Power Dynamics in Development-Induced Resettlement: The Lesotho Highlands Water Project Case

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Abstract

Forced resettlement often results in unintended, negative consequences that may have long-lasting, undesirable impacts on those who are compelled to make way for development. In response to this likely damaging and the inherently complex nature of resettlement, some countries, and sectors within countries, have formulated – and continue to formulate – policies which are meant to inform and guide resettlement processes towards constructive end results. However, policies in themselves do not mean that the outcomes will automatically reflect the intended objectives. The efficiency and success of resettlement policies and processes are the result of a well planned and executed process. In practice, the dynamics on the ground may have a significant impact on the manner in which policies are implemented, and the outcomes that follow. This paper explores power dynamics in resettlement policy implementation processes through a case study of resettlement in Lesotho, and how the distribution and exercise of power, without exhaustive measures of accountability, can result in unintended consequences and outcomes on the ground.

Keywords: Resettlement, Power, Development

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Introduction

The undertaking of resettlement in development projects is often a controversial process that has attracted a lot of debate and activism. Resettlement, often involuntary, results from projects aimed at providing resources such as water, electricity, housing, etc., to the public. The irony of this process, however, is that while it is usually claimed to be "development-driven", it subsequently leaves those who are forced to make way for development in worse-off socio-economic conditions in many cases (Cernea, 2000; Evrard and Goudineau, 2004; Mulugeta and Woldesemait, 2011; Patel and Mandhyan, 2014; Yntiso, 2008). Research shows that resettlement may also negatively affect forced resettlers psychologically, culturally and otherwise (Downing, 1996).

While some countries, and sectors within countries, have made significant strides in the formulation of policies that are supposedly meant to inform resettlement processes towards the restoration and/or improvement of projects-affected lives, it remains that on the ground, some situations do not necessarily reflect the provisions of policies in a substantial manner (Cernea, 2005; 2008; Cernea and Schmidt-Soltau, 2006; Mathur, 2006; Scudder, 2005). As Rew puts it, policy involves both formulation and practice, and therefore, the effectiveness of policies can be measured on the basis of the outcomes reflected on the ground (2006).

This paper explores power dynamics that may be at play in resettlement policy practice, with reference to the implementation of the Lesotho Highlands Water Project (LHWP) policies. Power dynamics may find expression in policy implementation and, therefore, the outcomes on the ground. The LHWP, established in 1986, is one of Africa's big dam projects, based in Lesotho in the Southern African region, and it is a Lesotho-South African co-run project. The main objectives of this project are to provide cheaper water to South-Africa – currently some parts of its Gauteng Province – through a series of dams built in Lesotho, and hydroelectric power to Lesotho through the power plant in 'Muela, Lesotho. The paper will explore power dynamics at different levels of implementation, mainly between the implementing organisation, the Lesotho Highlands Development Authority (LHDA) in this case, and the project affected people (PAP), as well as within the affected communities themselves.

While the LHDA has many policies that inform and guide its resettlement processes, this paper will mainly focus on the Compensation Policy, looking at the aspect of communal compensation, which will be discussed below. It will show how the manner in which this component of the policy was implemented has affected the socio-economic outcomes on the ground. The discussion will take into account the intended objectives of the policy component, and the justification of the approach that was adopted in the implementation, and reflect the unintended consequences of the manner in which power was distributed and exercised.

Communal compensation

As provided in the Compensation Policy of 1997 of the LHDA, “all communal assets…will be compensated to communities as a whole, in the form of lump sum or annual cash payment” (LHDA, 1997, section11.5). The policy further shows that all the money which is assigned for compensation of all the lost resources owned by communities shall be geared towards the upliftment of those communities. In implementing this clause of the policy, the LHDA set out to engage affected communities in community development projects (or income generating projects in some cases), which were meant to ensure that the people who have lost their assets and means of livelihoods, have a form of income or services to maintain their standards of living. It is a prerequisite as stipulated in the LHDA Treaty of 1986 between Lesotho and South Africa (LHDA, 1986: section 44.2(a)), that the lives of the affected people should be improved or, at least, maintained to the level not inferior to their standard obtaining before disturbance. Communal compensation is for the loss of all rights and access to communal assets which include; grazing land, brushwood, medicinal plants, useful grasses and wild vegetables (LHDA, 1997, section11.5).

The use of funds from the communal compensation is subject to the decision taken collectively by the incoming and the host community members. This may have its downsides as in trying to reach a common consensus, conflicts may arise, sometimes leading to a delay of projects’ implementation. Nonetheless, this approach was the LHDA’s strategy to encourage community ownership and sustainability of projects and services yielded by this form of compensation, even though it does not always mean that community ownership will yield sustainability, this will be reflected in the section on implementation. The way projects from communal compensation are implemented is through forming community cooperatives or organisations, through which the funds can be facilitated and projects implemented. The LHDA would then deposit communal compensation funds into the community’s bank account. In each case, a committee comprising representatives from both the incoming and host community members is elected by community members, and it is the same committee that is charged with the responsibility to implement collectively planned community projects. The committees comprise of seven members; the Chairperson, the Treasurer, the Secretary, and members without portfolio.

There is no specified strategy or guidelines that determine how committee members are or should be selected, but in the cases studied, there are a few common factors which came out as some of the features that influenced the selection of committee members. As can be expected, the LHDA officials did have a say in advising communities on how or what they should base themselves on, when selecting their representatives or committee members. As it came out in the interviews, during community consultations which the LHDA conducted with the affected communities, the officers did advise community members to elect people who can read and write, as they will need to keep the records and read documents that outline the agreements between LHDA and the affected people. Community members were also advised to elect people who are more articulate, who will be able to represent them effectively to other stakeholders. Each committee had a period of one year to implement communally planned projects, after which a new committee would be elected. These committee members were elected by community members at a community gathering, held (usually) at the chief’s place.

Planning, Implementation and outcomes

The planning for Communal Compensation

This paper is based on the study which was undertaken in the Mohale area, which is the dam area of the second stage of the first phase of the LHWP, commonly known as Phase1B, and some parts of Thaba-Bosiu, where people from the Mohale areas were resettled to. The first group of people to be resettled from Mohale were moved in 1996, during pre-construction resettlement. And the last people were moved in 2006; post the construction of the dam (Hitchcock, et al., 2009).

As indicated in the policy, communal compensation would be given to communities annually over a period of fifty years, or as a lump sum if the community decides on a project that would cost all the money allocated to them (LHDA, 1997). This form of compensation is calculated by the LHDA on the bases of the number of people resettled into a particular community. In the two main areas studied in this case – Mohale and Thaba-Bosiu – annual communal compensation was provided for the first few years (four to five years on average). This was calculated from the first time of disturbance – mainly inundation of the dam – which covered resources such as rangeland, medicinal plants, useful grasses, brushwood etc. As shown previously, community members would decide on the projects they would like to engage in, or the services they would like to have with their money. In one case in Mohale, community members decided they wanted to have electricity installed in their homes, thus part of the first instalment given by the LHDA would be used for wiring every household and the other portion would be used for actual installation of electricity.
In three communities in the same areas of Mohale and Thaba-Bosiu, community members decided on getting hammer mills. It is common course in the rural areas of Lesotho that people do not typically buy mealie-meal, but they grow maize and sorghum in their fields for their own consumption. One can, therefore, see why a hammer mill would be a common option in these areas. There were also additional projects of chicken and pigs breeding for commercial purposes that communities decided would help them generate some form of on-going income. This is, in fact, a common business venture that people engage in, on both small and large scales. The sustainability of this kind of business differs from one case to another, and it will be seen in the section that follows how it turned out in these particular cases.

The idea and justification for hammer mills in the studied communities was two-fold; on the one hand, it was to enable community members to access the service in their own communities, these are the areas where the members would previously have to go to other communities farther than their own if they wanted to mill their grain into flour. On the other hand, it was to allow community members to create their own income through the charges that users incur on a daily basis. The plan was that the on-going revenues would be saved in the banking account of the communities on a regular basis, and periodically be shared amongst the members when enough funds had been raised. The money raised would also be used to pay the workers on a monthly basis, such as the cleaner and other personnel.

The same rationale applied for the chickens and pigs project; community members would breed them until they are ready to be taken into the market, then profits would be saved in the bank account and new stock bought to ensure that the project sustains, then after sometime the money would be shared equally amongst the members. The initial capital – communal compensation that is – was used to buy all the necessary

equipment, such as feeding and drinking containers, and feeds. Selected members of communities were taken for training by the LHDA, on how to breed chickens and how to do business out of it. The training included; how to source and link with the market, where to buy feeds and equipment from, comparing prices from different service providers, negotiating prices when buying on a large scale basis, etc.
When one learns of what communal compensation was meant for in its inception, which was to uplift the affected communities towards self-reliance, and how well-articulated the plan was, it is quite ironic to see how things turned out on the ground. The idea was good, the plan was reasonable; in fact, one would argue that it was a well-calculated and theoretically substantiated plan that would see community members being on the forefront in the running of the projects. Community members decided on the projects to engage in, their reasons seem to have been backed up by their own lived experiences, they would run the projects themselves, using the money that technically belonged to them, which they got having lost their assets and means of livelihood, and this would be their way of re-establishing themselves as self-reliant people. The subsections that follow explore the implementation of the above illustrated process, and power asymmetries that seem to have been at play, as well as how that resulted in unintended consequences that rendered the initial objectives of the projects void.

The role of the committee in the implementation process

When committee members were elected, they were given authority to facilitate implementation of projects through, among other activities, procuring the needed materials and resources for the planned projects. This, therefore, means that committee members had the responsibility to choose service providers on behalf of the whole community, and to withdraw money from the bank to buy whatever needed to be bought or to pay for services. Three members of the committee – the chairperson, treasurer and secretary – had the authority to withdraw money from the bank. The obligation to keep the records of how much money had been used and for what purposes laid on the committee members, especially the three main members with portfolios.
Basically, the LHDA put the funds under the care of communities themselves, through the elected committee members; communities who comprise mainly of people who used to rely on subsistence agriculture and livestock as their basic forms of livelihood. It should, however, not be assumed here that these community members had previously never participated in the money economy before, as in one way or the other, the people in Lesotho have, even historically, had other means of financial income, however limited they may be. Writers such as Ashton (1952), Ferguson (1990), Murray (1977), who have studied the lives, livelihoods and history of Basotho have, in fact, argued that as early as the 1920's agriculture was already supplemented with financial income, mainly remittances from the South African mines.

However, what should be taken into context in this case is that the committee members were charged with the responsibility to oversee funds amounting to hundreds of thousands of Maloti (an equivalent of Rands), even millions in some instances, something none of the committee members had any prior experience in. Whether or not these people were ready for such a huge responsibility, and ready to exercise the amount of power they were given appropriately, is the factor which appears to have not necessarily been established. Being in the committee, therefore, meant that, for the first time, members had access to hundreds of thousands of Maloti under their care, which they, at that particular time, had the authority to withdraw and use.

Committee members' accountability

The committee members were charged with the responsibility to account to community members on a monthly basis, on how much has been collected as revenues from the income generating projects. The amounts would then be recorded in the books and the money supposedly be taken to the bank for saving. Again, committee members had the authority to take the money to the bank and the obligation was vested on them to actually take the agreed amount to the bank. It does not appear that the LHDA had any direct role, at the time, to hold committee members accountable, in terms of whether or not the money did, in fact, end up in the bank account. Perhaps, again going back to the issue of community ownership, it made sense at the time, for the LHDA to let community members run their own affairs, and not have a direct influence in the affairs of the community. The unintended consequences of this approach will be discussed in the subsection on outcomes.

A lot of debate in community development around the issue of participation has been on whether community members are ever practically allowed to be in the forefront and direct their own affairs, or whether "participation" is, at the very best, merely "consultation" and can never really go beyond that in practice. Cooke and Kothari (2002) argue, in their book entitled "Participation: the New Tyranny?" that participation has predominantly become a rhetoric that promises empowerment and self-reliance, when in actual fact, it can result in "unjust and illegitimate" application of power. It can, therefore, be argued that the LHDA stepping aside was their way of giving communities an opportunity to run their own affairs.

On the other hand, it could have also been a question of abdication of responsibility on the part of LHDA. The LHDA is required, by law, at least as far as the treaty of the 1986 between Lesotho and South Africa on the LHDA is concerned, to ensure that the lives of the affected people are improved or, at the very least, maintained to their standard obtaining before disturbance. Hence, the success of the community projects that were meant to uplift the livelihoods of the PAPs is not only the business of the people, but also that of the LHDA. While the LHDA seemingly wanted to avoid controlling the affairs of the community as an external stakeholder, the other side of the coin involves the abdication of the responsibility to provide some long-term support where appropriate.

Furthermore, there is no evidence that there were any mechanisms at the disposal of community members to enforce accountability on committee members, beyond those monthly reporting meetings, which were also the responsibility of the same committee to arrange for. There were no other means put in place to ensure that if the committee members fail to account timeously, community members could take action to hold them accountable. The only other means was the courts of law, which, in practice, should be the last resort when all the other measures are proving to be insufficient, owing to the costs associated with legal processes, both financial and time wise. Therefore, it can be argued that in this particular case, a substantial amount of power was vested on a few individuals, to act on behalf of the entire community, with no effective means at the disposal of community members to hold those few individuals accountable, the result of which is discussed below.

The outcomes on the ground

The main objective of the communal compensation is to recompense communities for the losses they have incurred through forced resettlement. When community members are forced to move to make way for development, they do not only lose their individual assets, but also the communally owned assets that form a significant part of their livelihoods. This is because, as de Wet (2015) puts it in his spatial analysis of resettlement, people do not only occupy places at which they live, but they also learn to survive and make a living using the resource base provided by their long-standing social, physical and environmental surroundings. This means, therefore, that when people are being uprooted from their places where they have established a strong sense of survival, their livelihoods, which are strongly linked to their spatial reality, are compromised, and their standards of living are bound to deteriorate. In an attempt to address this possibility of depreciation, communal compensation is meant to replace the loss of means of livelihoods.

In this context, it is only fitting to discuss the outcomes on the ground against the main objectives of this type of compensation. If the objectives of this form of compensation were achieved, it would have meant that community members who have lost their assets and other means of livelihoods are able to benefit from the projects and services provided with communal compensation. Secondly, in accordance with the LHDA's responsibility to ensure that the standards of living of the PAPs are improved or at least maintained, it would mean that the LHDA would have followed through with the implementation process, particularly in holding committee members consistently accountable in the use of the funds entrusted to them.

However, as the reality is reflected on the ground, ordinary community members are not necessarily benefiting from the projects in a substantial manner. At the very best, the only benefit yielded by ordinary community members is the service of milling using the hammer mills in their own communities. Thus, the only advantage is the closeness of the service, which does not in any way address the loss of livelihoods that the resettled communities experienced. In the specific cases where this study was undertaken, it has been established that there has been some misuse and misappropriation of funds by committee members. Other projects such as the chickens and pigs projects could not last either, although in those cases, other reasons other than the misuse and misappropriation of funds were sited. These reasons included the limited market, people buying on credit and not paying on time, as well as chickens dying in significant numbers. In another case in Mohale, where community members had requested electricity installation, houses were only wired but electricity was never installed due to the same reason of misuse and misappropriation of funds by the committee, which resulted in a shortage of funds to complete the intended activity.

What is even more interesting is the fact that, by their own admission, other community members were aware when the funds were evidently being squandered by the committee members. One of the former committee members interviewed indicated that when they, as the committee, went to buy the needed equipment, the chairperson and the treasurer would give her money to buy lunch and send her back home with the equipment, while they stayed behind in town, supposedly to spend more money for their personal needs. This boils down to an illegitimate exercise of power, in this case by the people who were seen to have the same kind of goals as the rest of the ordinary community members. While community members were aware of the misuse of funds, they seemingly did not take any action to demand accountability from those to whom

power was given. As indicated by Dryzek and Dunleavy (2009), if people are not presented with alternative ways of dealing with an unacceptable conduct of those superior to them, it becomes difficult to act collectively against that behaviour.
Even though new committees were supposed to have been elected annually, in the studied cases committee members who were in the office had been there for more than five years, and in some cases for close to ten years. The committee is responsible for arranging, in collaboration with the chief, community meetings in which new members of the committee could be elected. When it became apparent that community funds had been misused, the LHDA stopped processing more funds to be deposited into the communities' bank accounts, and advised that the issue of misused funds be resolved first. This led to delays in the election of new committee members, as the projects' implementation processes were subsequently withheld. In all the cases, committee members were taken to the cooperatives courts by community members at the advice of the LHDA, to be tried regarding the misuse of funds. In all those cases, the members were found guilty and were ordered by the courts to pay the money back.

However, these are the people who typically do not have any on-going or significant income, and for someone in that position to be asked to pay some twenty thousand Maloti is almost impossible, especially when nothing they own could amount to that amount of money. In the end, the ordinary community members are the ones left with no benefits to yield from the projects which were meant to uplift their lives.
Following this abuse and misappropriation of funds, which has resulted in more losses for communities, the LHDA has had to review their implementation strategy. The result of this review has been a shift of power from the community level to the LHDA. Instead of giving money to communities, the LHDA has now decided to keep the money in their own account, and only allow communities to decide on the projects or services they want with the money, and to select service providers in collaboration with the LHDA, then LHDA will pay service providers directly. Additionally, income generating projects have also been terminated, due to their dismal failure in the first round.

This seems to be a much more controlled strategy, and can still ensure that communities are in control of their own affairs as they will still get an opportunity to choose what should be done with the money. Communities will also be able to keep their own records of how much money has been used and how much is left, if there is any. However, there are further power dynamics, now not within communities themselves, but between the LHDA and communities. The question still remains as to what mechanisms are at the disposal of community members to keep the LHDA accountable, in terms of paying service providers timeously, and actually ensuring that the money is, indeed, used exclusively for its intended purpose. It is a well-known matter that the LHDA in some cases has had delays in processing compensation for some people, which have previously resulted in community members being compelled to follow legal processes, involving the Ombudsman and other Non-Governmental Organisations, such as the Transformation Resource Centre (TRC) and Seinoli, which are human rights and public interests oriented organisations (Seinoli, 2014; TRC, 2006).

It remains to be seen, therefore, how the implementation of this new strategy will be, and if enough control will be exercised, and by whom, to ensure that timeframes, plans and procedures are adhered to, and whether or not the real benefits will be yielded by the people on the ground.

The methods of the study

The study which informed this paper was undertaken over a period of three months, where a full month was spent in each of the two areas of study; Mohale and Thaba-Bosiu. The people who were moved from their places of origin in Mohale to other areas in the same locality are considered as “relocatees”, and those who were resettled to Thaba-Bosiu are considered as “resettlers” as the two terms are used by the LHDA. The LHDA uses the term “resettlement” to describe the planned and funded process of uprooting households or people from their places of origin to the new areas outside their own vicinity, where they will supposedly experience significant, whether partial or complete, changes in their socio-cultural, economic and environmental lives (LHDA, 1997:iii). Whereas “relocation” is taken to mean the planned and funded process of the removal of households or people from their original places to new areas within their vicinity, where they will supposedly experience minimal, and in some cases no changes, in their socio-cultural and environmental lives (ibid). Twenty resettled and twenty relocated people were interviewed in the two areas. The hosts, the chiefs in the areas, as well as some LHDA officials were also interviewed. During the period of the month, the researcher lived with and interacted frequently with community members.

For resettled and relocated people, a questionnaire was used as an instrument for data collection. This instrument consisted of a combination of open-ended and closed-ended questions. The open-ended questions allowed respondents to give their opinions or to relate their situation, whereas the closed-ended questions allowed respondents to choose an option(s) most relevant to them from the set of options/answers provided (Babbie and Mouton, 2001). For the host community members, the chiefs and LHDA officials, different sets of interview guides were used for data collection. The questions in the interview guides were open-ended, and this enabled the researcher to probe for more responses. The questions in the interview guides were all aligned with the objectives of the study, but depending on the response given by a responded, slightly different, but all relevant probing questions were asked.

Conclusion

It has been established that resettlement is, in fact a complex process. In some cases the failure or ineffectiveness of policies does not necessarily result from the limitations of policies themselves, but the manner and the context within which they are implemented. Other dynamics outside the provision of policies may also come into play, and affect implementation processes and the resulting outcomes. In this paper, it has been discussed how the distribution and application of power, with no strict measures of accountability, can result in unintended consequences. The issue of community participation and ownership remains relevant in the area of community development, including resettlement, and therefore, cannot be overlooked. However, in the same way that external or implementing organisations can sometimes inappropriately exercise their power to influence community affairs, more powerful community members may also influence initiatives in a manner that does not necessarily take into account the needs of ordinary community members at large. Effective measures of accountability should, therefore, be put in place throughout all the stages of resettlement and rehabilitation, to ensure appropriate use of power.

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