

Third World Legal Studies

Volume 6 *The Application of Law and Development
Theory: Some Case Studies*

Article 7

1-7-1987

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Recommended Citation

Addy, Andrews (1987) "The Mahoenyeng Community Water Project: Some Observations," *Third World Legal Studies*: Vol. 6, Article 7.
Available at: <http://scholar.valpo.edu/twls/vol6/iss1/7>

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THE MAHLOENYENG COMMUNITY WATER PROJECT: SOME OBSERVATIONS*

Andrews Addy**

This paper is unique in that it concerns a rural self-help project which is still at the proposal stage. The foundation proposal has, to be sure, been written and indeed presented to the potential donors (the ICLD in this case) since September 1983; however, important details/aspects such as the relevant institutions/structures, which would implement the project and the budget for example are still being worked on as would appear presently. Effectively then, our appraisal of the project in this paper can only be with respect largely to projected future experiences, expectations, strategies, methods and needs. Herein lies the uniqueness of this paper, in comparison with most others in this volume which are based upon past and concrete experiences, determined needs and tried and tested strategies and methods.

Be assured, however, that this is not a paper concerned with idle speculations but rather is based on well informed appraisals and realistic estimations and analysis.

The paper comprises six broad sections; the first gives a brief account of the community with which the project is concerned, its social setting and relevant concern; the second outlines the proposed project, its long and short term objectives and projected activities. The third section deals with the proposed institutional framework for the implementation of the project; the fourth section identifies the main legal resource needs expected to attend the implementation of the project; the fifth section observed

* This article is based on a paper presented at the Ninth Annual Symposium on Law and Development, "Education for Alternative Development: Generating and Sharing Knowledge of Law" at The University of Windsor (Ontario) Faculty of Law, November 8-10, 1984. It is produced here with the permission of the organizers. It is followed by an updating "postscript" solicited by the editors of this volume in 1988.

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the possible link between the successful implementation of the project and the resolution of Lesotho's geopolitical dilemma, and the paper concludes with the main alternative educational methods intended to be used in equipping the community with the relevant legal and other knowledge necessary for the effective implementation of the project.

THE COMMUNITY

The community which this project is intended to benefit is called Mahloenyeng. It is a small village of about 250 inhabitants, located some forty kilometres south of Maseru, the Capital of Lesotho. Mahloenyeng is about five kilometres away from the principal trunk road running south from Maseru to Mafeteng, and is the second in line of a chain of ten small villages, the last of which is Matsieng, birthplace of the present Monarch of Lesotho.

Virtually all able-bodied persons in Mahloenyeng are engaged in some sort of farming, mainly crop production and livestock raising, for a living. Crop production tends to be dominated by maize, though a wide range of cereals and vegetables could easily be grown. Livestock raising generally involves sheep, cattle, goats, pigs and chickens. Generally, production, whether of crops or livestock, is at a subsistence or domestic level. Given the requisite capital input, regular supply of water, good management and related auxiliary facilities, the Mahloenyeng community - like most communities in Lesotho - could be self-sufficient with respect to food. However, poverty is the order of the day with most of the inhabitants just managing to survive on their subsistence and domestic farming activities. No other form of advancement is available to them. There is no organized transportation system serving the village, the principal means of movement being by foot or, in rare cases, horses and donkeys. Also lacking is any health post or clinic.

But this situation of poverty in Mahloenyeng, like the situation in most parts of Lesotho, need not be so, because it is not due to an absence of resources, as is generally believed. The mountains surrounding Mahloenyeng and its sister villages are sources of countless springs, the soil is fertile and most temperate fruits and vegetables would grow here. Further, the livestock, in addition to the meat and dairy products obtainable from them, are potential sources of leather and the goats and sheep wear some of the best wool and mohair found anywhere. At present, however, poverty has a high profile in Mahloenyeng village. This has been sharply accentuated by the severe drought which has afflicted the Southern African sub-region for the past three years. Crop failures have been total and

even domestic livestock have perished. Regular water supply is thus a crucial element in any meaningful effort to overcome poverty in this village. Like its sister villages, Mahloenyeng is supposed to be served by a corporate water system from the Kholumong spring. It is now clear, however, that the maximum source yield of this spring is not sufficient to meet the demand of all the villages. Mahloenyeng is singularly affected by this inadequacy because the tanks serving its inhabitants are the last to be filled. At the best of times, supply of water to the Mahloenyeng community has been erratic and irregular. With the drought and the consequent drastic reduction in the yield from the spring, Mahloenyeng literally received no water from the corporate system. The inhabitants have had to trek to the Mokoko spring, some six kilometres away and uphill at that, in order to fetch water for basic domestic purposes.

THE PROJECT

It was because of the foregoing background that, when approached by the project coordinator, the Mahloenyeng community proposed unanimously to have the Mokoko spring harnessed for their water needs. However, although the project originated from the Mahloenyeng community and its inhabitants are the principal target beneficiaries, consideration of distance, workability of the terrain and the amount of labour that would be involved in the project dictate that the spring be harnessed and connected as a supplementary source to the existing corporate water system at a point called Kholokoe village, some four kilometres away from Mahloenyeng.

This would be more viable and economical in that the distance over which the pipes would run is reduced from six to three kilometres. Moreover, since the harnessed water will run through a portion of the main pipeline which serves five villages, the voluntary labour turnup is increased considerably and, perhaps more importantly, the number of beneficiaries is pushed up from 250 to 1,534, thus enhancing the net impact of the grant. In proposing this project the concern of the Mahloenyeng community was as much for the satisfaction of their immediate domestic water needs as for the satisfaction of their future and continuing economic needs, mainly farming. We have already noted that virtually all able-bodied persons in the village are engaged in some form of farming. It needs to be added that a cooperative farm was established in 1984. This farm itself became a victim of the drought. The Mahloenyeng community was very enthusiastic and hopeful about this cooperative farm in its inauguration. It became questionable how long this enthusiasm could

hold given the tenacity of the drought, then in its third consecutive year.

On the other hand, its success might permanently impress not only this specific cooperative venture, but the very cooperative ethic on the minds of these people. This would undoubtedly enhance tremendously the chances of any future attempts at organizing the community for other cooperative socio-economic ventures for the benefit of all.

Consequently, though the present situation at Mahloenyeng can only be described as unfortunate, the time could not be more propitious for starting to build a cooperative, self-help spirit. One bitter lesson the drought has taught this community is the need for an irrigation system to give some regular supply of water for agricultural purposes. Such a system is of course more cost-efficient if built for medium to large agricultural holdings than for small subsistence holdings such as exist at present in Mahloenyeng. The least costly and more equitable way of creating such medium and large-sized holdings at Mahloenyeng is through cooperative mergers and the circumstances at present are such that resistance to the introduction of this idea, whatever its source, should be minimal.

This project is therefore an attempt to meet the water needs of Mahloenyeng only in the immediate sense. In the long run and more crucially, it is intended to be a catalyst on every strand in the economic fabric of the Mahloenyeng community and move it toward a positive and qualitative change. It must be seen as an occasion to mobilize the Mahloenyeng community for integrated and sustained socio-economic self-help. Thus, for example, it is intended that, once the project is completed and adequate, and regular water supply is guaranteed throughout the year, it will be linked - possibly with supplementary wells and boreholes - to an irrigation project which will serve a variety of cooperative cottage and small industries which will use the products from the farms will be organized.

STRUCTURAL FRAMEWORK

The institutional structure mooted for the implementation of the project is a combination village water cooperative, village Development Committee and a village Assembly or *PITSO*. These are to be complemented by a legal team and a financial team.

The water cooperative is to be responsible for general organization and direction of the village community in the construction of the project and, upon completion, servicing the village in respect to its water needs. The cooperative is to be assisted in this regard by the Village Development

Committee, which is the executive body in the general administration of the village. The modus operandi of these bodies is to be grass roots participating and democratic power sharing. They would in this regard use the village Assemblies or Pitsos as the focal point of their activities.

A team of legal experts would be responsible for more clearly delineating and addressing the major legal issues directly bearing upon the project, immediate and future legal needs and for counselling and representing the Community on legal matters where necessary. In the long run the legal team would also be responsible for reducing requisite legal knowledge related to the project into digestible form for easy consumption by the village community at one level, and at the other level by a paralegal team selected from the village community.

A financial team comprised of representatives of the village community, a lawyer and one or more financial advisers would be charged with the management and allocation of the funds for the project.

SOME LEGAL RESOURCE NEEDS

Various legal resource needs would attend to implementation of this project. At the core of these needs would be the Water Resource Act (No. 22) of 1978.

WATER RESOURCES ACT 1978

This Act provides for certain rights of Lesotho citizens and residents to domestic and other uses of existing water resources in the country. Toward this end, the Act sets up a broad administrative machinery for the control, protection and conservation of water resources in Lesotho.

(i) WATER RIGHTS

Under the Act, water rights accrue to "persons," including companies, associations, incorporated and unincorporated bodies of persons, development projects and water associations. A decision will thus have to be taken by the Mahloenyeng community as to which of the various collective personalities they would organize themselves into for purposes of enjoying water rights under the Act. In addition, a structure would have to be devised for this "collective personality," including policies and rules for its daily operation and a mechanism and procedure for dispute settlement among its members.

The Act recognizes two categories of uses to which water resources may be put, namely domestic and non-domestic uses. A person must have

“*lawful access*” and this would have to be clarified and understood by all involved in the project. With non-domestic use, however, persons intending to so use a water resource must first obtain a water permit from the Minister of Water, Energy and Mining. Applicants for permits for non-domestic use of water may also apply for and acquire servitudes over land occupied by another where access to and from the water resource in question would involve the use of that other’s land. Legal resources must assist the community in applying for and obtaining such permits and servitudes where appropriate. Similar resources may be needed in obtaining the consent of the Minister, and a permit from a water officer, respectively, for the construction of wells or boreholes by mechanical drilling and the abstraction of water from a well or borehole for purposes other than domestic and testing.

(ii) *ADMINISTRATIVE MACHINERY*

The Act vests ownership of all water within Lesotho in the Basotho Nation. The administration of the Act falls on the Minister of Water, Energy and Mining, who is empowered to control and regulate the use of water in Lesotho. The Minister is assisted in this by water officials appointed by him to carry out the functions and duties arising from the Act.

The major administrative functions under the Act include the grant and revocation of water use permits, the grant of permits for mechanical drilling of boreholes and wells, determination of conditions to govern the use of water and permits granted towards this end, the grant of servitudes over land occupied by others to give certain water use permit holders access to a particular water resource, registration of persons drilling wells and boreholes, or extracting ground water, and prevention of pollution of water.

A fundamental principle expressed by the Act to guide the administering authorities in the general implementation of the Act is that of *public interest or purpose*. Thus, legal resources would be needed not only in explaining to the Mahloenyeng community the qualities of the rights under the Act, but also in explaining the nature of the functions and duties of the administering authorities, the overriding principle of *public interest* and the adoption of strategies to obtain decisions which favour the project.

By the Water Resources Regulation 1980 (LN22/80. Gazette No. 13, p. 83), the Minister has entrusted virtually the entire implementation of the above-mentioned functions and duties to the water officer - subject

of course to his residual control by administrative directives and regulations. The Minister also plays various important roles in dispute settlements among and claims and payments of compensation by aggrieved parties. The water officers are headed by a Senior Water Officer, and have their own section called the *Water Rights Department* within the Ministry of Water, Energy and Mining. This Department is devoted exclusively to the implementation of the Water Resources Act.

AUXILIARY MATTERS

The Water Act also provides for certain quasi-judicial and judicial matters. These pertain to settlement of water disputes, and claims for compensation by aggrieved parties in the implementation of the Act. Undoubtedly, very important legal resource needs would be involved in the settlement of disputes and compensation.

(i) DISPUTE SETTLEMENT

This concerns in the main disputes arising from water uses within the terms of the Act. The Water officers and the Minister of Water, Energy and Mining constitute a two-tier quasi-judicial administrative tribunal exclusively concerned with the settlement of such disputes. The water officer for a specific water region - demarcated essentially for the administration of this Act - hears and determines any dispute as to water uses in the first instance. Persons aggrieved by a decision of such officer may appeal to the Minister whose decision is final. The Act also contemplates disputes relating to depletion of water in boreholes and wells because of the construction or use of adjacent wells and boreholes. Here, the Act provides that concerned users may agree, in consultation with the water officer, to arrange for the settlement of the dispute and, if necessary, payment of compensation.

Legal resources would be a *sine qua non* in both dispute settlement situations provided in regard to preparation and representation at these settlements. The first instance would perhaps call for much assistance in ensuring fair and adequate hearings.

But such resources would be more important in the second dispute settlement situation in which the concerned users themselves play the major role. The process of negotiation, the timing of when to clinch an agreement as well as the identification of the particulars of "a necessary situation" in a dispute requiring payment of compensation are all factors which would place a great burden upon a legal resource.

(ii) *COMPENSATION*

The Act contemplates three situations in the implementation of its provisions which may give rise to claims and payments of compensation and provides different machinery to deal with each situation.

The first situation, which we have just recently mentioned, involves compensation arising from the setting aside of land for the protection, conservation or distribution of water. In such a case, the Act says that the provisions of any applicable law relating to the setting aside of land for public purposes applies. The relevant law at this point in time is Part VI of the Land Act of 1979. The machinery for compensation under the Land Act comprises the Minister of Lands, a Land Tribunal and the High Court of Lesotho. It is, needless to say, much more elaborate than the preceding one. Moreover, it has been in operation for some time now. Consequently the legal needs that will arise here would of necessity be more exacting, involving not only the application of the very detailed High Court rules and procedures, but also acquaintance with precedents.

Under the aforementioned part of the Land Act, persons who lose their interest in a piece of land through the setting aside of such land for public purposes may within three months from the date of publication of the noticed setting aside the land, claim compensation from the Minister of Lands. The Minister may extend the time within which a claim is to be made. In our case, the situation is foreseeable in which legal resources may have to be marshalled to get the Minister to extend such a time in favour of the Mahloenyeng community.

CLAIMS BEFORE THE MINISTER

Upon receipt of such a claim, the Minister may offer compensation, taking into consideration only two factors, to wit: the open market value of the land at the time of the notice setting it aside, and the expenses incidental to any necessary change of residence or place of business. The claimant is deemed to have accepted such an offer by the Minister, if he makes no appeal to the Land Tribunal within three months from the date of the offer.

Moreover, where the Minister and claimant fail to agree on the amount of compensation, or where the Minister has failed to make any award within six months after the submission of the claim, the claimant may pursue his claim before the Land Tribunal. Where conflicting claims are submitted to the Minister he is enjoined to refer the case to the Land Tribunal within one month from the last day of the period within which claims should have been submitted.

THE LAND TRIBUNAL

The Land Tribunal comprises a chairman and two assessors, assisted by a clerk of tribunal. The Chairman may be either a High Court Judge or a resident Magistrate, and is appointed by the Minister in consultation with the Chief Justice. One assessor is a Principal Chief and the other a person holding a degree or professional qualification in law or land economy. Both assessors are appointed by the Minister. Where the Chairman is a High Court Judge, the clerk of the tribunal may be either a Registrar or an Assistant Registrar of the High Court and where he is a resident Magistrate, his own clerk will be clerk of the tribunal.

The rules governing the Tribunal are made by the Chief Justice. Appeals lie from the decisions of the Tribunal to the High Court where such decisions are not expressed to be final or, where even though expressed to be final, are reached in breach of the principles of natural justice. The rules governing appeals to the High Court from Subordinate Courts apply to appeals from the Tribunal.

This rather elaborate machinery for the claiming, determination and final payment of compensation, speaks for itself, and *ex-facie*, suggests the nature and extent of legal resources the Mahloenyeng community might call for under the relevant circumstances.

The final situation envisaged by the Water Resources Act involves compensation other than compensation as between users and compensation arising from the setting aside of land. An example of such a claim would be one arising from the grant of a water use permit which has the effect of transferring the use of water from one person to another. This situation appears to be particularly fluid, consequently a potential legal resource need in this regard would concern the determination of claims falling properly under it.

The machinery involved here are the Minister, an Arbitrator and the High Court. A claim here falls first to be determined by agreement between the Minister and the holder of the water use permit. Failing such agreement, compensation is determinable by a single arbitrator agreed upon between the holder of the permit and the Minister, or, in the absence of agreement, appointed by the Chief Justice.

If, within a period of one year from the date of the Minister's offer of compensation, arbitration proceedings have both been instituted, the holder of the water use permit is deemed to have accepted the offer. Where the claim falls for determination by an arbitrator, however, then appeal lies from the latter's decision to the High Court. The procedure on such appeal follows that of an appeal from a Subordinate Court. The High Court decision is final.

OFFENCES UNDER THE ACT

The Act creates a number of offences punishable by a variety of fines and/or periods of imprisonment. The offences include willful or negligent pollution or fouling of water which render it harmful to man, beast, fish or vegetation; use of water without permit where permit is required, use of water for purposes other than those authorized under the Act, default in registration by persons drilling wells or bore holes or abstracting water therefrom, wastage of water, interference with the distribution and conservation of water, and aiding and abetting any of the foregoing prohibited forms of conduct. The potential legal resource needs here would be raising awareness and counselling on these offences and what constitutes them, and it to be hoped not actual legal representation of offenders.

The very subject matter of the project and long and short term objectives intricably ties it to the Land and will most certainly give rise to legal resource needs in relation to the provisions of the 1979 Land Act.

We already mentioned and elaborated on the adoption by the Water Act of the machinery for compensation under the 1979 Land Act to deal with certain category of claims that may arise under the former Act. Potentially, however, situations may arise in connection with the immediate as well as the long-term objectives of the project requiring legal resource needs in respect of the application of provisions of the Land Act other than those on compensation.

For example, the Land Act has introduced a new set of title (Tenurial) regimes (i.e. Leases and Licenses) the powers to grant which devolves on the Minister, Land Commissioner and Land Committees. The objective of this tenurial reform is to encourage investment and improvement of land holdings. However, this incentive appears to have been gained at the cost of increased administrative discretion, as for example in the granting and cancellation of leases. This most certainly is undesirable inasmuch as it makes bias towards the more powerful and rich in the rural areas possible. In this respect participation by the people in the rural/local land committees become the only counter measure to check the enhanced role of administrative discretion.

Under the Act the Land Committee is comprised of a chief sitting as ex-officio chairman, and representatives of the people and officials. This, in theory at least, provides greater people's participation in decisions on land allocation, management and use to the extent that the Land Committee has power to perform these functions. Here the project becomes a strategic medium through which the rights and powers of the people in

respect of the land, a most important factor in their lives, could be concretized and put to effective use.

A further important provision of the Land Act for the purposes of the project pertains to the enlargement and rationalization of the size and nature of operating holdings in regard particularly to improved agricultural management and use. In also allowing for the introduction of new forms of ownership and production structure such as cooperatives, partnerships and corporations, the Act provides the project with added legal facility to pursue its long term objective of creating a viable village economy around cooperatives. These are but a few of the legal resource needs which may confront the project in the long run and which will call upon the educational strategies and methods.

COOPERATIVE LAW

The project's ultimate concern with the creation of viable village economies through the medium of cooperatives saddles it with legal resource needs in this regard. The present cooperatives law structure is found under the Cooperative Societies Proclamation No. 47, of 1948 and some 450 or more agricultural and other rural cooperative societies are registered with the Government. The record of these societies has, however, been rather dismal. They have been beset with heavy intervention from above, effective exclusion of the poor majority members from participation in the societies, from formulating and structuring of policies and also from decision-making regarding membership and management of the organization. New legislation on cooperatives is currently under preparation which in theory would integrate cooperative societies as the primary vehicles of development in the rural areas of the country.

The project undoubtedly shares this latter dream. Its duty in this connection, however, would be primarily to ensure in the composition and conditions of operation of such cooperative societies that their control is in the hands of the majority poor and that their interest is paramount.

CREDIT FACILITIES

Ultimately, this and related projects are intended to establish a self-sustaining economic base in the Mahloenyeng community. It is therefore envisaged that the need will arise in the future to obtain certain financial credit facilities. In such a case considerable scope would be created for legal resource needs pertaining to the powers and functions of the Lesotho Agricultural Development Bank Act of 1976 which only started operating in 1980.

The objectives of the Bank are to facilitate and promote the agricultural development of Lesotho, to act as a central organization for mobilizing rural savings and as a central source of agricultural credit. The Bank also has power to promote, encourage, or assist in the financing, management or establishment of agricultural undertakings, and lending or advancing money to any farmer or agricultural credit institution.

The Bank is four years old and has over this period engaged essentially in financing a host of agricultural undertakings and lending money to farmers. Informal groups must register as cooperatives and become legally recognized to enable them to obtain loans from the Bank. The Mahloenyeng community group envisaged in the project would thus require legal resources for this purpose as well as for the actual application for loans, and furnishing of security in respect thereto. The ultimate success of this project might well offer a model for resolution of rural-urban migration, which is on the increase, and the economic hold Apartheid South Africa wields over Lesotho by reason of the latter's geo-political predicament.

The poverty and related absence of economic and other opportunities in rural Lesotho has established a sad and economically and socially debilitating culture of rural-urban migration which regularly drains villages of increasingly large numbers of its youth and adult population. These rural migrants converge on the relatively urbanized towns on the borders with Apartheid South Africa, with the Capital, Maseru, receiving the greatest number.

The less ambitious or "unfortunate" settle as best they can in these towns, engaging in odd, and mostly unproductive, jobs, in increasingly slummy and depressed areas in and around the towns, becoming every prone to dangerous and delinquent behaviour.

For the majority of these rural migrants, however, the urban towns of Lesotho are mere transit points through which they pass on their way to the mines and agricultural fields of Apartheid South Africa where they expect to earn more money. The lure of South Africa despite its racist system stems primarily from the geo-political situation of Lesotho. This small nation of 11,700 square miles with a population of 1.3 million people is completely landlocked by the hostile and economically powerful racist South Africa, determined upon total economic domination of the entire Southern African Sub-Continent.

Many studies have already been done on the migrant problems of Lesotho and we shall not concern ourselves here with much detail. Suffice it to note that 41% of GNP for 1979/80 was made up of migrants' remittances; 60% of the male labour force of Lesotho is employed in South Africa; some eight out of ten households have at least one family

member working in South Africa, with their major income deriving from migrants' remittances, as against only 17% from crop and livestock production. Migrant remittances constitute 60% of rural household incomes.

The result is that the rural incomes and development of Lesotho are largely determined by external factors and policies whose only interest in rural Lesotho is in its limitless supply of cheap labour with little incentive for rural agriculture even at the subsistence level.

Moreover, it is now acknowledged that migrant remittances, far from contributing to the rural development of Lesotho, rather add to the agricultural and industrial development of South Africa, because they reach Lesotho largely by way of imports. Thus 40% of these remittances are respent on imported goods from South Africa. Migrant remittances thus lead to greater rather than lesser economic dependency and must be discouraged whenever the opportunity arises.

A successful cooperative-based village economy would undoubtedly be a major obstacle in the way of the migrant culture. This is even more opportune in the wake of South Africa's current employment preference for migrants from the so called 'homelands' as well as the unemployed Black population around its cities.

PROPOSED EDUCATIONAL METHODS

The educational needs expected to arise from the implementation of the project, notably the cultivation of the cooperative values and legal knowledge and development of community legal resources would be met through the media of plays, written tracts in Lesotho and where available relevant films as well as story telling sessions. The project is in this respect fortunate in the presence of another project based at the National University of Lesotho, whose main aim is to teach and encourage rural communities through well written and acted plays about cooperative self-help and associated values.

The written tracts in Lesotho would disseminate knowledge about the relevant laws and legal procedures associated with the project. In this connection it has been observed that the ongoing rural-urban - South Africa migration mostly involving males has led to a domination of rural populations by females whose literacy rate is estimated at 54%. The written tracts would thus be an efficient complement of the plays.

CONCLUSION

We have used the example of the Mahloenyeng Community Water project to demonstrate not only the desirability, feasibility and mechanics,

but also the potential benefits to rural Communities, of generating, sharing and using knowledge of law, to achieve a peoples-centred development, through the medium of rural co operatives in Lesotho. The lessons of this exercise are in some respects peculiar to Lesotho, but no doubt would in other respects be of relevance to communities and peoples in other countries which share the broad problems of development found in Lesotho.

POST SCRIPT - 1988

Much has happened since the paper on which this article is based was presented in November, 1984. First, the Mahloenyeng community has managed to secure regular water supply, more or less, for the domestic needs of the village. This came by way of thirteen hand pumps, installed by the Village Water Supply division of the Ministry of Interior, to supplement the eight stand pipes which originally served the village rather inadequately. This inadequacy was and still is occasioned, in part, by the inefficiency of the gravity system upon which the pipes depend for the flow of water. The Village Water Supply Division has a proposal to upgrade and rehabilitate the system to improve the flow of water. Unfortunately, this proposal has not been effected because the villagers are expected to contribute free labour in the process and this has not been forthcoming because of lack of organization.

Furthermore members of the village are expected to contribute funds for minor maintenance of the water system; these funds have also not been available and may be a further symptom of the absence of organization in the community.

Second, this absence, but more correctly, breakdown, of community organization in the village may have been in part due to the non-materialization of the funding expected from or through the ICLD for the original project. The provision of the thirteen hand pumps was funded by the Lesotho Government and they serve a much narrower socio-economic objective. However, the funding expected from the ICLD was targeted to a broader and long term socio-economic objective, and the community had organized very efficiently to contribute both labour and funds towards its implementation.

It must be stressed at once that the reasons why they expected ICLD funding did not materialize have nothing to do with any unwillingness on the part of the ICLD to give such funds, but rather to certain unfortunate events. These events started with the departure of the author, who was co-ordinating the Mahloenyeng Project, from his lectureship at the National University of Lesotho and his engaging in full time law practice. The demands of private law practice left the author with little time to

attend to the needs of the project and he, therefore, proposed a new coordinator, who comes from the Mahloenyeng village and was at the time of appointment fresh out of law school. Unfortunately this person had to leave for further studies abroad only a few months after taking over the co-ordinating role in the project. Apparently no replacement for the Coordinator was found, and this meant that important details of the project proposals, especially financial aspects requested by the ICLD to be furnished or revised, were never attended to.

Third, and this may also have contributed to the breakdown of the community organization at Mahloenyeng, the drought that had plagued Lesotho for three continuous years at the time the project was proposed was broken in the following year (1985) from which time Lesotho has consistently experienced record rain and snowfalls bordering, at times, on disasters. Perhaps with the village being drenched yearly in so much water, the community no longer feels the urgency for pursuing the water project. Such attitude may have been reinforced by the installation of the thirteen hand pumps to supplement the eight pipes in the village.

There can be little doubt, however, that the necessity and wisdom in effecting the water project is as valid now as it was when the project was proposed if not more. For one thing water is a very important resource for any human community and, particularly in Lesotho, there can never be too much of it. This is so because the terrain is mountainous, which leads to excessive runoffs of rain water. Further, the country has an arid climate and this causes a very high rate of surface water evaporation. The result is that there is a high loss of rain water which must be checked by scientific harnessing, retention and control through dams, irrigation schemes and similar projects. Moreover, through such scientific organization and use of water resources, a community can uplift itself qualitatively from a bare subsistence existence to a more secured, comfortable and dignified life.

Finally, nature is undoubtedly capricious, and for all one knows the next three or more years in Lesotho may witness yet another spell of drought (though heaven forbid this to happen), which may then send the Mahloenyeng community climbing up impossible mountain terrain on a costly search for sources of spring water to harness or digging bore holes deep into parched grounds in hope of striking water, whereas now nature showers on the community and stored with less difficulty and perhaps at less cost.

