

**CHALLENGES TO ENVIRONMENTAL LAW AND
LAND-USE PLANNING IN LESOTHO**

BY

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DECLARATION

"I declare that Challenges to environmental law and land-use planning in Lesotho is my work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete reference"

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SUMMARY

Lesotho is faced with massive problems relating to the environment and land-use planning. The main concern is land degradation and soil erosion. The problems which have been identified are legislative and socio-economic. The social and economic make-up of the country makes it a difficult task to redress the identified problems. Lesotho has ample laws which addresses the environment and proper land-use planning but there is evident lack of implementation and law enforcement. A decisive government policy which recognise the importance of according environmental issues the highest priority is needed. This will facilitate proper implementation.

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1. OBJECT AND ISSUES OF THE DISSERTATION

Writers and professionals in different forums are in agreement that Lesotho has explosive environmental problems. The greater majority of these problems are land-related. Workshops and seminars are being held to make people aware of their environment. As a result concern in Lesotho on the environment, especially regarding the physical environment, is gaining momentum.

The main object of this paper is to review challenges presented to and by Lesotho's legal system regarding the environment and land-use planning.

2. SIGNIFICANCE OF THE STUDY

This study will not only identify challenges facing environmental law and proper land-use planning but will also make suggestions which, it is hoped, will contribute significantly to solving the problems which will be discussed. There is a feeling amongst the people interviewed that there are many issues which are sources of concern but are not being addressed because no one wants to come out and talk about them or the bureaucratic tape makes it impossible to expose them. It is hoped that these issues will be objectively expressed so that those who are in the position to address them may do so.

3. METHODOLOGY

The information used in this paper has been gathered from two sources, vis. library research and personal interviews*.

The dissertation will be divided into three parts. The first part of the dissertation will be a general introduction of environmental and land-use planning issues. The second part will address the challenges presented to environmental law and land-use planning and will be divided into two sections, namely non-legal and legal challenges. The last part will provide suggestions and recommendations on how the challenges should be addressed to promote a better environmental climate in Lesotho.

* (List of people interviewed is annexed)

I. INTRODUCTION

1. GENERAL INTRODUCTION

It is argued that economic growth should occur with little or no damage to the environment¹ for the sustenance of future generations and be based on an environmental foundation which can sustain the growth². It has thus been concluded that no development can sustain on a deteriorating environment³.

2. ENVIRONMENTAL CONCERNS IN LESOTHO

2.1 GOVERNMENT POLICY

Environmental concerns have been expressed in Lesotho for a very long time, the main focus being on soil conservation. Early government policies emphasised an economic development which did not take account of the impact of industrialization and development on the environment. The rapid industrialisation beginning in the 1960s changed the focus from soil conservation to the general environment. As a result several statutes were enacted in the 1960s and 1970s to address the conservation of both the physical and natural environment. Although no coherent legislative basis was set, the main aim of the laws was the conservation and proper use of natural resources and the control of pollution.

2.2 INDIVIDUAL ATTITUDE

People are now more conscious about conservation of the environment. The economic and social problems of the country are now to be tackled within the context of sustainable development and development activities are now to be based on sound environmental policies.

2.3 THE ENVIRONMENT AND LAND-USE PLANNING

Since environmental concerns focus, inter alia on the management, control and use of the natural resources, environmental conservation and land-use planning "are intricately connected and adequate land-use planning is a necessary condition for the conservation of natural resources"⁴.

Land is the basic natural resource and closest to the sustenance of any nation and its development. It is therefore imperative that it is used in a manner which ensures that generations to come can benefit from it. There are many activities carried on the land which contribute to environmental problems. For land-use planning to be effective, it must balance the different uses and control and manage the environmental impact of these uses.

The duty of an environmentalist is therefore to suggest a climate for the integration of developmental and environmental provisions in legislation. In particular to land-use planning legislation, the law should be geared towards ensuring an efficient but equitable distribution of land and a simultaneous promotion of development of the rural and urban sectors⁵.

II. CHALLENGES

1. SOCIO-ECONOMIC CHALLENGES

1.1 GENERAL INFORMATION

Lesotho is completely surrounded by the Republic of South Africa with a total area of 30,344 square kilometres. Although earlier reports stated that only 13 percent of this area was suitable for crop growing this figure has dropped to 9 percent⁶. The country stands at an altitude of between 1,500 to 3,482 meters above sea level experiencing extreme climatic conditions of cold winters and hot summers. Lesotho enjoys abundant rainfall of an average of 780 millimetres a year⁷.

In 1987 the population of Lesotho was estimated at 1.62 million with an annual growth of 2.6 percent⁸. 84 percent of the population lives in the rural areas⁹.

On the economic front, Lesotho has been a market for the South African mines in the form of migratory labour since the colonial era. Presently about half of the country's gross national product comes from remittances from Basotho employed in South Africa¹⁰. Lesotho's economically powerful neighbour has influenced its economic growth.

1.2 ENVIRONMENTAL CHALLENGES

1.2.1 LABOUR SYSTEM

The migratory labour system has diminished the significance of agricultural production. Young males are drawn to the mines at an early age settling in the country when they are incapacitated or have passed the age of being economically active. In addition, the miners' remittances and rewards give a feeling to many that agriculture should be a past-time activity and is thus neglected. The remittances are used to purchase more livestock which in turn increases pressure on the grassland leading to more land degradation. At present it is estimated that there is an over-stocking of about 50 percent¹¹.

In recent years, job opportunities in the Republic of South Africa have decreased. The challenge to the nation is to increase employment in both industrial and agricultural sectors to absorb the returnee miners and match the increasing unemployment figures.

There are very few job opportunities in the formal sectors, and with no agricultural land to support this concentration, informal settlement and street vending has emerged.

1.2.2 AGRICULTURE

Agriculture plays an important part in the lives of many Basotho despite evidence to the fact that it has a weak position in the formal economy¹².

Soil conservationists have argued that agriculture should be used as a form of soil conservation and that proper land husbandry can ensure that land degradation and erosion is minimised¹³. However the pressures brought to bear on agricultural land, namely urbanization, poverty and population growth are diminishing land available for agricultural use. Also because less and less land is becoming suitable for farming activities there is now a tendency to try to maximise production, for instance by use of high-yield chemical fertilizers, which in turn cause more soil degradation.

1.2.3 URBANIZATION

Urbanization has also posed challenges to the environmental conditions of the country.

Land has had to be set aside for among others, road construction, industrial locations, mining and residential sites. The impact on both the physical and atmospheric environment is unmeasurable. Some of the donga formations are a result of excavation done during road works where the pits were not properly rehabilitated. There are also many dolerite dykes and sills which, after mining activity is terminated, have been left unrehabilitated causing soil erosion¹⁴. Another area which has been a cause for concern for environmentalists is a disused pit located in the centre of a highly populated part of Maseru peri-urban which is used for dumping and burning by some government departments and the Maseru inhabitants. Although no immediate reports could be found on the effects of this pit, it is clearly a source of pollution.

Urbanization was not preceded by proper land-use planning. The result has been a mushrooming of unplanned peri-urban areas around the towns, especially around Maseru. What previously was agricultural land became rapidly converted into residential areas. Most of these areas are not serviced and lack basic amenities. In an attempt to regularise settlement the government has tended to concentrate on the urban areas leaving the rural areas unattended and this has led to further movement from the rural to urban areas¹⁵. The result has been an increase in poverty and population explosion in the urban areas¹⁶.

The problem of unplanned urban settlement has, to a large extent, contributed to water pollution. Because of lack of services such as rubbish collection and human waste disposal, water resources are heavily polluted. None of the peri-urban areas is connected to the main sewer lines. As a result those occupants

who can afford it use septic and sewerage tanks. The concern has been that the waste seeps through the soil into the ground water¹⁷. If the level of the ground water is at par with the seepage then there is a likelihood that the water used in these areas is polluted.

The failure of the planners to arrest this ,now seemingly, uncontrollable urban settlement has resulted in environmental deterioration. The country is facing serious problems of water pollution, squatting, destruction of what little forestry there is for fuel, unsightly habitations and loss of agricultural land.

1.2.4 WATER SUPPLY

Although Lesotho has abundant rainfall, lack of water supply is an endemic problem and so is water pollution.

The population of Maseru is supplied with water from the Caledon River. Maqalika Dam is the main intake-off channel storage. The dam is supplied by another source which is located within a catchment area stretching along a narrow strip of about eight kilometres. The water is presently covered by an unsightly moss growth. One of the reasons which has been given for water pollution is the unplanned settlement within and along the catchment area where dumping and sources of contamination are driven into the water source when rain falls¹⁸. A survey done in 1989 showed a lead contamination of 0.6 ppm as against the maximum level recommended by WHO of 0.1 ppm¹⁹.

Traditionally, Basotho employed water harvesting practices effectively especially for irrigation purposes²⁰. There has been a failure on the part of the Government to ensure the survival of these practices. The dependence on modern irrigation techniques which are often unaffordable and rain water which is unreliable has contributed to the poor agricultural performance of the country.

1.2.5 ATTITUDE TO LAND

Individual attitude to land has a lot to answer for in the environmental problems the country is facing. Although land in Lesotho is not subject to private ownership, there is an all round attitude of "my land" and that no one has a right to interfere in its enjoyment. The effect of this attitude has been that, even at times when institutions charged with providing basic public services do act, the affected land holders prevent their intervention. The intervention would require encroachment on the land and often a reduction in the size of individual sites.

1.2.6 PUBLIC PARTICIPATION

Traditionally, public participation in matters affecting the communities was secured in public meetings called "Lipitso". This institution was grossly misused by the colonial government where these meetings were used by the government to issue orders to the people. The relics of this form of administration are being felt time and again. Projects have been designed, planned and implemented without soliciting the participation of the affected communities²¹. As a result many developments and soil conservation projects have failed in Lesotho as people did not feel committed to them and adopted a negative attitude towards them²².

1.2.7 LESOTHO HIGHLANDS WATER PROJECT

Lesotho is currently engaged in the multi million Lesotho highlands water project. The project was presented as a solution to alleviate some of the economic problems the country is facing but the social and environmental effects of the project cannot be ignored. The project involves human movement never before experienced in the affected areas. The human movement has potential for informal settlement which in turn raises questions of public health and services. The population concentration and traffic in these areas will also increase causing further land degradation and pollution. Human relations are bound to change. The project has been placed on land which had previously been used for farming purposes and is reputed to be rich in minerals. Therefore it has further reduced what little is available as agricultural land and has tended to ignore the role of the mining industry and its potential in the economy of the country.

Some people feel that the project is an unnecessary burden on the country²³. The advocates of this stand believe that Lesotho should have addressed its basic problems such as water harvesting and conservation. Traditionally the country had no water problem due to voluntary water conservation measures which people practised. It has been argued that the policy makers should not have opted for an expensive project which has long term effects on the environment and resources of the country but should have searched for a solution to the country's problems²⁴. There is therefore some resistance to the project.

Another criticism of the project is that those who rallied for the support of the people made certain promises such as job opportunities and a general upliftment in the livelihood of the people. The Government is now finding it almost impossible to match these expectations. As a result the project may not be implemented as smoothly as expected and may be a source of poor relation which may affect its feasibility.

2. LEGAL CHALLENGES

2.1 INTRODUCTION

Lesotho's legal system is characterized by dualism. The customary law applies side by side with the "received" common law and statutory laws. The customary law, in contrast to the common law and statutes, is known to many Basotho especially in the rural areas. The main reason for this disparity is the unavailability of statute books and accessibility to institutions which teach the common law. With the exception of very few statutes, all are written in the English language which is not known to the majority of Basotho.

The chieftainship is a very important institution in the application of the law and the participation of the people in its enforcement. This position of the chiefs is recognised and entrenched in environment and land-use planning laws which often empower chiefs to oversee the application of the law.

Environmental and land-use planning provisions are found fragmented in several statutes, their implementation left to different ministries, independent of each other.

2.2 LAND

2.2.1 LEGISLATION

There is no general law dealing with soil conservation and land-use planning. The colonial Government made a collection of rules and a semi codification of customary law relating to land law and particularly to soil conservation in the Laws of Lerotholi²⁵. There has been a lot of encroachment on the Laws of Lerotholi whereby later enactments have repealed or amended their provisions with the result that they have lost their status as the law governing land issues. At present the provisions are scattered in the statute books.

a) Land Act 1979

Presently the basic land law is found in the Land Act 1979.²⁶ The Land Act was an attempt to modernize the law relating to land tenure.

The Land Act preserves the fundamental Basotho land principle that all land vests in the Basotho Nation and is held in trust for the nation by the Head of State.²⁷ The Act sets out different forms of land holding, the most important being the lease system. Since there is no private ownership of land, people get user rights through allocation or lease from the State.

Traditionally land was allocated by Chiefs. The Land Act has marginalized their position by creating allocating authorities of which chiefs are ex-officio members and chairmen.

The Land Act is development orientated. It does not expressly address environmental concerns. There are various provisions which may be used to promote environmental conscious policies. For instance, a lease may include any condition as the Minister may direct.²⁸ An environmental conscious land department should advise its Minister to use this provision and several others to impose environmental conservation provisions in a lease.

The Minister may declare an area a selected development area²⁹ or a selected agricultural area³⁰ under the Act. The effect of such a declaration is to extinguish all existing titles but substitute rights may be granted on the land. A selected development area may be declared, inter alia, for purposes of developing existing or new areas and for readjusting boundaries for the purposes of town planning³¹ and a selected agricultural area for purposes of developing modern farming techniques³².

b) Town and Country Planning Act 1980

While the Land Act specifies uses on land in general terms, the Town and Country Planning Act³³ has as its aim the orderly development of land, the preservation and improvement of amenities and related matters.³⁴ Where an area is designated as being an area to which the Town and Country Planning Act applies, no development shall be carried on such land without permission of the Town and Country Planning Board and in accordance with the development plan which would have been approved by the Minister for that particular area.³⁵

The provisions of the Land Act read with the provisions of the Town and Country Planning Act lay a firm basis for effecting proper land uses and even rectifying previous misuses of the land.

c) Land (Agricultural Lease) Regulations 1992

The Land (Agricultural Lease) Regulations³⁶ have been enacted under the Land Act. The Land Act read with the Land (Agricultural lease) Regulations introduce the lease system on agricultural land. Unlike residential allocations which were deemed to be converted into leases on the commencement of the Land Act, agricultural land continued to be held as allocations unless the holder applied for the allocation to be convert into a lease³⁷. The procedures for applying for conversion were not made until the passing of the Land (Agricultural Lease) Regulations, thirteen years after the passing of the Land Act.

d) Land Husbandry Act 1969

Management and conservation of agricultural land is set out in the Land Husbandry Act³⁸. The Minister responsible for agriculture is empowered to make regulations for promotion of soil conservation and good agricultural practices and prevention of bad agricultural practices. Extensive regulations have not yet been made.

e) Other statutes

Overstocking is a serious conservation problem. The rangelands are in poor conditions due to overstocking. The rangelands are covered with thin grass and shrubs with very little forestry.

In an attempt to arrest the problem of overstocking and to promote proper management of the grassland, the Range Management and Grazing Control Regulations³⁹ and the Management Resources Area Order⁴⁰ were enacted. The Range Management Regulations mainly deal with the setting aside of land as Leboella⁴¹, rotational grazing, regulation of stock and other restrictions relating to the rangelands. The Managed Resources Area Order empowers the Minister to make policies to be applied on a wide range of environment issues on declared areas. The policies may relate to regulations of livestock burning of veld and cultivation of land. The regulations have not yet been promulgated.

The Forest Act⁴² was enacted to address the poor state of Lesotho Forestry. The Forest Act provides for declaration of land as a forest reserve and for the planting of trees, management, maintenance and control of the forest reserves. Because of poverty and lack of enforcement of legislative provisions the forests are subjected to vandalism and indiscriminate cutting of trees.

There are certain activities which impact on the environment but the laws which regulate these activities are silent on conservation. For instance the Road Act⁴³ authorises the Roads Authority to cut down and remove trees or vegetation within the limits of a road reserve where a road is being constructed or maintained⁴⁴.

2.2.2 INSTITUTIONS

a) Department of Lands, Survey and Physical Planning (LSPP)

The Department of Lands, Survey and Physical Planning (LSPP) is charged with the implementation of the Land Act. The Department concedes that it is aware of the many misuses of the land but that due to lack of staff and sometimes the absence of the political will to enforce the provisions of the law, it has not been possible to vigorously implement the provisions of the law.

b) Chieftainship

The Chieftainship plays an important role and has had negative effects on land-use planning and environmental law. The reaction of some Chiefs to the Land Act was to embark on sabotage of the application of the Act. The Land Act did not invalidate title documents issued by Chiefs before the commencement of the Act. The Chiefs continued to allocate land indiscriminately and issued title documents for such allocations predated to 1980 (the year in which the Land Act took effect). Immediately unplanned residential areas mushroomed on land previously reserved for agricultural purposes. The relevant authorities have done nothing to stop these clear violations despite the wide powers they have to eradicate this practice.

In defence of their position, the LSPP has argued that these violations are a conspiracy between "owners" of fields, the Chiefs and prospective land holders to circumvent the law. As a result it has proved very difficult for the Department to monitor the provisions of the law.

c) Ministry of Agriculture

The Ministry of Agriculture is vigorously involved in promoting good land husbandry especially in projects relating to soil erosion. The Ministry also promotes community-based agricultural projects. It is reasonably staffed and has departments in all 10 districts. Its main complaint is that there are some ministries and departments who do not seem to care about protection of the environment.

d) Court Process

The court process has also been blamed for indiscretions. It takes a very long time for a single case to be brought before the court and this encourages violations and discourages the relevant Authorities from doing their jobs.

2.2.3 CENTRALIZATION

The institutions which are charged with the implementation of land laws, with the exception of the various departments of Agriculture, are based in Maseru. People have to travel from their villages to get services in Maseru. Centralization of services has crippled the effectivity of the land laws. The officials fail to monitor because there are no district offices which give a feedback on what is happening outside Maseru.

2.2.4 COORDINATION

There are many provisions, which are spread out in various legislative provisions, and administered by different Departments and Ministries which could be used to promote friendly environmental conditions and proper land-use planning. There is very little evidence of this.

At times the departments do not know when to act as one department will think that a problem is the area of responsibility of another department. There is also the danger of duplication of efforts. For instance, the Ministry of Agriculture is charged with conservation of the agricultural land base while the LSPP under the Ministry of Affairs is responsible for all land including agricultural land. There is no forum for these two departments to meet and plan. Therefore there is a danger of duplication on the planning of agricultural land.

2.2.5 FRAGMENTATION

The laws are fragmented. There are at least twenty pieces of legislation addressing the physical environment and land-use planning. These laws are administered by different departments and Ministries. Consequently numerous problems are bound to arise.

2.2.6 OVERLAPPING AND CONFLICTS IN LEGISLATIVE PROVISIONS

Overlapping and conflicts in legislative provisions are a real problem. The relationship between the Laws of Lerotholi and later enactments such as the Land Husbandry Act is not clear. The two pieces of legislation deal with conservation of agricultural land.

2.2.7 DISPARITY IN APPLICATION OF LEGISLATIVE PROVISIONS

Disparity in the application of legislative provisions has become a challenge to the affected Ministries. The Lesotho Highland Development Authority (LHDA) is awarding compensation to land owners who have been dispossessed of their land in the project areas on a scale different to that used by the Government. "Owners" of land who have been dispossessed of their land by other Government institutions are now demanding compensation on the same scale as that given by LHDA and are blocking developments on the land.

2.2.8 ABSENCE OF NATIONAL CONSERVATION POLICY

The absence of a national environment policy has contributed to the conflicting attitude of departments and Ministries towards environment issues. The Land Husbandry Act and the Roads Act were enacted in 1969. The former has

an underlying conservation objective while the later law is clearly development orientated and fails to address environment problems which may follow its implementation. The Road authority is in no way bound to undertake conservation measures such as rehabilitation of trenches and road works.

The Roads Department tend to express a "non-environmentalist" conservation attitude. For instance the Roads Department has failed to erect culverts and water outlets when the Division of Soil Conservation in the Ministry of Agriculture has requested so. This failure has sometimes resulted in water being arrested and due to pressure being released in a jet-form causing a lot of soil erosion. The Department of Mines and Agricultural Division of Soil Conservation have expressed serious concerns about this attitude.

2.2.9 PROCEDURES

The long procedures which have to be followed before services are obtained have also been blamed for the unbecoming state of the physical environment. The Town and Country Planning Act has been rendered ineffective on this ground. An application for a building permit goes through almost eight departments in different Ministries, each without any clear cut procedure for handling applications. As a result people do not bother at all to apply for building permits and in some cases the authorities adopt an attitude of indifference.

2.2.10 IGNORANCE

Public education is a contributory factor to the violations. Many people are ignorant of laws which affect them. As earlier stated, statutes are not easily accessible to a majority of Basotho. While some people may knowingly violate the law, some, due to poverty and the lucrative land market, in ignorance, violate the land laws.

2.2.11 PUBLIC PARTICIPATION

Very few conservation and land-use planning laws involve participation by people. The Town and Country Planning Act has a procedure for public participation. Whilst this move is welcomed the tradition of imposing conservation measures on people without consultation makes provisions such as those found in the Town and Country Planning ineffective. There is an attitude of indifference from the people such that even where there is machinery for participation they do not feel they should make any contribution.

Lack of public involvement and public education has been cited as a major reason for low agricultural production⁴⁵. The traditional land tenure system did not encourage progressive farming as agricultural land could not be sold, used as collateral for credit at a banking institution or sub-let. This led to a lot of farming land being left idle and as a result being degraded. With the introduction of the Land (Agricultural Leases) Regulations it was hoped that more farmers would be drawn into commercial farming but the experience is that this is not happening and that it is only those farmers with a good educational background or who are already in some form of commercial farming who are taking advantage of these regulations⁴⁶.

2.2.12 CORRUPTION

There are allegations of serious corruption and misuse of executive powers. The Minister of Home Affairs is authorized to issue direct grants of land in areas declared as selected development areas. In the past there has been a tendency to use this provision for "self-allocations" and allocation of prime serviced land to certain classes of people free of charge. On the other hand, where land was located on the outskirts of towns and designated for lower income groups, such land was allocated at a price and often without services.

2.2.13 LAND PRINCIPLE

The land tenure principle that land belongs to the nation and that every Mosotho is entitled to have access to it was intended to ensure an equitable distribution of land to the people⁴⁷. The effectiveness of the system under the customary law depended on self-limiting and availability of land⁴⁸. But now that land has been converted into a very lucrative and speculative market the equitable nature of the system has been lost. Corruption has been alleged in land allocations and because of population pressure on what is becoming the rarest of commodities, access to land is not based on the capacity to develop the land.

2.2.14 WOMEN

The position of women in the land tenure system is uncertain. The Land Act does not discriminate against married women as long as they satisfy the requirements of citizenship. Land titles are registered under the Deeds Registry Act⁴⁹. There is a complete prohibition against registration of title documents in favour of women whose rights are governed by Basuto law if the registration would be in conflict with Basuto law and custom unless under the authority of a court order⁵⁰. Under customary law a married woman is regarded as a minor and has no capacity to hold land. For women married by civil rites the Act provides that:

".. immovable property, bonds or other rights shall not be transferred or ceded to, or registered in the name of a woman married in community to property, save where property, bonds or other rights are by law or by a condition of a bequest or donation excluded from the community."

Therefore, whilst married women may be allocated land such land cannot be registered in their names.

Many women are married by civil rites and in community of property. The office of the Registrar-General has to date registered 2193 marriages solemnised in 1993, all of which are in community of property⁵¹. With the majority of the male population being away from home during the larger part of the year, women play a very pivotal role in land management. Their incapacity to deal with the land is a problem to environment conservation. Where action has to be immediately taken the women left in the management of the land cannot act until their husbands come home.

2.2.15 PENALTIES

The penalties for failing to observe environment and land-use planning provisions are fines, imprisonment and revocation or invalidation of title. None of these penalties are being used to enforce the legislative provisions. There is a general laxity to apply them.

The extreme penalty of revocation or invalidation allocations, although found in several places in the Land Act, will normally be used in very rare cases and therefore cannot be depended on as a method of addressing default or ensuring compliance. Fines and imprisonment terms prescribed under the different laws are very low hence have no deterrent effect. For instance failure to comply with a notice given in terms of the Town and Country Planning Act, renders one guilty of an offence punishable with a fine not exceeding R600⁵². There are very few provisions which require a defaulting party to repair damage caused to the environment.

2.3 WATER

2.3.1 INTRODUCTION

Ownership in water within Lesotho vests in the Basotho Nation, the control and regulation of which vest in the Minister.⁵³ In 1991 a public corporation named the Lesotho Water and Sewerage Authority (WASA) was established to inter alia abstract water, secure the supply of water, treat and dispose of affluent and promote the economic and efficient use of water⁵⁴. In carrying out its

duties the Authority has to ensure that its activities minimize any deterioration in the health and ecological standards prior to the commencement of any of its works.⁵⁵

2.3.2 LEGISLATION

Water pollution, especially ground and river water pollution is an area of concern. A great part of the rural population and some parts of the urban area depend on spring , ground and river waters for their domestic use. There are a number of legislative provisions which are geared towards protecting water, which, it is one's belief that if they were properly implemented, Lesotho should not have water crisis.

a) Water Resources Act 1978

The Water Resources Act⁵⁶ is the basic law controlling water resources. The Act defines water to include surface, ground and spring waters⁵⁷. It is an offence to pollute or foul any water to render it harmful to man, beast, fish or vegetation⁵⁸. Pollution is prohibited whether done wilfully or negligently.⁵⁹

The Act prohibits wasteful use of water⁶⁰.

Water uses, except for domestic uses, require a water use permit. In a water crisis the Minister is authorized to declare a water emergency in terms of the Water Resources Regulations 1980⁶¹. Such declarations normally prohibit certain uses of water.

b) Public Health Order 1970

The Public Health Order⁶² contains a number of nuisance prevention provisions⁶³. It imposes a duty on Public Health officers to take reasonable and necessary practical measures to ensure the purity of water supply to the public for drinking and domestic purposes including taking action against persons who pollute such supply so to be a nuisance or danger to health⁶⁴.

c) Land Act 1979

The Land Act⁶⁵ provides that every lease other than an agricultural lease shall be deemed to include statutory conditions which are laid down in the 1st schedule of the Act⁶⁶. One of the statutory conditions is that within a period of time to be fixed by the Minister, the lessee shall at own expense provide main drainage or main sewerage connections from the building erected on the land as the Minister may determine⁶⁷.

d) Lesotho Highlands Development Order 1986

The Lesotho Highlands Water Project has as its main concern water supply by Lesotho to the Republic of South Africa. The Lesotho Highlands Project Treaty⁶⁸; which sets out the basis for and matters relating to the Project, provides that the two Governments shall take all reasonable measures to ensure that the implementation, operation and maintenance of the Project is done with due regard to the maintenance of the welfare of the people and communities immediately affected by the project⁶⁹. In response to its undertaking in the Treaty, the Government of Lesotho enacted the Lesotho Highlands Development Order⁷⁰ which established the LHDA and sets out the modus operandi of the project in Lesotho. The Order has a provision on environment. Section 41 provides that the Authority shall take all reasonable measures to protect the environment and to minimise injury to the amenities of the area.

2.3.3 ABSENCE OF TESTING

The absence of a legislative obligation for periodic testing of all waters is an environmental concern in areas which depend on water which is not pre-treated for domestic use. WASA tests and pre-treats water it supplies to the public. Unfortunately, it supplies only towns and parts of the peri-urban areas. The rest of the population is exposed to health problems by using water which is neither tested nor treated. A one survey has showed that fluoride in river waters in Lesotho is as low as 0.01 ppm as against WHO recommendation of 0.7 to 1.5 ppm⁷¹.

2.3.4 LACK OF ENFORCEMENT

There is concern that there is lack of enforcement and implementation of the provisions protecting waters⁷². On several occasions when drought has struck the country, the Government has declared water emergencies. People do not heed the prohibitions and they are never penalized for contravening the prohibitions. This has been attributed to lack of political conviction to apply the laws and people's non-committal to the water hazards⁷³.

2.3.5 INDUSTRY

There is an increasing concern of discharge of industrial effluent into rivers. The main industrial activities such as the brewery, wool and mohair treatment and clothing manufacturing are located along the Caledon River in Maseru and Maputsoe. The resultant industrial pollution affects international relations between Lesotho and the Republic of South Africa as the effluent is discharged into a river which forms an international boundary between the two countries.

Fishery and other life in the river are also at risk.

The industries are licensed by the Ministry of Trade and Industries in terms of the Industrial Licensing Act⁷⁴. Due to the need to rapidly industrialize the Ministry has been accused of failing to weigh the environmental impact of an industry against its contribution to the economic development of the country⁷⁵. As a result the Ministry has often sacrificed the environment for development and allowed industries with a potential for water pollution to operate without ensuring that they are properly equipped to control water pollution. In reaction to this attitude WASA has refused to connect those industries whose waste contains a high chemical content if they do not treat the waste before discharging it into the main sewerage lines. These industries, in turn, release their effluent straight into the Caledon River without proper treatment.

2.3.6 ENVIRONMENT IMPACT ASSESSMENT (EIA)

Environment impact assessments are unknown in Lesotho project implementation.

One exception is, however, that the donor agencies who helped to finance the Highlands project insisted on an environment impact assessment being carried out before the implementation of the Project. Environment impact assessment is an on-going process and the LHDA in recognition of this fact, following the implementation of the project, established a Department of Environment. It is worth mentioning here that the Ministry of Natural Resources, to which the LHDA is responsible, has also established a Department of Environment. The Department of Environment under the Ministry of Natural Resources, although has not yet started operation, its main task will be to oversee the activities of all public corporations and departments under the Ministry whose activities have an impact on the environment.

The requirement of an environment impact assessment in the Highlands project is a welcome step towards ensuring protection of the environment, despite it being externally motivated. The only regret is that the Department of Environment within the LHDA was created after the project commenced its work, consequently it may not fully address the environment impact of the project.

2.3.7 PENALTIES

The Lesotho Highlands Development Order introduced higher penalties for default than has been the experience before. It is hoped that the penalties will act as a deterrent to defaulters and will indeed be used. Low penalties in other legislations do not promote environment consciousness in the people who are likely to be offenders.

2.4 AIR AND NOISE

2.4.1 INTRODUCTION

Although no general survey has been done on air pollution in Lesotho there is evidence of contamination in rain water in Lesotho⁷⁶.

There are many air contaminants in evidence. In winter the air is often thick with smog and smoke from the burning of animal fossil and coal. Burning of grass, although specifically prohibited by such laws as the Land Husbandry Act 1969, still occurs. There is also lead from gasoline⁷⁷ and industrial emissions. Transborder air pollutants have also been alleged⁷⁸.

There is very low public concern about noise pollution which is translated into very little attention being given to noise pollution in legal instruments.

2.4.2 LEGISLATION

Several laws empower Ministers to make regulations for the control of acts leading to air pollution.

a) Local Administration Act 1969

The Minister responsible for local administration may make regulations for the control of burning of rubbish and grassland⁷⁹. The Minister has not made these regulations.

b) Road Traffic Act 1981 and Road Traffic Regulations 1981

The Road Traffic Regulations⁸⁰ try to address air pollution through the prohibition of operating a motor vehicle if exhaust gas or visible vapour is discharged under the motor vehicle or is directed to the left side or in such a manner as is likely to raise dust on a road or cause nuisance⁸¹.

The main transmitters of noise are motor vehicles and hence possibly the reason behind the specific prohibition of operating motor vehicles on public roads if they cause excessive noise⁸² and the use of audible warning devices except as provided in the Road Traffic Act⁸³. The Road Traffic Regulations prohibit the operation of a motor vehicle without an efficient exhaust silencer or muffling device⁸⁴.

c) Public Health Order 1970

The Public Health Order prohibits certain types of nuisance in addition to prohibiting specific nuisances. It prohibits any act, omission or thing which is or may be offensive, dangerous to life or injurious to health⁸⁵. General air and noise pollution may be brought under this definition.

d) Land Act 1979

The Land Act also indirectly addresses the issue of air and noise pollution. Condition 12 of the 1st schedule provides that nothing shall be done or permitted to be done on land

"... which may cause or lead to pollution or in the creation of any hazard to the health of other persons, or become a nuisance or annoyance to or damage or in any way interfere with the peace and comfort of the adjoining Lessees or occupiers of adjoining or other lands in the neighbourhood."

This condition could effectively be used to combat air and noise pollution in built-up areas.

2.4.3 ATTITUDE

There is a general complacency on issues of air and noise pollution. This attitude is evident in the outlook of the general public and the succinct attention given to these types of nuisances in the statutes. There is no general law which is devoted to them.

2.4.4 ENFORCEMENT

The few legislative provisions suffer the problem of non-enforcement. Motor vehicle noise and emissions are a common occurrence in the roads of Lesotho. The traffic police complain of being short-staffed and can therefore not police all the roads. While this may be so, the few traffic police and inspectors do not seem to deter motorists from contravening the laws.

2.5 MINERAL RESOURCES

2.5.1 INTRODUCTION

Rights in minerals vest in the Basotho nation⁸⁶ and prospecting and mining of minerals is prohibited unless under the authority of a permit, licence or lease from the State⁸⁷.

Mining has a profound potential to harm the environment such as acceleration of soil erosion, air pollution and depletion of the mineral base of the country. It is therefore crucial that it is put under strict control and supervision.

2.5.2 LEGISLATION

The two basic laws which regulate the mining industry are the Mining Rights Act and the Mine Safety Act.

a) Mining Rights Act 1967

The Mining Rights Act⁸⁸ establishes the Mining Board⁸⁹ which is charged with consideration, refusal and granting of applications for licences, permits and leases.

Section 16 (1) stipulates general conditions which are included in an issue of a mining title. Although these conditions are not specific on environment conservation, the Board is authorised to prescribe further conditions upon which a title may be issued and one such condition which is incorporated in mining leases is that:

"The Lessee shall faithfully implement and observe directions issued by the State in relation to the protection of the environment and the ecology of the Lease Area. The Lessee shall moreover not engage in any activities which will result in the pollution of the atmosphere, soil, surface or subterranean water."

Further to this condition leases normally contain a restoration provision in terms of which the lessee is obliged, on termination of operation, "in accordance with good mining practice" to reasonably make safe, to the satisfaction of the State, the lease area so as to prevent injury to persons or property and to level the surface and to leave the lease area in a clean and orderly condition.

b) Mine Safety Act 1981

The Mine Safety Act⁹⁰ is concerned more with the protection of persons employed in mines; their safety, health and welfare.

2.5.3 INSTITUTIONS

a) Department of Mines and Geology

The Department of Mines and Geology under the Ministry of Natural Resources has the responsibility of regulating the mining industry. The Department has found it difficult to enforce the provisions of the statutes and subsidiary obligations.

b) Roads Authority

The Departments of Mines and Roads are often at loggerheads regarding excavations which the Roads Department does when constructing roads. The Department of Roads refuses to take instructions from the Department of Mines on soil rehabilitation. As earlier shown The Roads Act does not require the Roads Authority to consider the environment impact of its activities⁹¹.

2.5.4 MINING ACTIVITIES

A majority of mining activities are done by individual diggers who do not have the capacity to effectively rehabilitate the soil. In the Kao diamond area there are about 500 individual diggers who engage in unsystematic digging by picks and shovels⁹². The diggers discharge sludge into the Kao River which is then driven downstream into the Highland Project Area. The Government is now facing impending claims as the water flowing from the river cannot be used for cement mixing by contractors in the project⁹³.

2.5.5 LACK OF MONITORING AND LEGISLATIVE CONTROL

Due to a lack of monitoring of the mining industry, Lesotho is losing a lot of its minerals. There is evidence that there are many diamonds which are being washed downstream the Orange River. There are suggestions that meandering terraces should be built in the river to act as diamond traps.

There is at present no legislative control of mining of river sand, clay and sandstone quarrying. These three components of mining are gaining popularity. If left unaddressed, the problem of soil erosion will become even more unmanageable.

2.6 FAUNA, FLORA, CULTURAL HERITAGE AND HISTORICAL MONUMENTS

2.6.1 INTRODUCTION

Neglect has cost the country a lot in terms of loss of its fauna, flora, culture and historical symbols. There are a number of laws enacted to address this problem. The most important is the Historical Monuments, Relics, Fauna and Flora Act ⁹⁴ which aims at preserving and protecting the natural and historical monuments, relics, antiques, fauna and flora. The Proclamation

lists protected fauna, flora, monuments and relics. Offenses are created in the Act which carry a punishment of R200 and/or imprisonment.

2.6.2 INSTITUTIONS

a) Commission for Preservation of Natural and Historical Monuments, Relics and Antiques and the Protection of Fauna and Flora (the Commission)

The Commission for the Preservation of Natural and Historical Monuments, Relics and Antiques and the Protection of Fauna and Flora established under the Protection of Historical Monuments, Relics, Flora and Fauna Act⁹⁹, has not been effective in carrying out its mandate. The Commission has the responsibility of issuing consent for the destruction, damage, removal and/or export of objects or species listed in the Proclamation¹⁰⁰ enacted under the Act.

The Road Act does not require the Roads Authority to seek the consent of the Commission to carry out its duties in protected area. Similarly the Electricity Act¹⁰¹ authorizes the Lesotho Electricity Corporation (LEC) to cut down trees and other vegetation in areas where it carries out its operations¹⁰². The LEC is only obliged to give compensation where its activities cause damage to vegetation on private property¹⁰³. These authorities do not seek the consent of the Commission to undertake works in areas where the mandate of the Commission extends.

b) Lesotho Highlands Development Authority

The Lesotho Highlands Development Order 1986 requires the LHDA to take precautions to protect fishery and avoid injury to it during LHDA's operation⁹⁵. It is further required to maintain, improve and develop fisheries in waters under its control⁹⁶.

The Highlands Project is going to dramatically affect the national heritage and protected flora and fauna. The LHDA is not obliged to seek the consent of the Commission but is required by the Lesotho Highlands Development Authority Order to take reasonable precautions to minimise injury, inter alia, to "... flora, fauna features or other thing which is of a particular architectural, historical, archaeological, ecology, geological or natural interest."⁹⁷ This requirement notwithstanding, conservation is going to be the ultimate loser.

Because no exhaustive search has been made on rock paintings, and no systematic exploration for archaeological and rock art sites at the Highlands Project Area⁹⁸, it is feared that a lot of rock paintings are going to be lost.

c) National Parks

The National Parks Act¹⁰⁴ has as its purpose the establishment and maintenance of national parks for the conservation of wild animals, fish and preservation of vegetation and objects of historical or scientific interests. Presently there is only one park in Lesotho called Sehlabathebe Park which is situated in the District of Qacha's Nek. The Park was proclaimed in 1970 as a wild life sanctuary in terms of the Game Preservation Proclamation¹⁰⁵. The Sehlabathebe Park has not performed as expected due to lack of finances and management.

2.6.3 PUBLIC ATTITUDE

People's insensitivity to the country's heritage has also been blamed for Lesotho's predicament. People are indiscriminately demolishing protected historical buildings for development purposes. The Commission for the Preservation of Natural and Historical Monuments, Relics and Antiques and the Protection of Fauna and Flora does not have adequate resources to monitor its programme. It depends largely on the goodwill of the Communities.

Recently the Town and Country Planning Act 1980 was successfully used to refuse a permit, to put up a major building in the Maseru City Centre where the result would have been to cut down trees which are considered to be as old as the City¹⁰⁶. The developer had to relocate the building a few metres from the trees. While this approach is applauded, there are lots of other national symbols which are being destroyed in other areas elsewhere in the country. A concerted effort is needed by all to protect their national heritage. The LHDA, in pursuance of its environment undertaking is making an inventory of objects and species in the project area¹⁰⁷.

2.7 AN OVERVIEW OF THE CHALLENGES

The following are the main challenges identified:

2.7.1 NATIONAL POLICY AND THE GENERAL LAW

At present there is no national policy on the protection of the environment. There is also no general environmental law and land-use planning.

2.7.2 LEGISLATIVE TREND

The legislative trend has not indicated a general movement towards environment protection. Whether environmental concerns are taken into account usually depends on the main object to be attained by the specific statute. The Road Act and the Electricity Act clearly illustrate this point.

2.7.3 FRAGMENTATION

Where environmental concerns are addressed, they are addressed in a fragmented manner. Each department acts independently, and as a result, there is a potential for conflict and duplication.

2.7.4 OVERLAPPING

The laws reviewed earlier tend to show much overlapping. Some statutes are designed to do the same thing and others still overlap while addressing conflicting objects.

2.7.5 PROMULGATION OF REGULATIONS

Many laws empower Ministers to make regulations for their proper implementation. The tendency is that these laws stay in abeyance and regulations are never made or made only after a long time.

2.7.6 ADMINISTRATION OF LAW

The administration of law is a major source of concern. There is sufficient environmental protection and land-use planning in the fragmented statutes. But the different institutions charged with the responsibility of environment protection and land-use planning often do not use their enforcement powers. The effect is that the laws are as good as non-existent. All the statutes depend on coercive and punitive measures for their effectiveness. The lack of political will to enforce the laws and the slow court process cripple the enforcement mechanisms.

2.7.7 CENTRALIZATION

The institutions charged with the administration of the law are centralized in Maseru denying effective public participation and effective implementation of the law.

2.7.8 STATUS OF CHIEFS

The status of the Chiefs presents problems, especially in the rural administrative setting where they play a paramount role. They affect the effectiveness of the legal set-up. Their evident non-cooperation in land issues is a cause for concern.

2.7.9 "OWNERSHIP" OF NATURAL RESOURCES

Natural resources are not subject to private ownership. "Communal" ownership of natural resources could be used to instil a societal obligation to use these resources for communal good and conserve them for future generations. This conviction is absent. The laws do not foster a communal responsibility and administration of resources. The exploitation of natural resources is left to individuals.

2.7.10 URBANIZATION

Urbanization has taken place without proper mechanisms. Many of environmental problems are a result of poor or lack of proper land-use planning.

2.7.11 ENVIRONMENT IMPACT ASSESSMENT

As far as it could be ascertained none of the developments and projects in Lesotho were preceded by environment impact assessments except for the Highlands Project.

2.7.12 WOMEN

The traditional position of women in land issues leaves a huge gap in land-use planning laws.

III. RECOMMENDATIONS

NATIONAL POLICY AND NATIONAL ENVIRONMENTAL AND LAND-USE PLANNING STATUTES

For environmental protection and proper land-use planning to take root in Lesotho, there must be a clear national policy which should be reflected in respective statutes.

There are moves towards unification of environmental laws. A National Environmental Secretariat has recently been set up although it has not yet started operating. Witzsch proposed the setting up of a National Environmental Secretariat (NES) which will operate under a National Environmental Council (NEC)¹⁰⁸. He proposed that the NEC should consist of Ministers whose portfolios include major environment functions and that the NES should assist the NEC to carry out its functions¹⁰⁹. He further proposed that the functions of the NES should include conflict resolution among agencies as to the use of environmental resources and evaluate trade off among competing national goals, and to coordinate environmental units in line ministries¹¹⁰. Although no bill has been presented to Parliament on the general environmental law, it is believed that the proposals of Witzsch will be used as the working paper for the drafting of the bill.

The policy and the general environment and land-use planning statutes must address the following issues:

1. STATUTE

1.1 MINISTRY OF ENVIRONMENT

Because environmental issues apply to every aspect of life, all Ministries should be involved in the implementation of the law to give environmental protection the same status as the economic development of the country. A Ministry of Environmental Protection must be created. The Ministry should have units posted in all Ministries and public corporations. The number of personnel required in each of the units should depend on the nature of the activities done.

The proposed NEC consists of Ministers. Ministers are politicians and depending on their current agenda, are not likely to accord environmental issues priority. The NES would have no enforcement powers. There is another body named the Environmental Advisory Committee which Witzsch has proposed. The bodies proposed are too many. It will be difficult to convene meetings and other national issues are likely to take precedence over environmental issue. It is important that environmental issues are addressed under a single Ministry. In this way it will be easier to monitor progress.

1.2 REDRESS OF PREVIOUS MISUSES

The statutes must redress the previous misuses of the natural resources and in particular, it must address land-use planning. This could be done, for example, by reallocation of resources though stating the maximum land area an individual may hold. There must not be any hesitation to take a policy which will promote conscious planning and re-planning of unplanned settlements.

1.3 ENVIRONMENT IMPACT ASSESSMENT

The absence of environment impact assessments underlines a policy pursuit which is more conscious of development than the impact of the development on the environment. The national environment statute should change this approach. Environment impact assessments must be required for every project before it is implemented. The national environmental statute must make provision for assessments as a prerequisite of every project.

1.4 PENALTIES

The statutes must secure proper implementation and enforcement mechanisms. Options could here be exploited. Some environmental measures will be properly controlled if the target group is limited. This could be achieved by a permit/licensing/leasing system followed by monitoring. Other measures may be properly maintained through some form of economic incentives and assistance. The incentive could be in the form of subsidies, compensation, provision of tools, reimbursement or tax relief. There are given situations where coercive measures should be used. The law should specify situations where penalties will follow non-compliance.

1.5 CONSOLIDATION

The National environmental statute should consolidate all issues which pertain to the environment, physical and natural. No aspect of the environment should be made subject to external laws nor should any institution be exempted from the application of the law. Consolidation will solve the problems of overlapping of legislations, duplication, disparities and will promote harmonization.

1.6 ENACTMENT OF REGULATIONS

Unlike the practice which is generally adopted of enacting a law, setting its commencement for a later date and having its regulations formulated even much later, the national environmental statute should take effect from date of publication. Regulations must be promulgated simultaneously with the main statute.

1.6 PUBLIC PARTICIPATION

The national environmental statute should set up environment units in districts which should, at village level, work with Chiefs and elected representatives of villagers.

2. POLICY

2.1 PUBLIC AWARENESS

2.1.1 EDUCATION

The policy must address public education on environment and land-use planning issues. It is with proper education and understanding and appreciation of the importance of proper implementation of laws that people's participation will be effectively secured. Provision could be made to have environmental awareness as part of schools curriculum.

2.1.2 LANGUAGE

Environmental legislation is meant for both the technocrats and the general public, the latter being the largest recipients. As stated earlier, the majority of Basotho are not conversant with the English language. It is therefore imperative that both languages are used so that the law is understood by those to whom it is directed. Some of the major problems presently experienced find their root in ignorance.

2.2 DISTRIBUTION OF RESOURCES

Public awareness goes hand in hand with equitable distribution of resources. When people become more aware of how a system has to operate they also become more aware of inequalities. There is presently an unbalanced distribution of natural resources especially land. The policy and the law should strive for a more balanced and equitable distribution of land .

The Government must come up with a policy which addresses the underlying problem of unplanned settlement. More attention should be given to the development of the rural areas. This will hopefully lessen the pressure on the people to come to the towns. When the problem of unplanned settlements is solved then the relevant authorities will be able to concentrate on other matters as provision and equitable distribution of services. This would also solve such problems as water pollution.

2.3 POSITION OF CHIEFS

The position of chiefs must be sensitively addressed. The law should address "cooling of" periods which are indirectly given by the Land Act. If the policy is to deprive chiefs of their traditional allocation powers, title documents previously used should be immediately converted and new title documents, not emanating from Chiefs must be issued. The position of the chiefs must be viewed against their influence in the administration of law, especially in the rural areas.

2.4 PUBLIC PARTICIPATION

Decentralization is the core of proper administration. Decentralization facilitates public participation in decision-making as well as providing the people with readily available machinery. The government must adopt a policy which promotes public participation.

3. OTHER ISSUES

3.1 WOMEN

The issue of rights of women is presently being debated. Lesotho's economic disposition cannot afford the sidelining of the female population. Their role in the economic development cannot be denied. The Land Act took a lead in attending to the gender issue in land allocation. What is now required is that the Deeds Registry Act and banking laws must be amended to facilitate effective participation of women in land-use planning and environmental issues.

3.2 ADMINISTRATION

Commissions and boards presently administering environmental law lack financial and political support. The law must set up funds to give financial assistance to them. Political support cannot be legislated but a provision must be made to eliminate political interference and corruption in the implementation and administration of the law.

1.4 CONCLUSION

It is one's sincere hope that this study will make a contribution to the solution to Lesotho's problems relating to environmental protection and land-use planning. The problems are serious and should be given immediate attention.

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76. Witzsch, D. Lesotho environment and environmental law, (Moriya Printing Works Morija 1992) p.35
77. Witzsch, pp. 46-7
78. Source: Kumar, Faculty of Law National University of Lesotho
79. Local Administration Act 13 of 1969, Section 54 (k)
80. Legal notice 84 of 1981
81. Section 74 (1) (c)
82. Road Traffic Act 8 of 1981, Section 74
83. Section 75
84. Road traffic Regulations, Section 73 (1) (a)
85. Section 56 (r)
86. Mining Rights Act 41 of 1967, Section 2
87. Section. 4
88. 43 of 1967
89. Section 5(1)
90. 4 of 1981
91. p.10
92. Source: Mpooa, Department of Mines and Geology
93. Source: Mpooa
94. 41 of 1967
95. Section 42 (1)
96. Section 51
97. S.50 (6)
98. Ambrose (fn 19) P.35
99. 41 of 1967
100. Section 3
101. Ss 9 (1) & 10 (1)
102. Act 7 of 1969
103. Section 36 (6)
104. 11 of 1975
105. Government Notice 34 of 1970
106. Source: Letsie, Maseru City Council
107. Ambrose (fn 19) p.35
108. Witzsch (fn 76) p. 269

- 109. Witzsch p. 270
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ANNEX A

LIST OF PEOPLE INTERVIEWED

1. Kumar, Prof. Faculty of Law, National University of Lesotho
2. Letsie, Mr. Chief Engineer: Maseru City Council
3. Maema, Dr. Director: Department of Environment, LHDA
4. Makhakhe, Mr. Director : Department of Environment, Ministry of Natural Resources
5. Masilo, Mr. Chief Engineer, Water and Sewerage Authority
6. Masoabi, Mr. Department of Lands
7. Mashinini, Mr. Department of Geography, National University of National
8. 'Mota, Mrs. Director: Division of Soil Conservation, Ministry of Agriculture
9. Mpooa, Mr. Director: Department of Mining
10. Ramonaheng, Mr Chief Engineer: Department of Roads
11. Sekhesa, Mrs. Head: Department of Physical Planning