Good governance enables the people to participate meaningfully. Because they have been empowered to demand justice, they know what is best for them (Thamae 2012:24).

Participation, transparency, accountability, effectiveness, compliance to the rule of law and responsiveness to the needs of the people are all characteristics of good governance. Agere, (2000:41) affirms that “where there is poor access by citizens to public services, it is because of inefficiency; when there is indifference, collusion with vested groups, then non-responsiveness is the result. Where there is rampant corruption, extortion by agents and middlemen, then the issue here is weak accountability; where there are loose systems and weak integrity, there is abuse of discretion”.

Good governance is the direct opposite of poor governance and corruption. Thamae (2012:25) argues that good governance could be looked at as both a process and as an event. As process good governance means seeking the opinion of all citizens with the intention of making them feel that they have influenced the decisions and their participated is reflected in the output. As an event, it means independent judiciary, freedoms and mechanisms in place to fight corruption and other malpractices (Thamae 2012:25).

The World Bank (1992:9) outlines the following manifestation of poor governance:

- (1) Tendency to divert public resources for private gain
- (2) Failure to establish a predictable framework of law and government behaviour conducive to development, or arbitrariness in the application of rules and laws
- (3) Excessive rules, regulations, licensing requirements, and so forth, which impede the functioning of markets and encourage rent-seeking
- (4) Priorities inconsistent with development, resulting in a misallocation of resources
- (5) Excessively narrowly based or non-transparent decision making. Poor governance therefore results in failure to make a clear distinction between what is public and what is private.

United Nations Commission for Africa (UNECA n.d) (cited in Mapetla and Petlane 2007:2) outlines characteristic of good governance as:

- (1) A political system that allows every citizen's participation
- (2) A political system that provides smooth and stable transfer of power, constant renewals of the mandate of leadership through *inter alia*, regular, free, fair and transparent elections
- (3) Effective, efficient and stable public sector, legislature and structures of administration
- (4) Transparency, predictability and accountability of public institutions; effective public sector in terms of the stability of the economy, resource planning, consumption, mobilization and development
- (5) An enabling economic framework that encourages surplus generation and equitable distribution to address the problems of poverty and overall development, and adherence to the rule of law and respect for fundamental human rights (UNECA cited in Mapetla and Petlane 2007: 2). The above characteristics of good governance emphasize citizen's participation, as realized in a democratic form of government.

In this study, it is argued that for participatory development to succeed, good governance and democracy must prevail. Democracy and good governance are very relevant in participatory development as they are what nurtures citizen's free participation in projects that involve them and which may have a significant impact in their lives.

2.6.3 POLICY AND PARTICIPATORY DEVELOPMENT

Colebatch (2002:42) argues that "policy is to be understood in terms of a pursuit of goals: our policy is what we want to achieve". With policy, governments and organizations are able to set objectives on an issue or problem. These issues may be for the benefit of all people or for a certain group of people depending on the issue at hand. Policy is relevant in this study as it is linked to participation of the people in policy making in the process of the Lesotho Highlands Water project.

In the light of participatory development, Dunn (1994:16) argues that policy making is a process of ensuring participation of all stakeholders. Decision and policy makers must take all stakeholders' opinions into account on issues that affect them. This means that decision making in policy are discussed alongside citizen's participation because they require the participation to be effective and relevant.

The policy making processes form part of the public participation debate, because policy is essentially about people and public participation must take place in the policy making processes as well. A policy process is a stage and a process of engaging all relevant stakeholders (Thamae 2012:29). Dunn (1994: 16) asserts the five stages of policy as follows policy agenda, policy formulation, policy adoption, policy implementation, policy evaluation or assessment.

If policy is about the people, the people's participation must be visible in policy making; citizen's participation is very essential in the policy making process. The people form part of the stakeholders in policy making.

However, there are times when the policy making process seem to serve the needs and interest of those in power and also their political and professional lives as they have influence on it. According to Weimer and Vining (2005: 266);

Elected officials are likely to be concerned with reelection or election to higher office as well as presenting the interest of their constituencies and promoting a social good. Political appointees may be motivated by their substantive values as well as by their loyalties to their political sponsor, by their desire to maintain their effectiveness in their current positions, and by their interest in opportunities of future employment.

These means that the motivation and believe of actors in policy adoption and implementation are generally influence by their interests, what they would like to achieve, in the present or in

the future. In these case the powerful influence what gets on the government agenda and the decisions making process.

2.6.4 THE WORLD COMMISSION ON DAMS: A NEW FRAMEWORK FOR DECISION-MAKING

The World Commission on Dams (2001:1444) states the following as the guidelines to consider in the new framework for dam construction. The following are five principal elements that informed the commission in dam construction decision-making and in understanding the core values of dam construction (WCD 2001: 1444).

- equity,
- efficiency,
- participatory decision-making,
- sustainability, and
- Accountability.

The World Commission Dams states that these are not mere issues but are values of the commission that emerge throughout the whole report. They provide the essential examinations and guidance that must be applied when making decisions which communicate to water and energy development. Through these values, the commission emphasizes that decisions relating to water and energy management will follow and support the emerging global commitment to sustainable human development and will align with a just distribution of costs and benefits (WCD 2001: 1444).

2.7 CONCLUSION

This chapter has conceptualized the term participatory development for the sake of analysis of the Lesotho Highlands Water Project Phase 1. It further provides various discourses about participatory development from various sources. The relationship between participatory development and democracy, good governance and policy has been identified. It will links participatory development to democracy, good governance and policy. This chapter further demonstrates the relevance of the World Commission on Dams framework in this study.

CHAPTER 3

CASE STUDY AND ANALYSIS: LESOTHO HIGHLANDS WATER PROJECT PHASE 1

3.1 INTRODUCTION

More than 1,270 of Africa's large dams have been built at the expense of rural communities. These are the people who have been forced to sacrifice their lands and livelihoods to these dams yet have reaped few benefits or none at all (International Rivers n.d). "Large hydro dams in Sudan, Senegal, Kenya, Zambia/Zimbabwe and Ghana have brought considerable social, environmental and economic damage to Africa, and have left a trail of "development-induced poverty" in their wake"(International Rivers n.d).

According to the International rivers report, and unprecedented global process headed by former South African water minister Kader Asmal reviewing the effectiveness and importance of large dams was undertaken by the World Commission of Dams between 1998 and 2000 (International Rivers n.d). The final report found that in as much as dams had a great importance in contributing to human development, there are however unexpected cases where the people pay considerably great and unnecessary price for the benefits to be derived from the dam constructions. For the success of dam constructions, communities, natural environment and tax payers suffer (International Rivers n.d). "The report also found that a, "lack of equity in the distribution of benefits has called into question the value of many dams in meeting water and energy development needs when compared with the alternatives" (International Rivers n.d).

According to Cultural Survival, human beings suffer the most consequences from large dam constructions than the natural environment. People are forcefully resettled as dams are built on their land and reservoirs. These activities displace and destabilize communities affected by construction of dams (Cultural Survival 2013). "The unfortunate reality has been that development for some has been built upon the impoverishment of others. It has been clearly demonstrated that

the impoverishment of displaced people is a major risk in development-caused involuntary population resettlement” (Cultural Survival 2013). Empirical research has provided evidence that impoverishment and social disruptions are major risks in development (Cultural Survival 2013). “These have been the reality for the great majority of people involuntarily displaced by development” (Cultural Survival 2013). Below is an example of one of the many dams that have imposed horrific consequences on communities.

For more than twenty years, communities affected by the Chixoy Dam have demanded reparations for the damages caused by the project, which was built during Guatemala's most repressive military dictatorship. The project, financed by the World Bank and the Inter-American Development Bank, was built on the Chixoy River in the early 1980s and forcibly displaced more than 3,500 Maya community members. More than 6,000 families living in the area also suffered loss of land and livelihoods. When community members opposed relocation and sought better compensation, they were massacred, tortured and kidnapped. For years survivors have lived in extreme poverty but never given up their call for justice (International Rivers n.d).

This chapter will provide an understanding of the case study and analysis of the research questions and objectives presented in the first chapter. The first part of chapter three will provide an overview and historical background to the implementation of the LHWP and the reasons behind the construction of the Lesotho Highlands Water Project. The chapter will also explore the strategies used by the project in response to the water crisis and the subsequent events that took place. Further, it will explore the various consequences following the implementation or construction of the project on the surrounding communities. In addition, an analysis of the LHWP project on the basis of the principles of participatory development will be presented.

3.2 AN OVERVIEW OF THE LESOTHO HIGHLANDS WATER PROJECT AND ITS HISTORICAL BACKGROUND

Lesotho is known for its sufficient water reserves. This is because of the country's high summer rainfall and the Senqu River, also known as the Orange River, the longest river in Southern Africa that originates in the Drakensberg in Lesotho. The river forms the borders between South Africa and Namibia before it enters the Atlantic Ocean (International Rivers.n.d). Therefore, Lesotho accumulates a lot of water during summer, sufficient to meet the country's needs.

South Africa has shown an interest in Lesotho's Highlands's water for a long time. The government of South Africa saw Lesotho's water abundance as an opportunity to provide South Africa with water by capturing water through dams and transferring it to South Africa (Matli 2005:8). This would answer South Africa's high water demand caused by its generally low rainfall, growing industries and the rising demand of irrigation (Matli 2006:8). Research has shown that "South Africa consumed 80% of Southern Africa's water yet has just 10% of its water resources and that without new sources of water; South Africa's fresh water resource would be fully used up between 2025-2030" (Dixon 1998). With the scarcity of water in the Vaal river basin, which is the main supply of water to the South African industrial hub between Pretoria and Witwatersrand provided an opportunity for the profitable exploitation of Lesotho's water resources. Supply of water in that area was predictable to fall short of requirements by 1995 (The World Bank 1986).

RSA could cover the expected water Because the Lesotho Highlands Water Project involves the building of five large dams, 40% of Lesotho water would be diverted in to the Senqu river basin and transferred to the Vaal River in the Gauteng province in South Africa (International Rivers: n.d). Therefore, on the 24 October 1986, Lesotho was introduced in to the terrain of dam construction through the Lesotho Highlands Water Project. The governments of Lesotho and South Africa signed a Treaty for the implementation of the project starting with the first phase (Mashinini 2010:1).

The Lesotho Highlands Water Project Treaty Articles 7 and 8 specify that the Lesotho Highlands Water Project is governed by the Lesotho Highlands Water Commission (LHWC) under the administration of both the Lesotho and South African governments. The Lesotho Highlands Development Authority (LHDA) is a governing body representing Lesotho while the Trans-Caledon Tunnel Authority (TCTA) represents South Africa with both bodies making up the Lesotho Highlands Water Commission (LHWC). The LHWC is responsible for monitoring the implementation of both countries interests in the project. The LHWC acts on behalf of the two countries and reflects the interests of both governments. The LHDA is responsible for implementing the project in Lesotho while the TCTA implements the project in South African (LHWP Treaty 1986:23-33).

The Lesotho Highlands Water project is a five phase project. Since 1990, the LHWP has been an on-going process that started with Phase1A in 1990 and ended 2003 with the completion of phase 1 which comprises of both phase 1A and phase 1B. In Phase 1A, 18m³/s was transferred to South Africa. This phase resulted in the installation of 72 Mega Watts (MW) of hydro power (FIVAS: Power Conflict 1). The following have been constructed for this phase 1A: a 182 meter high concrete arch dam at Katse, 48 kilometres of tunnels to transfer the stored water at Katse to 'Muela, a 72 (MW) hydropower plant (with a 120 kilometre transmission line to Maseru) and a 55 meter high concrete gravity arch dam at 'Muela, a 16 kilometre long transfer tunnel from 'Muela to the crossover point into South Africa, and 200 kilometres of access roads, two bridges and other infrastructure facilities (FIVAS: Power Conflicts 11). Phase 1B is comprised of the following: the 145m high Mohale Dam; the 32km long transfer tunnel from Mohale reservoir to the upstream of Katse dam; the 15m high Matsoku Diversion Weir, and a 5.7 km long tunnel from the Matsoku Weir to Katse Dam. The filling of water in the Katse dam started in September 1995 and the transferring of water to South Africa started in 1996 (World Rivers Review, August 1995).

3.3 THE DESCRIPTION OF THE PROJECT

According to the Lesotho Highlands Water Project Treaty (Annexure 1:1-2), the following have been executed for phase one of the project;

- (1) A storage dam on the Malibamatso river at Katse area, approximately 2,5km downstream of its confluence with Bokong river forming the Katse reservoir;
- (2) A hydro-electric power complex situated in the general location of the Hololo river, and the Nqoe river catchment area comprising a power station, related water ways, bypass facilities for the delivery of water during non-generating periods and a headpond dam near Sentelina on the Nqoe river if necessitated by the design of the hydro-electric power complex;
- (3) A water transfer tunnel connecting the Katse reservoir with the hydro-electric complex;
- (4) A tailpond dam on the Hololo or Nqoe river to regulate the discharges of hydro-electric power station to serve as a break pressure reservoir;
- (5) A delivery tunnel connecting the tailpond dam with the designated outlet point;
- (6) The terminal structure at Katse for the sub phase 1B tunnel connecting the Maseru and the Katse reservoir;
- (7) An inlet structure for the phase II transfer tunnel connecting Katse reservoir with the hydro-electric complex;
- (8) The phase II intake structure of the hydro-electric power station if so required;
- (10) The Mashai-Katse pump station outfall at the Katse reservoir;
- (11) A common delivery tunnel intake at the tailpond dam to serve the delivery tunnels of phase 1 and many other phases;
- (13) The transmission line connecting the switching station at the hydro-electric power station with the Maseru load centre;
- (14) Access roads to the project sites and;
- (15) Ancillary facilities such as the administration and the control centre at the hydro-electric power station, as well as camps and other amenities at the project side(LHWP Treaty Annexure 1:1-2).

3.4 THE LOCATION OF THE PROJECT

As shown on the maps below, the project is located in the Katse area, Matsoku, Ha Mohale and 'Muela and their surrounding areas.



Figure 3 Map of LHWP (Source: www.vaaltriangleinfo.co.za)

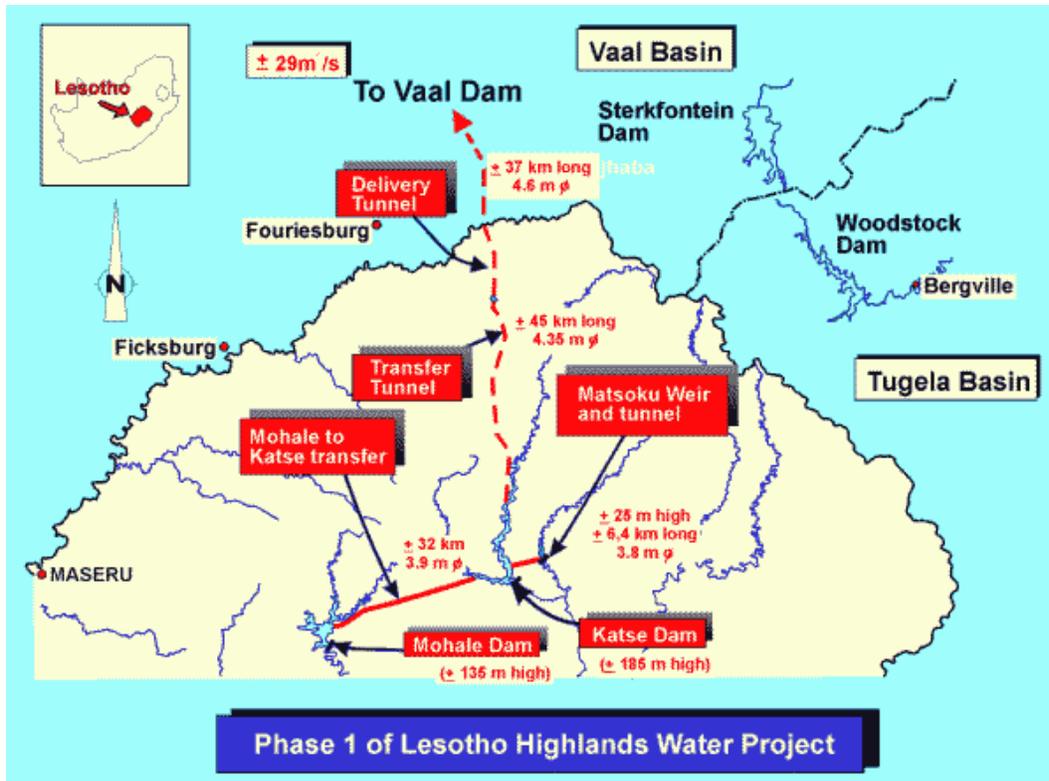


Figure 4 Map of LHWP (Source: www.dwaf.gov.za)

3.5 THE POLITICAL ENVIRONMENT SURROUNDING THE SIGNING OF THE LHWP TREATY

On January 1986, General Justin Lekhanya, head of Lesotho army conducted a military coup that overthrew the then prime minister Leabua Jonathan. Leabua had been prime minister since 1966 after Lesotho gained independence from Britain. He later gained executive control over Lesotho when the King's power was limited in 1970 (The Star 2004).

As it has been mentioned in chapter one of this study that South African government developed an interest in Lesotho water as early as the 1930's. In these early years Lesotho was still under British control. However, it is reported by Rothert (1999) that the Lesotho civilian government which was led by Chief Leabua Jonathan for 30 years in 1986 had resisted signing

the treaty for all the three decades. According to the Inventory of Conflict and Environment (ICE Case Studies n.d), on January 1986, South African government gave assistance to a successful military coup that ousted the civilian government of Lesotho. This led to Lesotho being governed by the military government.

The main reason for the South African government assistance in the coup was because Lesotho offered refuge to members of the African National Congress (ANC). However, the underlying motivation of the assistance in the coup was that South Africa would acquire a greater access to Lesotho water supply. The then Transvaal now Gauteng province of South African, had been going through serious water shortages. Regardless of 30 years of negotiations, the Lesotho government refused to find a common ground with South African government on water rights (Inventory of Conflict and Environment Case Studies n.d). Shortly after the coup, the military government and the South Africa apartheid government agreed on the Highlands Water Project. The Lesotho Highlands Water Project treaty was then signed shortly after the coup. The signing of the LHWP treaty was then an outcome of two undemocratic governments (Rothert 1999).

3.6 THE LESOTHO HIGHLANDS WATER PROJECT TREATY

According to the LHWP Treaty between the government of Lesotho and the government of South Africa, *Article 4 - Purpose of the Project* reads as follows:

The purpose of the Project shall be to enhance the use of the water of the Senqu/Orange River by storing, regulating, diverting and controlling the flow of the Senqu/Orange River and its affluents in order to effect the delivery of specified quantities of water to the Designated Outlet Point in the Republic of South Africa and by utilizing such delivery system to generate hydro-electric power in the Kingdom of Lesotho (LHWP treaty 1986: 15).

In this statement, the purpose of the Lesotho Highlands Water project is clear that it is meant to transfer water from the highland of Lesotho to South Africa.

The treaty further stipulates on Article 15 – about the Social and Environmental Considerations that:

The Parties agree to take all reasonable measures to ensure that the implementation operation and maintenance of the Project are compatible with the protection of the existing quality of the environment and, in particular, shall pay due regard to the maintenance of the welfare of persons and communities immediately affected by the Project (LHWP treaty 1986:71).

This is the only section of the treaty that states the concern of the project for the welfare of the dam affected people. However, the treaty does not stipulate on how the claims made will be carried out. The major concern of the treaty was to supply water to South Africa as it is reflected throughout the whole treaty. The LHWP Treaty 1986 articles 6, 11 and 12 further stipulate the amount of water to be delivered to South Africa, how the two countries will share the benefits, the calculation of royalties and the responsibilities of each country in the project in terms of payment.

The Lesotho Highlands Water Project was a cheaper method of water transfer for South Africa compared to the Orange-Vaal transfer which would have cost 2.3 billion more than the LHWP. Lesotho on the other hand saw this as an opportunity for a development project that would boost its poor economy (Water Affairs and Forestry Portfolio Committee 2001).

3.7 CONSEQUENCES OF THE LESOTHO HIGHLANDS WATER PROJECT

The Lesotho Highlands Water Project involves the construction of dams, tunnels, roads and building of other infrastructure such as office building. This meant that the project would need vast land area to implement. Some of the land needed for this project would be private land; that which belongs to the people living in the rural areas in areas that have been identified as appropriate for the feasibility of the project infrastructure. This meant that people living in these areas would have to move to other places, some would give up their fields and grazing

lands. This would also mean that the natural vegetation that the rural people use for medication and food would also be affected.

3.7.1 IMPACT OF THE PROJECT ON INDIVIDUALS INCOME

The people who were affected by the project lost land when the project started. These lands were used for income generation as fresh food was produced by families and sold to generate household income. The trees that some families planted for selling as wood were also part of the losses encountered by some villagers and the resettled people (Transformation Resource Centre Save the Children Fund 1999:1).

The resettlement programme affected people negatively since they moved to urban areas. They found urban life difficult because money became a need for survival unlike in the villages where they depended on the food they produced and wood for fuel. They relied on the barter-system mode of trade while living in the rural area. Barter-system allowed them to use their property to pay for services or to buy what they needed without using money. Life had become expensive for the new urban settlers (Akindele and Senyane 2004:68). In order to survive, some of these people had to sell alcohol illegally (BBC NEWS 2003).

Traditional healers affected by the project lost most of the medicinal plants and those that were available had to be purchased from the Lesotho Highlands Development Authority offices 'Matli (2005:37). This affected both the traditional healers and their patients because the traditional healers lost their ability to treat the local people affecting their business and disrupting cultural practices. People had to travel to clinics and hospitals, pay transport fare and for treatment with money.

3.7.2 PROPERTY LOSS CAUSED BY THE LHWP AND DEPRIVATION OF ACCESS TO WATER

According to Mashinini (2010:4), the Katse, Muela and the Mohale dams jointly occupied 5000 hectares of grazing land and 17 hectares of garden land. In addition to these, the project cost rural communities their houses and homes. 71 households were resettled and these families lost property in the process; 40 hectares of arable land, 2.15 hectares of garden land, 0.03 hectares of stable, 0,25 hectares of kraal, 450 trees and 110 graves (Mashinini 2010:4). Between 1988 and 1996, 152 villages at Katse and 'Muela lost 16.5 hectares of garden land. (Mashinini 2010:4). Several houses had been damaged by road works and blast vibrations or dam earthquakes (TRC 2004: 15) Furthermore, the people were suddenly restricted from fetching water from the dam and from other natural pools and rivers that have been diverted as part of the project (Matli 2005:44-45).

3.7.3 THE IMPACT OF THE PROJECT ON CULTURE AND TRADITION

According to Rakotsoane (2001:128-129), Basotho, like most Africans, have a high regard for the ancestors. Ancestors are believed to be mediators between God and the living and watch over the living members of the family. It is believed that they own the family land and protect it and through the family land, they are connected to the living members of the family. Therefore if the living relatives move from the land, the ancestors have to be consulted so that they can give permission (Rakotsoane 2001:128-129). Rakotsoane (2001: 137-138) further argues that, resettling the villagers was divorcing them from their ancestors. They have been forced onto foreign ancestral spirits in the new settlements. This has disturbed their spiritual world which they consider to be the source of success because the ancestors bless their lives, and they believe their future has been threatened.

3.8 THE BENEFITS BROUGHT BY THE PROJECT

In spite of the negative aspects that came with the establishment of the project, there are recognized benefits that were implemented. The benefits of the project to the people living in the dam affected areas are outlined below.

3.8.1 PROVISION OF ROAD INFRASTRUCTURE

The rural areas of Lesotho lacked roads before the project was implemented; this made it difficult to travel from one rural settlement to another. Donkeys and horses were the only mode of transport in the rural areas of Lesotho since available roads were narrow and they were dirt roads. The LHWP treaty states that roads were supposed to be built in order to make access to the dam areas easily accessible. Therefore, the rural roads of Lesotho were reconstructed and restructures and turned in to tarred roads making movement easy between the highlands and the lowlands of Lesotho. These roads were aimed at facilitating activities relating to the construction of dams, serving the communities in the rural areas and for easy access to the dam areas by tourists. The LHDA further built bridges to make it easy for animals and people to cross over the dams, lakes and rivers (LHDA 1997).

3.8.2 PROMOTION OF EDUCATION AND GOOD HEALTH

New schools were built in the rural areas. Sanitation was introduced to the rural communities. The LHDA encouraged the villagers on issues sanitation and promoted hygiene. The LHDA built toilets for some villagers, introduced sanitary pits and conducted good hygiene lessons in the villages (LHDA 1997). Community projects were implemented. Through these projects, the LHDA meant to introduce and provide sustainable livelihoods for the communities affected, by engaging them in Agriculture and non-agricultural activities such as sewing (LHDA 1997).

3.8.3 PROVISION OF HEALTH FACILITIES AND JOB CREATION

Satellite health clinics were built in rural areas. With monthly visits to these clinics by qualified nurses, the health of the rural people was monitored (LHDA 2002). The construction of the total infrastructure of the project created jobs for 22 000 people in phase 1A and for 15 400 people in phase 1B (LHDA 2002).

3.9 TESTIMONIES OF PROJECT AFFECTED PEOPLE

According to Akindede and Senyane (2004) the Transformation Resource Center conducted a study to find out how the three dams; the Katse, 'Muela and the Mohale had affected

respondents. The respondents reported that during the time they were resettled to new settlements the LHDA gave them a chance to choose places that they would like to be resettled to. They however did not know anything about these new places that they had to live in. Most importantly for them, they needed these new places to have arable land that would enable them to continue their life of agriculture. However, few of the people were fortunate enough to be resettled to places with fertile land (Akindele and Senyane 2004:9-19).

Some resettlers complained that they did not receive the compensation that was promised to them such as money to pay for their children's education. Some people reported that sometimes they do not get their annual compensations, while some were grateful to the project since their family members were employed to work for the project and got their compensations on time (Akindele and Senyane 2004:11&25).

In the study that the *Transformation Resource Center* conducted with the *Save the Children Foundation* there were varying feelings among the children interviewed. Some of the children reported that the project has changed their lives for the better, while others felt differently. Some children thought the project had made life easy and luxurious for them since their parents were employed to work in the project. They do not sleep on sheep skin anymore but on beds and mattress and they eat delicious food. Some of the children indicated that their families lost valuable land that they used for planting trees and sold to pay for their education (TRC & SCF 1999).

3.10 THE OMBUDSMAS'S RESPONSE TO THE PEOPLE'S GRIEVANCES: A PRESS STATEMENT

The Ombudsman has been one of the ally of the communities affected by the Lesotho Highlands Water Project. Various complaints from the dam affected communities were lodged before the Ombudsman. The dam affected people complained that the LHDA has treated them inappropriately as it has delayed to pay out compensation money, and rejected some of the complains on the grounds that he people did not follow the right procedure in making claims. In

response to these complaints, on the 22 May 2003, the Ombudsman provided a press statement and said the following:

We acknowledge the spate of public concerns with regard to the management of resettlement and compensation issues at the Lesotho Highlands Water Project (LHWP). The Lesotho Highlands Development Authority (LHDA), as the implementing Agency of the LHWP in Lesotho, is taking these concerns with the seriousness that they deserve and efforts are being undertaken to reach working solutions thereof. The concerns are demonstrative that, either the LHDA has not fully lived up to the expectations of the Compensation policy, or that they have done what is required by the policy, but this does not meet the expectation of the intended beneficiaries, the affected communities. The LHDA is committed to fulfilling their mandate under the LHWP Treaty and Compensation Policy. We, therefore, welcome legitimate complaints in this regard as these will help us to ensure that when the Project is completed, all due obligations and responsibilities have also been met (LHWP 2003).

The intervention of the Ombudsman who is the third party and acting as the mediator between the LHDA and the people indicates the extent of the controversy that the establishment of the LHWP created on matters regarding the treatment of the dam-affected people by the LHDA. The conflict the LHWP created between the dam-affected people and the LHDA is another indication that these people were not planned for before the project was implemented but rather the LHDA decided to compensate them when the people started making demands.

3.11 COMPENSATION FOR THE DAM AFFECTED PEOPLE BY THE LHDA

The Lesotho Highlands Water Project (2011) claims that the principles for compensation were outlined in the LHWP Treaty of 1986. According to the Lesotho Highlands Water Project (2011:28), these principles were fully merged into LHDA's 1997 revision of its compensation and rehabilitation policy (LHDA 1997). The revision was done in order to prepare for the effects of the dam that will be caused by phase 1B of the project on the people. Phase 1B included the

construction of the Mohale Dam and infrastructure that will be needed. The LHDA's inclusion of the compensation principles was based on the international norms of development; sustainable development, person-centered development and participatory development. The inclusion of these principles was also influenced by LHDA's experiences that were encountered with phase 1A during the construction of Katse Dam, 'Muela Dam and the 'Muela Hydro-Electric power station and associated infrastructure, and on the recommendations and experience of the World Commission on Dams (LHWP 2011:28).

3.12 DEVELOPMENT OF THE COMPENSATION POLICY

The LHDA states that an extensive participatory process that included consultations with the affected communities, stakeholders, and Governmental institutions led to the development of the Compensation Policy. There was an established structure between the communities affected by the Project which involves Area Liaison Committees (ALCs) which are legitimate representatives of the affected communities, Chiefs and the Office of the LHDA Chief Executive. It is at forums with the affected parties that important discussions on compensation and other issues take place for review of procedures and other related aspects (LHWP 2003).

According to the treaty, one of LHDA's legal obligations is to put in place all measures to guarantee that members of local communities who will be affected by flooding, construction works, or other similar Project-related causes, will be able to maintain a standard of living not inferior to the one they had before the disturbance of the project (LHWP Treaty 1986:71).

According to the LHDA Report (2011:28), the compensation package of 1997 consisted of the following:

(1) Replacement of homes and other facilities (e.g. kraals – livestock pens - and latrines). The LHDA built new homes, according to a set of standard designs, at sites chosen by the families. There was also provision for families to take the cash equivalent and build their own new homes.

(2) Compensation for loss of arable land. Households moving out of the highlands gave up their rights to the property and arable land for which they received compensation. They had the option of choosing annual cash compensation, compensation in the form of grain, or lump sum compensation for the losses of agricultural fields (calculated on the basis of estimates of their productivity). Annual payments were to be made for 50 years. It should be noted that the original compensation policy for Phase 1A had called for payments to be made for a total of 15 years, after which time it was anticipated that the households would have recovered to the point where they were before first disturbance.

(3) Compensation for communal resources, including grazing, shrubs (used for firewood, construction, or manufacturing of goods), thatching grass, and medicinal plants. This compensation came in part in the form of the Rural Development Program (RDP).

(4) Replacement of community assets lost such as schools or churches.

(5) Relocation of graves and the holding of ceremonies at or around the time of re-interment.

(6) Cash payment for garden lands, which are generally are under 400 square meters, and usually close to households, where fruit and vegetables are grown.

(7) A Disturbance Allowance paid to households for three years after relocation or resettlement.

(8) In addition, there was to be a Minimum Threshold Payment for each project-affected household whose minimum income fell below an estimated poverty level of M3,960=\$707.143 (M7,558.80 =\$1,35 Million at 2005 rates). It was to be provided in the form of cash as a top-up payment to ensure that each affected household remained above the threshold level, and it was to be paid annually for 10 years from the time of relocation or resettlement (LHDA Report 2011:28).

Communal compensation was provided in the form of cash and Rural Development programs (RDP). This compensation was intended for the losses of thatching grass, fuel wood, fish, medicinal plants, and other natural resources. The RDP participants were requested to form co-operatives, grazing associations or other kinds of Local Legal Entities (LLEs). The co-operatives enabled members to buy agricultural inputs and to market their products. Grazing associations were meant to improve the management of the communal range; grain mills provided a service where there was no service before. The LHDA further contributed to the development of the dam affected areas by promoting tourism, infrastructure, fisheries, health, water and sanitation and youth development (LHDA Report 2011:29).

The Lesotho Highland Development Authority (2011:29) reports that the individual compensation payments were intended to ensure that affected family's standard of living did not decline from how it used to be before the project started and before they were resettled. The communal compensation was meant to bring about development in communities that have hosted the resettled as well as improve the standard of living of the resettled people in their new communities. The LHDA further claims that it predicted that dislocation of the Mohale communities was likely to have hostile consequences on the people with little or no land, for the old and dependent, the sick and disabled people, and even for young people with no land rights. For them, compensation for the loss of assets and of production could be quite inadequate to prevent their falling into poverty (LHDA2011:29). "Despite the difficulties of implementing these policies, they were sincere attempts by the LHDA to avoid harming the weak and the vulnerable" (LHDA 2011:29).

The LHDA (2011:29) reports that, under its development programme, it has supported a variety of institutions and activities including co-operatives, range management associations, and agricultural extension services for the benefit of both the resettlers and their hosts. Co-operatives and Local Legal Entities (LLE) are organizations that have been legally established and which receive and manage communal compensation. Co-operatives are in the resettlement

host villages and receive compensation for communal resources lost by resettlers and those earned by host villages that are impacted by the greater population impacts of receiving resettlers (LHDA 2011:29). These organizations have also been established in the phase1A project area to provide the same services to dam affected people (LHDA: 2011:29). LHDA (2011:29) further states that “there are 23 registered co-operatives in the Katse, Lejone, and Matsoku areas, which have so far been paid a total of approximately M 11 million. They have begun 22 businesses, while 13 more are in preparation. Downstream of the dam, 22 LLEs have been formed, which have so far received M 27 million (\$2,7million) in compensation (LHDA 2011:29).

3.13 ANALYSIS

3.13.1 PEOPLE’S PARTICIPATION IN DEVELOPMENT PROJECTS

3.13.2 PEOPLE’S PARTICIPATION IN THE LHWP TREATY

Participatory development processes is about inviting people in the development process (Thamae 2012:20). Inviting the rural people of Lesotho in to the project would mean they were being recognized as stakeholder. They are stakeholders because,

A stakeholder is anybody who can affect or is affected by an organisation, strategy or project. They can be internal or external and they can be at senior or junior levels. Some definitions suggest that stakeholders are those who have the power to impact an organisation or project in some way. For example: People or small groups with the power to respond to, negotiate with, and change the strategic future of the organization (Morphy 2013).

Being stakeholders, the land owners had to be involved in the project from the adoption stage of the project as much as the two other stakeholders; the government of Lesotho and the government of South Africa. On the contrary, the treaty clearly reveals the existence of two stakeholders in the project; the government of Lesotho and that of South Africa. It is evident in the treaty that the third stakeholder in the project is not included which is the dam affected people which are the intended beneficiaries. As stakeholders, according to participatory

development practice, the project affected people had to be represented and given a chance to participate in the treaty design, project design and the implementation of the project. For the sake of transparency and accountability which are the outcomes of participatory development, the participation of all the three stakeholders ought to have been clearly articulated in the treaty itself. The rural people are rightful stakeholders in a sense that they owned the land and that enables them to affect the project.

3.13.3 DEVELOPMENT PROJECTS AND HUMAN DEVELOPMENT

3.13.4 THE RATIONALE BEHIND THE LHWP

As mentioned in chapter one of this study, development is a process that enables the people to increase their individual and institutional capacities and make use of and manage resources to achieve sustainability and justifiable improvements in their quality of life (Korten 1990:117). Participatory development further emphasises on human beings as the centre of any kind of development. It affirms that people should be priority in the development process. Development is also a process of giving people the freedom to enjoy what they already have and increasing their access to this freedom Sen (2000:3).

However, the Lesotho Highlands Water Project treaty outlines the objectives of the project. It is listed in the treaty the responsibilities of the Lesotho Highland Development Authority (LHDA) and that of the Trans Caledon Tunnel Authority (TCTA) which are the representatives of the two governments. The treaty presents how the royalties of the project will be shared, and the description of the project amongst other things(LHWP Treaty Article 4). This treaty is a detailed document describing of how the project will be implemented. It reflects the amount of work and time put in researching the feasibility of the project (LHWP Article 4-8). Chapter one of this study clearly provides evidence that there had been a lot of research done from the early 1950's to the late 1980's to make sure that the project became a success. In article 15, the LHWP treaty later reflects that there has been a consideration made for the people who will be affected by the project's infrastructure as well as the environment affected. In this section, the treaty does not follow the same pattern of a detailed report. This part of the treaty is explained and completed in four sentences. This is because the project's main objective was to transfer

water from Lesotho to South Africa and not to benefit the people. The rationale behind the project was not to benefit the rural people of Lesotho who would be affected by the project but to benefit South Africa.

Furthermore, from the evidence above in this chapter, article 15 of the treaty is not as clear-cut as other sections of the treaty as it does not inform the reader in terms of how the people and their environments will be taken care of. This section speaks in general terms as it does not provide information on the extent to which the project will affect people as it does with other important factors included in the treaty. It is important that in the early stages of policy adoption (in this case, project adoption), the developer should have clear-cut goals to avoid goal ambiguity (Lipsky 1980: 41). Ambiguous goals cause tension in the implementation stage of a policy as it has been the case with the Lesotho Highlands Water Project. Sen (2002:3) further argues that “ development requires the removal of major sources of unfreedom: poverty as well as tyranny, poor economic opportunities as well as systematic social deprivation, neglect of public facilities as well as intolerance or overactivity of repressive state”. The project did not come as a development that would change people’s live. People became poor because of the project instead.

Through examining the treaty critically, it is clear that the goals of the project have very little to do with alleviating poverty of making the life of the dam-affected people who are the resettled land-owners. The treaty is very vague on its goals relating to the project-affected people. It does not provide detailed information on its activities regarding taking care of the people and the environment. It lacks transparency on this part and therefore it would be difficult to hold the LHDA accountable to anything. The exclusion of the dam affected people from the project is further reflected in page 85 of the treaty. There is no signature in the page that belongs to the representative of the people that recognizes them as stakeholders in the project. The LHWP treaty is a biased document because the interests of the dam-affected people are not included.

3.13.5 FITTING PROJECTS IN THE LIVES OF THE PEOPLE

The treaty further indicates that there has been more studies undertaken involving the project as it progresses to other phases (LHWP treaty, Annexure 1: 3-4). Maps regarding the progression of other phases have already been laid out. The continuation of the project means more private land is going to be used up by the project. According to Taylor (n.d) “international communications and Africa programme liaison officer Lori Pottinger says project documents reveal that Phase 2 will displace 17 villages and affect the grazing land of 72 more, potentially impacting on the livelihoods of 3 317 Basotho households”. Therefore, the LHDA has a compensation policy ready for phase 2 on which implementation has begun. In spite of the LHDA’s past experiences with compensation conflicts, it has drafted another compensation policy instead of a citizen’s participation policy.

One of the major principles of participatory development according to Cernea (1985) is that in a participatory development, projects should fit in to the life of the people, the project should not force the people to adjust to its existence. The resettlement process however reflects the contrary. The people were removed from their original settlements to make the project implementation possible and had to cope with all that came with the project; loss of property, the disruption of lives, poverty, restrictions to water access, exhuming of their dead while some graves were covered by the water (TRC 2004). The people had to fit in to the life of the project, adjust and compromise; on the other hand the mission statement of the project has been accomplished with no compromises made on the side of the project. As mentioned in chapter two that the former President of Tanzania, Julius Nyerere, declared the importance of participatory development as it gives regard and respect of the feelings of the people (cited in Hope and Timmel, 1995:26). It seemed as though the project was concerned about South Africa’s need for water; there was a need for water in South Africa therefore people had to be disturbed. This reflects the amount of power the South African government had over the Lesotho government. The rights of the people were overlooked.

3.13.6 WORLD COMMISSION ON DAMS: ADVOCACY FOR PARTICIPATORY DEVELOPMENT

The World Commission on Dams (WCD) demands that dam projects benefit the people who will be affected in the process of the construction. The WCD further states that, first and foremost, before any projects activity begins, it must “gain public acceptance” (WCD 2000:215). Giving the people an opportunity to accept a project shows a level of respect the developer has for the people. The Lesotho Highlands Water Project treaty however does not have a reflection of this factor. There is no evidence in the treaty in article 15 that the people were involved in the decision making process of the agreement and that they had accepted the establishment of the project. Considering that the infrastructure related to the project was going to be built on private land and that the land owners were going be resettled and ran the risk of losing homes and other property because of the project, it would have been appropriate to include them in the decision-making process and they should have been given a chance to agree or to refuse the project.

The participation of the people was vital in the project as it would have prevented the LHDA from a lot of criticism that led to the intervention of the Ombudsman. If the affected people had been involved in the design of the project, the LHDA would have shown a level of respect and consideration of the affected people’s feelings and opinions which are some of the values and considerations of participatory development. This way the LHDA would have practiced participatory development which affirms that people are the best sources of their needs and appropriate navigators of their own development Oakley (cited in Naidoo and Mathabatha, 2004:8).

3.13.7 PEOPLE AS PASSIVE RECEIPIENTS OF DEVELOPMENT

It is argued in the second chapter of this study that participatory development advocates for empowering people through knowledge so that they can actively participate and engage in decision making processes. This way they can direct their development towards and outcome desired by them Oakley (cited in Naidoo and Mathabatha, 2004:8).

On the contrary, because the project was non-participatory, at a later stage of the project, the Lesotho Highlands Development Authority decides to consult with the people. This was after an outcry of the people who have been affected and after heated international debates the project created regarding how it has affected the people. The LHDA states quite clearly that the compensation policy of 1997 developed out of the projects previous experiences and from the World Commission on Dams framework and principles (LHWP 2011:28). Lack of the citizen's participation in the design and signing of the treaty created the turmoil that left most people unsatisfied with the project. There is no specific, clear clause in the treaty that was binding the LHDA to anything specific in relation to the welfare of the people affected. They are treated as passive recipients of development as the treaty only states that they will be taken care of. This statement reflects that the people are expected to just receive whatever is given to them. Meaning they would be passive recipients of development. This gave the LHDA grounds to neglect its responsibility to the people and later try to rectify its mistakes by compensating them, not necessarily letting them enjoy the development and benefit from the project. The LHDA also claims that the compensation principles were "outlined" in the treaty. This is not true as there is no such outline in the treaty.

The Lesotho Highlands Water Development Authority developed a compensation policy when the project was preparing to progress to the second phase of phase one which is phase 1B. This means that during the first phase of the project, there was a level of negligence in regard to the project-affected people. The Lesotho Highlands Water Project clearly states that the compensation policy was developed through its "consultation" with the communities affected during phase 1A. The compensation policy was directed to the people; therefore their involvement would have been more democratic. If the affected people had been involved in the design of the implementation, the LHDA would have avoided the controversies that came with the resettlement plan where people were not satisfied with. Lesotho is a country that has a lot of highlands, therefore, it would have been possible that people would have chosen to be resettled to different highlands where they would be able to live the life they know and comfortable with instead of the urban areas. Participatory development considers the opinions

and feelings of the people with the intention to fulfill development as described by Korten(1990:117). By denying the people the right to participate in their own development and choose how they would like to go about it, the LHDA did not only go against the values of participatory development but also failed to achieve true development as defined by the theorists discussed. Through compensation, the LHDA was not developing the communities by providing some benefits; it was merely giving back to the people what was due to them; what they destroyed.

3.13.8 THE EFFECTS OF POLITICS ON PARTICIPATION IN DEVELOPMENT PROJECTS

The Lesotho Highlands Water Authority failed to involve the people in their own development at an early stage of the project; the design stage of the treaty. It was therefore difficult to hold it accountable to the setback brought by the project to the people since the people had no solid ground to stand on and demand for their rights. The government was undemocratic which meant there was a lack of focus on human rights and this affected the people. An undemocratic government is the opposite of a democratic government; it means that power lie with the authorities and not with the people. Therefore, being undemocratic, the government of Lesotho could give ultimatums to the people and if they resist, their land could be taken and their dead exhumed without their consent. The fact that both countries were governed undemocratically when the treaty was signed in 1986, means that participatory development was not a consideration in the initial implementation of the Lesotho Highlands Water Project. This denied the people the platform to determine their own destinies and exercise their human rights on their own natural resource; water.

However, it cannot be ignored that the LHDA did try to achieve the principles of participatory development by trying to make the lives of other people affected better through the infrastructure it provided. As participatory development requires that people that are affected by development projects have to benefit from the project, the LHDA tried to fulfill this expectation which is also recognized by the World Commission on Dams.

3.14 CONCLUSION

This chapter has provided an understanding of the case study and analysis of the research questions and objectives presented in the first chapter. The first part of chapter three provided an overview and historical background to the implementation of the LHWP and the reasons behind the construction of the Project. The chapter also explored various strategies used by the project in response to the crisis surrounding it and the various events that took place. It further explores the various consequences that followed the implementation or construction of the project and the benefits to the surrounding communities. In addition, an analysis of the LHWP on the basis of the principles of participatory development has been addressed.

CHAPTER 4

CONCLUSION

4.1 SUMMARY

This research has responded to all the questions asked in chapter one. These are the questions that guided this research to the end. These questions are as follows:

- (1)What are the principles of participatory development?
- (2)What is the suitable political environment for participatory development?
- (3)How should participatory development take place?
- (4)What was the rationale behind the establishment of the LHWP?
- (5)To what extent has the project prioritized participation in the design?
- (6)Is participatory development reflected in the LHWP treaty?
- (7)To what extent has community participation occurred in the project?

These questions were addressed as follows:

4.1.1 PRINCIPLES OF PARTICIPATORY DEVELOPMENT

Participatory development was conceptualized in order to understand what the phenomenon is. It has been stated that participatory development recognizes the importance of the involvement of the target beneficiaries of development in the development intended for them. The principles and values of participatory development were identified as giving the people the opportunity to decide what they want and determine their present and future development. In this study, participatory development recognizes that development has to better people's lives; people have to benefit from projects that are implemented in their surroundings.

It is argued in this study that, participatory development values the input of the people in the development directed to them because people are regarded as the right sources of information on the problems they face and in what they need. Participatory development considers people to have the capacity to sustain the development that they have decided for themselves. It further emphasizes respect and recognizes the dignity of the people; people should not be

treated as mere recipients of development while it is imposed on them. People should rather be acknowledged as co-workers and mobilizers of development. The World Commission on Dams supports this by stressing that people should have a chance to accept or deny development (dams project), and if they accept, people should not be treated as means to development but the development should serve the people.

4.1.2 A POLITICAL ENVIRONMENT SUITABLE FOR PARTICIPATORY DEVELOPMENT

It has been indicated in this research that, participatory development falls under the umbrella term of democracy. It is one of the tools of democracy which is enhanced through good governance. It has been discussed in this study that in a government that values transparency, accountability and human right democracy prevails and the voices of the minority are heard. The minorities are heard through participatory development where the poor also get a chance to decide on their own development. A political environment of a country is very important for the success or failure of participatory development. The suitable political environment for participatory development is that of a country where the government values the principles of good governance and rules democratically.

4.1.3 THE PROCESS OF PARTICIPATORY DEVELOPMENT

It is explained in this study that it is very important to show respect and humility when approaching a community that the developer intends to develop. The developer must learn about the values and principles of the particular community and also understand on matters pertaining to how they survive on daily basis, this can be achieved through transect-walks and other techniques. Further it is important to present the proposed development to the people in the simplest possible way that they will understand before accepting or denying anything. Educating the people on the particular development is inviting them to participate with well-informed knowledge that will help them make well-informed decisions. This should happen before adoption of the project so that they can participate fully in the design and implementation of the project or policy. It is further argued in this study that in participatory development, the input and decisions of the people should be reflected in all stages of the development process.

4.1.4 THE RATIONALE BEHIND THE ESTABLISHMENT OF THE LESOTHO HIGHLANDS WATER PROJECT

It is clearly stated that the Lesotho Highlands Water Project's main objective is to transfer water from the rivers and lakes in Lesotho, in so doing Lesotho will be selling water to South Africa. In return, Lesotho will gain financially and also gain assistance from South African government to produce its own electricity through hydroelectric power.

4.1.5 PRIORITIZING COMMUNITY PARTICIPATION IN THE PROJECT DESIGN

It is then argued in this study that the Lesotho Highlands Water Project authorities did not prioritize the participation of the people who would be affected by the project. It is further argued that, from the conception of the project, there was no clear-cut explanation or outline as to how the people would participate in and benefit from the project. Participatory development was not prioritized by both governments involved and their representing bodies. It is argued in this study that the undemocratic political status of both Lesotho and South Africa was a contributing factor for the non-participatory features of the implementation of the LHWP.

4.1.6 THE REFLECTION OF PARTICIPATORY DEVELOPMENT IN THE LHWP TREATY

The Lesotho Highlands Water Project treaty and all the research done prior to the project, reveal that the dam affected people were not a priority for the project. It is further argued that the LHWP treaty reflects the exclusion of the involvement of the people as the major stakeholders in the establishment of the project. This study argues that both the South African government and the Lesotho government have representation in the project and the roles of each country's representative are well and clearly outlined. Yet on the other hand the people who own the land that is to be developed are treated as secondary citizens with no rights. Their input is not included in the treaty.

4.1.7 COMMUNITY PARTICIPATION IN THE PROJECT

It is debated in this research that there was no participation of the affected people in the LHWP. It is argued that, the tension that has existed between the people and the LHDA is a symptom of a non-participatory project. The fact that the LHDA decided to compensate people shows that the people did not participate but the project was imposed on them and were forced to resettle because they had no other choice. After they had suffered and lost property the LHDA decides to compensate the people. The treaty briefly discusses how the project will respond to the losses of the affected people and their environment. It does not explain or outline how it will “benefit” the people as the major stakeholders in this development and how they have participated in its design and how they will engage in its implementation.

4.2 RECOMENTATIONS

Lesotho and South Africa have been democratic states for almost twenty years now. It is recommended here that the two countries review the LHWP treaty and look at it democratically. Various researchers have monitored and evaluated the project and have found similar results; the project is failing the dam affected people. Furthermore, in recent years water has become very scares in Lesotho as the rivers run dry while the water is transferred to storage dams and distributed in South Africa. It has been stated in this study that the Lesotho Highlands Water Project treaty forces Lesotho to supply water even in times of severe drought. This is a matter of concern and as democracy emphasizes on human right, the fact that Basotho watch their crops shrivel during drought does not show justice and does not reflect on human right. Since Lesotho and South Africa are democratic states now, this should be of concern to them, both countries should address it. It is not too late because the project still has four more phases to be completed.

Lesotho and South Africa should apply the democracy that they claim in this project as it is one of the world’s largest water projects. The project should not proceed based on a document that was undemocratically influenced in this democratic era. Monitoring and evaluation of the project has been done by onlookers who are the people of Lesotho, researcher and the media.

It is clear that the implementation of the LHWP has not been in line the expectations of the World Commission on Dams and that of democracy.

It is therefore recommended that, as the project continues, the dam-affected people should be given the freedom to participate in the project. They should be recognized as the major stakeholders in this project as they own the land on which the dams are built. It is also recommended that the project authorities make a new identification of the project's objectives in relation to the dam-affected people and sustainable development which is person-centered. It is unfair that families in Lesotho were affected negatively by the project and more yet to face those same predicaments in the continuation of the project, while families in South Africa are enjoying the mineral of Lesotho that has left many miserable. It would be very wrong for both governments to continue on the wrong decisions that were made in the past; the treaty should not be treated as fixed and as the ultimate law. There should be a certain level of flexibility because the context in which the project exists has changed. Policy making involves identifying with the ever changing context, constantly going back to the policy to make sure that it is relevant to the context; policy making is a reflective process. This activity means that policies are bound to change with the changing context. The Lesotho Highlands Water Project treaty should be revisited; it is also bound to change.

REFERENCES

Agere, S. 2000. *Promoting good governance.Principles, practices and perspectives*. London: Common- wealth Secretariat.

Akindele, F. and Senyane, R. 2004.*The Irony of the White Gold*. Morija: Morija Printing Works.

Cernea, M. M.1985.*Putting People First: Sociological Variables in Rural Development*.A World Bank Publication. 2nd Ed. Washing D.C: Oxford University Press.

Colebatch, H. 2002. *Policy: Concepts in the Social Science*, 2nded, Open University Press: Buckingham.

Dauids, I. Theron, F., Maphunye, K.L. 2009.*Participatory development in South Africa*.A development Management Perspective. Pretoria: Van Schaik Publishers.

Dunn, N.1994. *Public Policy Analysis.An Introduction*.2nd edition. New Jersey: Prentice Hall.

Heywood, A. 2002.*Politics*. London: Macmillan.

Hope, A. and Timmel, S. 1995.*Training for Transformation. A handbook for Community Workers*. Gweru: Mambo Press.

Korten, C. D. 1990. *Getting in to the 21st Century: Voluntary Action and Global Agenda*. West Hartford: Kumarian Press.

Kanyenze, G. Kondo, T. and Martens, J. (eds). 2006. *Alternatives to Neo-Liberalism in Southern Africa. The Search for Sustainable Human development in Southern Africa*. Harare: ANSA.

Lesotho Highlands Water Authority. 1997. *Resettlement and Development Action Plan: Phase 1B*. LHDA, Maseru.

Lesotho Highland Water Project. 1999. *Public Health Programme in the 'Muela catchment area. Water for Life*.

Lipsky, M. 1980. *Street-Level Bureaucracy: Dilemmas of the Individual in Public Service*. Russell Sage Foundation, New York.

Maree, K. and Pietersen, J. 2007. *First Steps in Research*. Pretoria: Van Schaik.

Matli, M. B. 2005. *Social Impacts of a Large Development Project: Lesotho Highlands Water Project*. Department Of Geography. University of the Free State Bloemfontein. Thesis.

Mathekga, R. 2002. *The challenge of local government structures in South Africa: Security Community Participation*.

Mapetla, M. and Petlane, T. 2007. *State of Good Governance in Lesotho 1993-2003*. Roma: Institute of Southern African Studies.

Matli, M.B. 2005. *The Social Impacts of a Large Development Project: Lesotho Highlands Water Project*. Bloemfontein: University of the Free State. (Thesis-Masters).

Morna, C.L. and Nyakujarah, L. 2010. *SADC Gender Protocol Barometer*. Johannesburg: Juta.

Motteux, N. 2001. *The development and co-ordination of catchment fora through the empowerment of rural communities*. Water Research Commission Report No. 1014/1/01. Water Research Commission.

Naidoo, D. and Mathabatha, S. 2004. *A Review of Public Participation in the rural water and sanitation setting*. Johannesburg: Silowa Printers.

Rakotsoane, F.C. 2001. *The Southern Sotho's Ultimate object of Worship: Sky Divinity or Water Divinity?* Cape Town: University of Capetown. (Thesis-PhD).

Rossi, P.H. and Freeman, H.E. 1989. *Diagnostic Procedure: In Evaluation a systematic approach*. (4thed), California: Sage Publications.

Scudder, T. 2005. *The Future of large dams. Dealing with social, environmental, institutional and political costs*. Sterling: Library of Congress.

Sen, A. 2000. *Development as Freedom*. New York: Alfred A. Knopf, INC.

SADC, 2005. *SADC Principles and Guidelines Governing Democratic Elections*. Gaborone: SADC Secretariat.

Shepherd, A. 1998. *Sustainable Rural development*. London: St Martin's Press.

Thamae, M. L. 2012. *Democratising Public Participation in Capital Projects: The case of the Lesotho Highlands Water Project*. Bloemfontein: University of the Free State. (Thesis- Masters)

Thamae, M. L and Pottinger, L. 2006. *On the Wrong Side of Development. Lessons learned from the Lesotho Highlands Water Project*. Morija: Morija Printing Works.

Transformation Resource Center and Save the Children Fund. 1999. *Since the Water Came: Kids in Lesotho talk about Katse Dam*. Maseru: Save the Children fund.

United Nations Development Programme. 2001. *Guide to participation manual*. New York: UNDP.

Weimer, D.L and. Vining, A, R. 2005. *Policy Analysis: Concepts and Practice*, 4th Edition. New Jersey: Upper Saddle River.

INTERNET SOURCES

BBC News. 2003. BBC Radio 4's *Crossing Continents: Resentment Builds in Lesotho Highlands*. (Online) Available at http://news.bbc.co.uk/go/pr/fr/-/2/hi/programmes/crossing_continents/3128529.stm. Accessed on 12 August 2013.

Braun, V. & and Clarke, V. 2006. *Qualitative Research in Psychology: Using Thematic Analysis in Psychology*, Vol 3. (Online) Available at www.QuelResearchPsych.com. Accessed on 08 June 2013.

Becker, P. and Ravelon, A. 2008. *What is Democracy?* (Online) Available at <http://library.fes.de/pdf-files/bueros/madagaskar/05860.pdf>. Accessed 27 August 2013.

Campbell, L.M. and Mattila- Vainio, A. 2003. *Participatory Development and Community- Based Conservation: Opportunities Missed For Lessons Learned?* Human Ecology, Vol.31 No 3. (Online) Available at http://startinernational.org/library/archieve/file/participatory-development_campbell-et-al_26ee372877.pdf. Accessed on 05 June 2013.

Cultural Survival. 2013. *Going under: Indigenous People and the struggle against Large Dams*. (Online) Available at <http://www.culturalsurvival.org/publications/cultural-survival->

quarterly/brazil/going-under-indigenous-peoples-and-struggle-against-.Accessed on 07 March 2014.

Dixon, N. 1998.*Green Left Weekly: South Africa Invades Lesotho*. (Online) Available at <http://www.greenleft.org.au/node/16646>.Accessed on 08 August 2013.

Document of the World Bank: *Report and Recommendation of the President of the International Development Association to the Executive Directors on a proposed credit of SDR 8.0 million to the Kingdom of Lesotho for the Lesotho Highlands Water Engineering Project November 18, 1986*. (Online) Available at http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/1986/11/01/000009265_3970625092502/Rendered/PDF/multi_page.pdf.Accessed on 07 March 2014.

Encyclopedia of Nations: *Kingdom of Lesotho Country Review, 2013*. (Online) Available at <http://www.nationsencyclopedia.com/economic/Africa/lesoth/html>.Accessed on 07 August 2013.

Food and Agricultural Organization (FAO). 2003.*Participatory Development: Guidelines on Beneficiary Participation in Agricultural and Rural Development*.Corporate Document Repository. (Online) Available at <http://www.fao.org/docrep/007/ad817e/ad817e00.html>. Accessed on 15 May 2013.

FIVAS.*Power Conflicts 11: Lesotho Highlands Water Project*. (Online) Available at <http://www.fivas.org/sider/tekst.asp?side=118>.Accessed on 23 September 2013.

Hitchcock,R. and Inambao,A. and Ledger,J. and Mentis, M. 2011. *Lesotho Highlands Water Project: Report Prepared for Lesotho Highlands Development Authority*.Report 58. (Online) Available at

<http://www.lhwp.org.ls/downloads/report/pdf/PoE%20Report%2058%20rev0.pdf>. Accessed on 24 September 2013.

Hoover, R.C. 2001. *Darkness in the Lesotho Highlands*. (Online) Available at <http://www.irn.org/programs.lesotho/001031.darkness.html>. Accessed on 12 September 2013.

Human Development Report (HDR). 2002. *Deepening Democracy in a Fragmented World*. New York: Oxford University Press. Available at http://hdr.undp.org/en/media/HDR_2002_EN_complete.pdf. Accessed on 05 May 2013.

International Rivers.n.d. *A brief History of Africa's largest water projects*. (Online) Available at <http://www.internationalrivers.org/resources/a-brief-history-of-africa-largest-water-projects>. Accessed on 07 August 2013.

Inventory of Conflict and Environment Case Studies. *The Lesotho Water Coup*. (Online) Available at <http://www1.american.edu/ted/ice/leswater.htm>. Accessed on 08 November 8, 2013.

International Rivers: *People , Water , Life: Big Dams: Bringing Poverty not Power to Africa*. (Online) Available at <http://www.internationalrivers.org/resources/big-dams-bringing-poverty-not-power-to-africa-2006>. Accessed on 07 March 2014

International Rivers: *People, Water, Life: Chixoy Dam*. (Online) Available at <http://www.internationalrivers.org/campaigns/chixoy-dam>. Accessed on 07 March 2014.

International Association of Public Participation, n.d. *Core Values of Public Participation*. (Online) Available at www.iap2.org. accessed on 17 July 2013.

Japan International Cooperation Agency Research Institute.n.d.*Topical and Sectoral Studies: Participatory development and good governance report of the aid study committee.* (Online) Available at http://jica-ri,jica.go.jp/IFIC_and_JBICI-studies/english/piblications/reports/study/topical/part/part_5.html.Accessed on 16 May 2013.

James, P.J. 2010.*Political Economy of Participatory Development.* (Online) Available at http://shodhganga.inflibnet.ac.in/bitstream/10603/627/8/08_chapter1.pdf.Accessed on 04 June 4, 2013.

Kabemba, C. 2003. *Realising effective and sustainable democratic governance in Southern Africa and beyond: The Impact of Democracy on Public Participation in the SADC region.* Electoral Institute of Southern Africa. (Online) Available at www.eisa.org.za/pdf/op13.pdf.Access on 12 April 2013.

Lesotho Highlands Water Project Map: (Online) Available at www.vaaltriangleinfo.co.za.Accessed on 23 September 2013.

Lesotho Highlands Water Project Overview Map: (Online) Available at www.dwaf.gov.za. Accessed on 23 September 2013.

Lesotho Highlands Water Project. (n.d): *The Ombudsman listens to the grievances against the LHDA, press statement.* (Online) Available at <http://www.lhwp.org.ls/news/archive2003/may03/press220520036.htm>.Accessed on 24 September 2013.

Mashinini, V. 2010.*AISA Policy Brief: The Lesotho Highlands Water Project and Sustainable Livelihoods: Policy Implications for SADC.* (Online) Available at <http://www.ai.org.za/wp-content/uploads/downloads/2011/11/No-22.The-Lesotho-Highlands-Water-Project-and-Sustainable-Livelihoods.pdf>.Accessed on 11 April 2013.

Overview of the Lesotho Highlands Water Project: *The Beginning*. (Online) Available at <http://www.lhwp.org.ls/overview/default.htm>. Accessed on 28 September 2013.

Morphy, T. 2013. *Stakeholder Definition*. (online) Available at <http://www.stakeholdermap.com/stakeholder-definition.html>. Accessed on 22 October 2013

Rothert, S. 1999. *Which Big Dam Spells disaster?: Assessing the Lesotho Highlands Water Project Global Dialogue*. (online) Available at <http://www.igd.org.za/pub/g-dialogue/greenpage/lesotho.html>. Accessed on 23 April 2013.

Smith, C. 2002. *A flood of Disappointment*. (Online) Available at http://www.motherjones.com/news/featuredx/2002/12/we_241_01.html. Accessed on 23 April 2013.

South African Institute of Engineering. 2002. *The Treaty between Lesotho and South Africa*. (Online) Available at <http://www.lhwp.org.ls/overview/treaty.htm>. Accessed on 7 April 2013.

Thamae, M.L & Pottinger, L. 2006. *On the wrong side of development: Lessons Learned from the Lesotho Highland Water Project*. (Online) Available at http://trc.org.ls/wp-content/uploads/2013/04/on_the_wrong_side_of_Development.pdf accessed on 29 April 2013.

The Treaty On the Lesotho Highlands Water Project Between The Government of the Kingdom of Lesotho and The Government of the Republic of South Africa. 1986. (Online) Available at http://www.lhwp.org.ls/reports/treaty/LHWP_TREATY.pdf. Accessed on 07 August 2013.

The Report of the World Commission on Dams. 2001. *Executive Summary*. Vol16. Issue 6. Article2 2.

(Online) Available at <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?articles=1253&context=auilr>. Accessed on 11 May 2013.

The Star. 2004. *South African History Online: Towards a People's History*. (Online) Available at <http://www.sahistory.org.za/dated-event/military-coup-deposes-lesotho-government> Accessed on 08 November 2013.

United States Africa Development Foundation (n.d). *Participation*. (Online) Available at http://www.adf.gov/Training/documents/Participation%20Development/Participatory%20Development%20Handout_Definitions.pdf. Accessed on 21 May 2013.

Water Affairs and Forestry Portfolio Committee. 2001. *Lesotho Highlands Water Project: Briefing*. (Online) Available at <http://www.pmg.org.za/docs/2001/viewminute>. 09 August 2013.

World Wide Fund for Nature (WWF).n.d.*World Commission on Dams: Guidelines and Recommendations*. (Online) Available at http://wwf.panda.org/who_we_are/. Accessed on 05 May 2013.