



LRC

Legal Resources Centre

For Immediate Release: 28 May 2015

On Wednesday, 27 May 2015, the Legal Resources Centre (LRC) appeared in the Lesotho High Court in an application on behalf of our client, International Rivers, to be admitted as *amicus curiae* (friend of the court) in the matter between *Khabang Lejone Multipurpose Cooperative Society (cooperatives) v Lesotho Highlands Development Authority*.

Our application was successful and International Rivers was admitted.

The case concerns the question of communal compensation owed to the many communities, represented by cooperatives, affected by the Lesotho Highlands Water Project. It is acknowledged by both parties in the matter that the affected communities are entitled to compensation from the Lesotho Highlands Development Authority (LHDA) in terms of the applicable legislation.

Millions are owed to the many communities affected by the water project but the LHDA has withheld payment for over ten years due to the communities' failure to account for previous monies received.

However, their failure to account for monies spent should not preclude LHDA's obligation to the communities.

International Rivers and the Legal Resources Centre will not be making any submissions relating to the merits of the matter. However, we intend on making submissions relating to:

1. The infringement of various provisions of the Lesotho Constitution, including the communities' rights to obtain prompt payment of compensation and their rights to economic opportunities from the state.
2. The definition of compensation and the LHDA's obligations towards the communities and other similarly constituted groups. These obligations are not restricted to the payment of communal compensation, but include, broader obligations such as providing communities with the necessary training and skills development to enable them to comply with the various policies on compensation, such as proper accounting and management of funds.

The view of International Rivers and the LRC is that compensation excludes purely symbolic amounts of money. International, regional and domestic

provisions will be considered in this regard; particularly the communities' right to development, as enshrined in the African Charter on Human and Peoples' Rights.

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