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The Independent Recourse Mechanism (IRM)

African Development Bank

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Communities Complaint Against African Development Bank Project in Lesotho

We write to you to submit a formal complaint against an African Development Bank (AfDB) project in Lesotho causing environmental and social harm to communities and threatening to cause even greater harm if issues identified are not addressed immediately. The details of the project and the harm are detailed below.

1. The Complainants & Impacted Communities

We are 37 Human Rights Defenders living in and representing 18 village communities living on or around the Project affected area. We are duly elected by our respective communities, namely Ha-Phohla, Ha-Tlhakola, Ha-Konki, Namoha, Malubalube, Ha-Ramonakalali, Masakong, Tloha-re-Buoe, Kanana Mabothing, Kanana Khatleli, Lilimala, Tsekong, Makalong, Bokone, Makhoaba, Morojeleng, Ha-Ramoruti and Litsotsong- to assert, articulate and demand their rights.

Our names and contact details are attached as annex 1 which is a testament that we collectively consent to the contents in this complaint and are filing this complaint on behalf of ourselves and our respective communities. We also attach annex 2, which is the list of community members that were present and voted for us to represent the communities in this process.

The impacted communities, forming approximately 1600 people, are primarily rural, pastoralist, and farming communities. The impacts caused by the project include social and economic displacement, environmental damage, gender-based harms, loss of biodiversity, and labor-related issues. Specific details are described below. Many households are vulnerable, including women, elderly people, and youth who have been disproportionately affected.

2. Advisors & Representatives

Our advisors are [Seinoli Legal Centre](#) (SLC), a public interest law organisation based in Maseru, Lesotho. SLC's mission is to support communities affected by large-scale infrastructure development projects to assert, articulate, and demand their socio-economic, land, and environmental rights through legal empowerment, advocacy, and strategic litigation.

We are also advised by [Accountability Counsel](#) (AC), an international organisation that amplifies the voices of communities around the world to protect their human rights and environment. As advocates for people harmed by internationally financed projects, AC employs both community-driven and policy-level strategies to help affected communities access justice.

With the assistance and guidance of both SLC and AC, we have been able to compile and submit this complaint. We attach annex 3, which is the formal agreement between us and the advisors to confirm that we have authorized them to engage with the Independent Recourse Mechanism of the African Development Bank (AfDB IRM) and for related purposes with the aim of supporting us to access remedy for harm associated with this project.

For purposes of communicating with us, kindly use the following contacts of advisors and representatives. We kindly request that you copy advisors on all correspondence. Communication by email is preferred to ensure that all relevant communication can be relayed to community representatives.

Name	Email	Phone	Country of Residence
Mosa Letsie	mosa.letsie@seinoli.org.ls	+266 59721411	Lesotho
Lerato Rabatho	lerato.rabatho@seinoli.org.ls	+266 62594073	Lesotho
Robi Chacha Mosenda	robi@accountabilitycounsel.org	+254 726235536	Kenya
Teresa Mutua	teresa@accountabilitycounsel.org	+254 738494527	Kenya
Community representatives	mokhotlong.reps@gmail.com		

3. The Project

The AfDB project that we are concerned about is the [Lesotho Highland Water Project Phase II \(LHWPII\) - Polihali Reservoir & Associated Infrastructure](#). This project is a large-scale binational infrastructure initiative between Lesotho and South Africa, designed to increase water transfer from Lesotho to South Africa while also developing hydropower capacity and increasing revenue for Lesotho. The key components of Phase II include the construction of the Polihali Dam, a water transfer tunnel to expand Lesotho's ability to supply water to South Africa's Gauteng region, and related infrastructure including feeder roads, bridges, and power supply.

The 18 communities named above are currently affected by a range of major advance infrastructure works carried out to make way for the construction of the Polihali dam. These include the construction of the Polihali Dam and its appurtenant works, the Polihali–Katse transfer tunnel, the Polihali North-East Access Road (PNEAR), and the upgrading of an existing gravel road serving as the initial access route to the Polihali area. Additional works include the Polihali Western Access Road (PWAR), a newly constructed asphalt-surfaced road providing the main access from the A8 near Ha-Seshote to the dam site, as well as bulk power supply infrastructure, telecommunications networks, and the development of campsites and office facilities. The Polihali Dam itself entails the construction of a 163-metre-high concrete-faced rock-fill dam located approximately one kilometre downstream of the confluence of the Orange Senqu and Khubelu Rivers, along with a 38-kilometre water transfer tunnel designed to connect the Polihali reservoir with the existing Katse reservoir.

African Development Bank (AfDB) Involvement¹

The AfDB is one of the key financiers of the project, providing funding specifically for the Polihali Dam and water transfer tunnel construction.

- **Project Name:** Lesotho Highlands Water Project (LHWP) Phase II
- **Project Number:** P-ZA-EA0-004
- **Approval Date:** October 5, 2021
- **Loan Amount:** UA 53.94 million (approximately US\$86.72 million)
- **Project Duration:** Expected completion by 2028

¹ Per information from various pages on AfDB website including - <https://www.afdb.org/fr/documents/multinational-lesotho-south-africa-lesotho-highlands-water-project-lhwp-p-z1-ea0-011-esia-report-polihali-western-access-corridor> and <https://afdb.africa-newsroom.com/press/multinational-african-development-bank-approves-8672-million-loan-to-boost-water-security-and-socioeconomic-development-in-south-africa-and-lesotho?lang=en>

Implementing Agencies

- **Lesotho Highlands Development Authority (LHDA)** – The implementing agency overseeing the project in Lesotho.
- **Trans-Caledon Tunnel Authority (TCTA)** – The South African entity responsible for managing the water transfer infrastructure.

4. Project History & Impact

The LHWP was established through a treaty between Lesotho and South Africa in 1986, under the apartheid government of South Africa and the military regime in Lesotho. The project is being executed in phases:

- **Phase I** (1990-2004) saw the construction of Katse and Mohale Dams, along with tunnels supplying water to South Africa.
- **Phase II**, launched in 2011, includes the construction of the Polihali Dam, tunnels and related infrastructure.

The project has led to forced displacements, impact on the livelihoods due to lack of adequate compensation of communal and individual land as well as prompt compensation of household assets, environmental harm, cultural disinheritance, gender impact due to lack of gender and safeguarding policies among other issues. These legacy issues remain and have not been fully addressed within the current project.

5. The Nature of the Harm & Connection to The Project

We are concerned that the AfDB project has caused and will continue to cause substantial environmental and social harm to the impacted communities. We are specifically worried about:

- a. A lack of meaningful and inclusive consultation
- b. Physical displacement from our homes and land
- c. Delayed and inadequate compensation for loss of individual and communal land and assets
- d. Loss of access to communal land and natural resources
- e. Loss of access to biodiversity
- f. Environmental, health and safety impacts
- g. Labor related issues
- h. Gender-based harms
- i. Threats and reprisals

These concerns will be addressed in more detail below;

a. A lack of meaningful and inclusive consultation

Lack of transparency and timely information in compensation and relocation processes

Overall, we are supportive of the Phase II of the project, and its intended objectives. However, and despite several attempts to ask for key information, we are disappointed that we still do not have adequate information concerning the implementation of the project and how it affects us. We are therefore not able to make informed decisions about compensation and relocation, and are not able to participate fully in decisions that affect our lives, land and environment. We are already experiencing harm associated with advanced infrastructure works, and are concerned that if left unresolved, these harms will increase and become irreversible as the project continues.

For example, **a pre-blasting assessment**, including photographic documentation of property conditions should have been conducted to establish a baseline. However, no such assessment took place in Ha-Konki, leaving affected households without evidence to support claims of damage caused to property by blasting. Despite visible damage, LHDA's contractor, SUN JV, continues to deny the harm they have caused through blasting and taking accountability to remedy the harm.

In Ha-Phohla, those of us identified for relocation were told we would be moved to areas such as Motejoaneng, Makaoteng (Tkalatsa), Ha-Ramoruti (Sekhutloaneng), and Letsaneng. The majority of us selected Ha-Ramoruti (Sekhutloaneng) as our preferred site, not because we were familiar with the area, but because we were advised to do so by LHDA. To this day, however, we still do not have adequate information about the availability of basic services or resources in that area to determine whether it will be able to support our livelihoods and families.

Most of us are not aware of the details of compensation. We mostly get a document that says how much LHDA is going to pay, but we don't know what they are paying for. We don't know how much land has been taken by the project and what remains. We also don't know how the rate of compensation has been calculated. This makes it difficult for us to know if the amount is adequate or not. And if we don't sign or ask too many questions, we risk not being compensated at all.

In Phohla-Masaleng and Phohla-Majakaneng, for example, we were not consulted on compensation rates and are yet to receive copies of our files. Similarly in Tsekong, Konki and Litsotsong, we were not consulted on compensation rates or informed on the value of our assets; we were compensated without the opportunity to verify our asset inventory registration files.

The relocation and resettlement process, though promised on multiple occasions, has been delayed again and again, without any clear timeline or accountability. The compensation for resettlement is also not transparent. In Tsekong, Ha-Konki and Litsotsong, we were told we will receive M65,000.00 (Sixty-Five Thousand Maloti) as compensation for resettlement. However, this amount was not discussed with us beforehand, and we were not given any breakdown of how this figure was calculated or came about. It was imposed on us without adequate explanation or consent. From our perspective, this amount cannot possibly compensate for everything we are losing: our land, our sources of income, our autonomy, and our social fabric.

Since as far back as 2018, we have repeatedly requested that LHDA disclose the basis for these rates. However, LHDA has consistently maintained that the compensation is based on a “complex formula” but has neither disclosed this formula nor explained it in simple terms that we can understand. This lack of transparency disproportionately disempowers already marginalized community members, many of whom have limited formal education, making it impossible for us to independently assess whether the compensation we are receiving is just or lawful.

Further compounding the issue is LHDA's ongoing failure to consistently and promptly furnish us with copies of signed compensation/resettlement agreements or documentation confirming the transfer of asset ownership. This lack of transparency has had far-reaching consequences, particularly for vulnerable groups such as women. For instance, an elderly widow from Tloha-re-buoe co-signed an Asset Verification Form and a Compensation Entitlement Form with her late husband between January and February 2018. At the time of signing, she and her husband had long been separated, a fact she clearly disclosed to LHDA. LHDA assured her that she would be kept informed and would receive relevant documentation, including any compensation entitlements due to her, only to discover later that LHDA had disbursed the full compensation into a bank account held solely in her husband's name, without notifying her or obtaining her consent. She had to resort to initiating legal proceedings to obtain a share of the compensation. We attach annex 4, which are similar letters from other community members who were forced to take the same step, legally requesting access to documentation that should have been provided as a matter of course.

In some cases, the compensation amounts deposited into bank accounts do not match what we understood and believed we had signed for. Due to the lack of documentation and limited financial literacy on our part, some community members accept whatever amount is deposited, simply because we are unsure of the correct entitlement or feel unable to contest it.

Additionally, as the affected communities, we are frustrated by LHDA's approach of sending to us personnel/officers who are often ill-equipped to provide answers to pressing questions and concerns. These consultants frequently promise to return with responses but never do, leaving community members feeling ignored, disempowered, and excluded from matters that affect their livelihoods and well-being. This lack of genuine consultation and accountability has further deepened distrust and frustration, highlighting the urgent need for transparent, inclusive, and responsive engagement between LHDA and affected communities.

Forced relocations, no consultations

When it comes to relocation, the only thing we know is that we are meant to be relocated. But when, to where, how- all that is not clear. We are not consulted on where we would like to be relocated to. Most of us are unhappy with where we have/are being relocated to, but we have little choice in the matter. We are given specific areas chosen by LHDA as areas of relocation and we have to choose from that list, whether we like the areas or not. We are not given a choice as a relocating community to choose an area which we prefer for relocation.

In Masakong and Ha-Tlakola communities for example, we have tried to raise our voices and request to be relocated close by- near our own agricultural land, land that has belonged to us for generations. A meeting was held with LHDA on the 5th of March 2025 to discuss these issues. We believed this would be fair, especially after we saw some of that land being turned into residential plots for others. However, LHDA refused. When we went to the Seate Community Council to try and formalize the land use, we were told that the Minister had rejected our application. We were never consulted. We were never given a clear explanation. It feels as if our needs simply do not matter. For us, this is not just a matter of relocating houses. It is about losing livelihoods, identity, and security.

In Ha-Phohla, during the initial site selection process in 2024, we were led to believe that we could choose from different relocation areas that LHDA had proposed. So a majority of us chose Ha-Ramoruti (Sekhutloaneng)- only for LHDA's consultant Lima-Thaha to return and inform us that Ha-Ramoruti (Sekhutloaneng) would no longer be developed, due to high infrastructure costs and lack of access roads. We were then asked to select from alternative sites, which were less desirable to many of us. This shift was frustrating, as it contradicted earlier promises of a participatory and fair process. It left us feeling that our preferences and voices had not been respected.

A conservative and rigid Social and Environmental Impact Assessment- and response

The [Assessment](#) failed to comprehensively include crucial impacts caused by all the activities of the project. Which means that there are communities that are excluded from the process. It also means that there are impacts not included in the assessment, and that risks there not being adequate mitigation or remediation plans to address the issues. Below are some examples:

Due to construction activities, particularly road works, the pressure from heavy machinery and excavation displaced large rocks, which were thrown into our agricultural land. These rocks have obstructed farming activities, making it impossible for some of us to continue cultivating the land. The affected plots can no longer be used productively, and no rectification measures or alternative land or support has been provided to restore agricultural livelihoods.

Moreover, construction of access roads to project sites has blocked pathways we previously used to access our land- despite those fields not being directly impacted by the project. As a result, we cannot cultivate or harvest our crops, severely affecting our livelihoods and food security. This situation has placed considerable economic strain on households that rely on subsistence farming for survival. The lack of alternative access routes has also led to increased physical hardship, forcing some of us to take long and unsafe detours to reach our land.

These constructions have altered the natural flow of water across the land. Water now floods into our fields, making them waterlogged and unsuitable for ploughing. In some instances, floodwaters have washed away entire yields, destroying crops that families depend on for both food and income. This has happened without warning, and without any remedial measures put in place.

We have repeatedly raised these issues with LHDA. We attach annex 5, which are copies of complaint letters sent to LHDA. Despite these efforts, LHDA has not responded, and none of the issues we complained of have been addressed or resolved.

In Ha-Konki, one of the serious concerns involves the continued trespass of contractor trucks through our agricultural fields. These fields remain our primary source of livelihood, and yet they are being used without our permission and without compensation. The land has not been officially acquired by the LHDA, neither temporarily nor permanently, but it is being treated as if it were no longer ours. LHDA contractors, working at the quarry construction site located near the Tsekong community, drive through our fields, disrupt our farming routines, and destroy crops in the process. One woman in our community shared how she confronted a truck driver who was driving through her field without consent. The gentleman dismissed her concerns, offering her a 1kg bag of mealie-meal, some cooking oil, and a packet of sugar beans as a form of appeasement. Out of desperation and powerlessness, she accepted. This encounter shows the power imbalances we face. It highlights the economic vulnerability that many of us endure, where our rightful claims are reduced to handouts, and our dignity is disregarded.

Additionally, as a community, we are apprehensive about the future of Ha-Konki itself. Based on the position of the impact markers (meoloane), we believe our village is likely to become an island once the Polihali dam is filled. We have raised this concern with LHDA, which assured us that bridges and access infrastructure would be provided. However, many of us remain unconvinced based on LHDA's tendency of making promises it fails to honour. Most of all, we fear being cut off from services and support. We strongly insist on relocation, fearing also that the cold, damp environment will negatively affect our health and quality of life as it is likely to bring harsh conditions, particularly for children, the elderly, and people with chronic illnesses. Attached as annex 6, is a copy of a community complaint letter stating the same, but we have not seen any meaningful action from the LHDA.

In Ha-Phohla community, one of the 4 villages (Sekoting) has been excluded by LHDA from relocation because it is outside the white impact zone (area marked by LHDA where the dam will be built). This decision leaves only four households in Sekoting, each headed by elderly widowed women (see picture below). Despite their advanced age, limited mobility, and lack of immediate support systems, they have been informed that they will not be relocated.



Figure 2: women heads of household in Ha-Phohla

Throughout 2024, we made multiple attempts to engage LHDA and request that these women be included in the resettlement process. Unfortunately, those efforts were unsuccessful, and no explanation or alternative support arrangements have been offered. Leaving them isolated and unsupported puts their lives, dignity, and safety at risk. It renders them vulnerable to gender-based violence, break-ins, theft, and loneliness. They will be left without anyone to help them fetch water, gather firewood, or access medical care.

In Musong, a similar situation exists. Only three households are expected to remain, while everybody else gets relocated. And these three households are also headed by elderly widowed women with disabilities. Due to their health conditions, these women were unable to attend LHDA-community consultations. These women have been excluded from the relocation plan because their properties are technically outside the project's defined footprint, even though they live in close proximity to those being relocated. This rigid approach does not adequately consider the full context of their vulnerability and dependence on community support.

Few and excluding livelihoods restoration plans

The few attempts at restoring livelihoods have been unsuccessful. For example, in Sekokong, a potato livelihood project has been initiated, but its benefits are limited to a select group of individuals. Similarly, in Masakong and Tloha-re-buoe, livelihood restoration projects appear to benefit only certain people, raising concerns about fairness and inclusivity.

b. Physical displacement from our homes and land

Deeply flawed resettlement plans have led to physical and economic displacement and harms to quality of life.

To us, the resettlement process by LHDA is haphazard and delayed, causing us even more harm.

LHDA approached some of us and told us we would be relocated. They told us to stop growing crops, putting up infrastructure or using our land in any way, because we would be relocated soon to pave the way for the project. But that was over a decade ago and to date most of us have not been relocated. In Litsotsong, we had been living in deteriorating conditions for years before being relocated. LHDA first informed us of our resettlement as early as 2011, and we were explicitly told not to make any improvements to our homes because we would not be compensated for any upgrades. As a result, we were forced to live in broken, unsafe structures for over a decade while waiting for relocation that came much later and in poor form. We were relocated in unfinished structures, which posed danger to us as construction work continued to take place in our presence. This was following one serious incident that occurred in around July 2024, when large rocks flew from the quarry site during a blasting operation and landed directly in a community member's yard. The force with which those rocks hit the ground could have caused fatal injuries had anyone been outside. LHDA was notified immediately, but no action was taken. The same issue was later raised with the United Nations Office of the High Commissioner for Human Rights during their visit to Tsekong in August 2024. It was only after this international engagement that the matter seemed to be taken seriously, and shortly afterwards, we were relocated, some of us to Makalong, others to Lilimala. Here is a picture showing the condition of our homes before the relocation:



Figure 1: Litsotsong community houses before relocation

In Ha-Tihakola, Ha-Konki, Tloha-re-bue, Masakong, Makhoaba, Tsekong and Sekokong, we have not been relocated despite being affected already. We have not been able to grow any crops or improve on our land, thereby incurring costs for food for us and our livestock. Across all the affected communities referenced in this complaint, agricultural fields have been severely impacted by road construction and electrical installations connected to the LHWP II. These fields are not just parcels of land; they are our primary source of food, income, and survival.

Around 2012/2013 in Ha-Phohla, the LHDA informed us that our entire land would be submerged as part of the LHWP Phase II, placed white impact markers (meoloane) to demarcate the area and said all of us would be resettled. In 2016, however, LHDA returned and informed us that, following additional studies, only part of our community would now be resettled, while the rest would remain. This unexpected reversal has had a significant impact on our community's sense of security, social cohesion, and ability to make informed decisions about our futures. The partial resettlement of our community is already causing divisions between households designated for relocation and those who are not. These divisions were not caused by our choices, but by the way policy has been applied. As a result, our community fabric is being stretched and weakened, and our most vulnerable members, particularly elderly women, widows, and people with disabilities, are being placed at increased risk of marginalization.

Many people have not been resettled despite facing grave impacts to their health, safety, and livelihoods as a direct result of project activities

The Tsekong, Konki, and Litšotsong communities are located within the perimeter designated for the construction of the Polihali Dam. In line with the project's own safeguards and initial consultations, it was agreed that all households in our community would be relocated and resettled **prior** to the commencement of any construction works. However, despite these assurances, we remain in our community today, living amid active blasting activities, heavy dust, and encroaching construction.

In Tsekong and Ha-Konki, we are deeply concerned about the structural damage to our homes caused by blasting activities, related to nearby quarry mining operations spearheaded by LHDA's consultant SUN JV. This matter has been reported to LHDA through our community committee representative and the concerned LHDA's consultant SUN JV, all in vain. There are no repairs made on our houses to date. Our frustration is further heightened by SUN JV's denial of responsibility without providing a clear justification.

In Sekokong, the construction of Senqu Bridge, the largest bridge in LHWP Phase II, is currently underway and nearing completion. However, LHDA is yet to resettle those of us living in close proximity to the construction site, despite initially committing to relocate us prior to the start of construction. As a result, we are now enduring significant hardships, as ongoing construction activities, particularly blasting operations are causing serious structural damage to our houses. Only superficial repairs are made by LHDA which do not resolve the underlying issues and thus rendering the property unsafe for habitation.

In communities such as Tloha-re-buoe, Kanana-Mabothong, and Makhoaba (including Masalla and Ha-Maotoana), we have experienced serious property and structural damage, particularly from the tunnel construction linking the Polihali Reservoir to the Katse Reservoir (in the case of Tloha-re-buoe), and the road construction and upgrades connecting Polihali to Ha-Seshote that pass through our villages (in the case of Makhoaba). As construction progressed, especially during blasting and excavation activities, rocks were thrown into our yards and homes, damaging walls, roofs, and foundations. Vibrations from the construction works and tunnel boring have caused extensive cracks in many of our houses, rendering them unstable, unsafe, and in some cases uninhabitable. We are living in constant fear that our homes may collapse, posing serious risks to life, especially for children and the elderly. When we reported these damages to LHDA, we were told that the houses would be fixed. However, to date, no repairs have been made. The damage from the blasting and road construction remains, and so do the risks. LHDA has made repeated verbal promises that repairs would be carried out, but these commitments have not been fulfilled. In the meantime, our homes continue to deteriorate, and we are forced to live in unsafe and undignified conditions. Attached as annex 7 are copies of complaint letters written to LHDA by community members, yet no response has been received, and the issues raised remain unresolved.

In Ha-Phate, there are only 16 elderly people living there, and 99% of our pastural land is going to be covered by dam water. We have not been compensated for communal land and trees which were affected at the start of Polihali project in 2011. Since then we have not had access to these resources nor given any alternative while waiting for compensation.

Areas of relocation create more hardship, they do not feel like home

Some of the areas designated for relocation already lack water and proper sanitation. Those of us in Tsekong were informed that we will be relocated to Lilimala and Makalong. In both areas, water is scarce. Even before relocation, we know that these areas struggle with water availability, particularly during hot weather. The water in Tsekong, though currently polluted from the dust from the blasting activities, is generally sufficient for our needs. However, in Makalong and Lilimala, the water sources tend to dry up completely during warmer months. This means that women and girls will be forced to walk long distances in search of water, exposing them to heightened risks of gender-based violence. For children, this may mean missing school in order to help collect water. Although LHDA has promised to install household water tanks, we have grown sceptical. We have witnessed too many promises that have never materialized. Without implementation, these promises only increase our vulnerability and anxiety about the future.

Additionally, we also used to sell wood for fuel, earning an income by selling bundles for M50.00 each. This small but meaningful livelihood activity helped us meet basic household needs. Relocating to areas without sufficient access to trees and fuelwood will not only cut off this income stream, but also make daily cooking more expensive and difficult, especially for households led by elderly women or single mothers.

In Litsotsong, communities are being moved to rocky and sloppy areas, not conducive for farming and herding- and have no choice on the matter. The relocation itself was rushed and poorly executed. We were moved into homes that were not ready for occupation. LHDA had promised us water tanks, electricity, fertile soil for gardening, chicken nests, and laundry lines. None of these have been delivered. Even the toilets that were constructed are unsafe, and during rainy periods water seeps into them, making them unusable. Additionally, the new houses are not designed with the needs of elderly people and persons with disabilities in mind. The steps leading into the houses are high and steep, posing a serious accessibility challenge. Many of our elders and persons with disabilities already struggle to navigate them, and the situation will only worsen as time passes.

c. Delayed and Inadequate compensation of individual and communal land and assets

Unfair, delayed and insufficient compensation

In communities such as Tsekong, Haramonakalali, Masakong, Kanana Mabothon, Sekokong, Makhoaba, Tloharebue, Lilimala, Kanana Khatleli, Ha-Tlhakola, Litsotsong and Malubalube we were not compensated promptly. For those that finally received it, compensation came a long time after our assets were acquired, leaving us with no alternative means of living. Some of us have still not received compensation to date. We fear that LHDA's compensation delays may be designed to create vulnerability and desperation so that when compensation, however unfair or inadequate, finally arrives, we accept it without protest, simply out of poverty and necessity. This was the case for some of us who were relocated around Mokhotlong – far from our current homes. We received just over \$1 US Dollar as compensation for being resettled- a huge gap between the compensation package given by LHDA and the realities of the losses we have suffered.

LHDA used a compensation period of 50 years while computing compensation for communities in Ha-Tlhakola Village- contrary to the Land Act 2010 which prescribe 90 years.

In Kanana-Mabothon and Popa, we are concerned about how the compensation rates were calculated as it does not reflect the market value of our assets. In 2023, we were told that the compensation rate would be M23.00 per square metre, and in 2024, that drastically changed to 98 lisente (98 Maloti Cents) per square metre. We were not consulted regarding this drastic change; the 98c rate was unilaterally imposed, without explanation, negotiation, or consent. Some of these lands were taken back in 2020, yet no compensation has been paid to date. The compensation offered does not reflect the actual value of what has been lost, nor does it take into account the cumulative cost of waiting years without redress. Some of us were explicitly warned not to plough our fields while awaiting compensation, effectively stripping us of our only means of survival. As time passes, these delays have led to increased food insecurity, deepening poverty, and social vulnerability, conditions that are entirely avoidable had timely and fair compensation been provided.

Attached as annex 8 are letters of complaint from across communities. These letters raise various concerns, including the unfairness, inadequacy, and delayed disbursement of compensation. One such letter is from Mrs. Matisetso Leluka of Liphofung, Makhoaba, whose property has been affected since 2020 and who, to this day, has not received any compensation. This failure to compensate, whether for land loss, delayed payments, or destruction of property, has not only displaced our families economically but has also undermined our ability to live in dignity and feed ourselves.

d. Loss of access to communal land and natural resources

As farmers and pastoralists in Ha-Tlhakola, Masakong, Tloharebue, Haramonakalali, Kanana-Mabothong, Malubalube, Sekokong, Makhoaba, we have lost grazing land, access to natural resources, and income sources, worsening poverty. LHDA has failed to provide alternative pastures, animal feed, or income restoration plans.

In Masakong and Ha-Tlhakola for instance, we no longer have access to grazing lands, due to high fences erected by LHDA around 2022-2023. While LHDA promised to provide us animal feeders as an alternative to grazing lands, these have not been provided, leaving our livestock, one of our few remaining sources of livelihood, under threat.

We have also lost access to wood for cooking, which we used to get from the forest. Now that LHDA has fenced them off, we are forced to buy cooking gas and paraffin which are expensive means of cooking, making our daily lives harder in ways we never imagined.

This is the same in Morojeleng, Bokone, Namoha, and Haramonakalali villages. We have lost access to our grazing fields which have been confiscated with little or no compensation.

e. Loss of access to biodiversity

Loss of access to forests that contains medicinal plants and trees

In Tsekong, we had two pastoral lands that had medicinal plants, useful grasses, wild birds, different fish species, wild animals, wild vegetables, and firewood. In 2018, one of the lands was taken away for the construction of the tunnel, and in 2023, the other one was taken away for quarrying. We do not have documentation from LHDA showing us the compensation amount or how it was calculated. We had various natural resources found on these lands which the community used daily, and now they are gone, without compensation or alternatives. There is no indication as to when they will be compensated. Several attempts through meetings with LHDA, in the presence of DA, area chief and councillor were held to lodge complaints but only promises were made by LHDA to avail the documentation, but this promise has not materialised to date.

In Haramonakalali, 6 of our pastoral lands are affected by different components of the project. These include construction camps, substation, access road and quarrying. We use soil from these lands to plaster our houses, wild grasses for roofing our houses, wild vegetables and plants for healing and medicine. It was also grazing land for our livestock and a place we could get firewood for our households and to sell. We do not have documentation to show us what will be compensated and so we do not know the value of it- whether it is fair or not.

In Masakong, 9 portions of our land is affected by different components of the project spanning from the access road to camps, quarrying, buildings, dam wall, fencing wall and fencing. We had wild vegetables, medicinal plants, wild grasses for roofing, natural springs, trees including for firewood and caves. Due to shortage of grazing of land, we asked to be resettled, however the LHDA told us that in the new strategy, we are not meant to be relocated. That each household would receive an amount of R190,000.00 in compensation- but how was this calculated? Why are we not being resettled, yet we have been irreparably affected? Our resources are gone and we have no alternative.

Similarly in Tloharebue, 5 parts of our land is affected by the access road, tunnel construction, camps, and the other is going to be covered by dam water. In that land, there was firewood, medicinal plants, wild vegetables, grazing grass, wild grasses for roofing, wild animals, wild fruits, soil used for painting, sand, clay for making pots and other things, natural springs and a river where we did our laundry. Now all that is gone. These are huge lands we have lost, but we are not even able to tell exactly how much of it has been taken. Or even the value of it. So how will we know if what LHDA gives us is fair considering all we have lost?

Loss of a bird species that brought tourism and holds particular cultural significance to the community

While we have many birds in our community, the Mokhotlo (southern bald ibis) is one that is unique to us and of significant cultural importance- it is where the name Mokhotlong was crafted from. This species is no longer common in all of Mokhotlong as it used to be, so we have always been careful to protect them and live in harmony with them. Specifically, we had a specific spot that the birds would breed. It was their home. We benefited from this because tourists would come from far and wide to see the birds and we could support our livelihoods.

But during the project, LHDA moved the home of our birds and took it outside of our community. So not only have we lost the heritage and cultural pride of having the birds, but we have also lost the livelihood that came from tourism of the bird species. We would like for LHDA to return the home of the birds so they can breed here. Alternatively, to compensate us and provide alternative ways of getting livelihoods.

f. Environmental, health and safety impacts

Air pollution

Communities near construction sites, including Tsekong, Ha-Maotoana, Haramonakalali, Litsotsong, Tloha-re-buoe, Masakong, Ha-Tlhakola, Ha-Konki and Sekokong, experience air pollution and dust-related illnesses due to quarry blasting. We have to breathe polluted air caused by the smell of the blasts.

In Ha-Maotoana, we are affected by dust pollution caused by blasting and movement of tracks near or on our land since we have not been relocated. We have raised concerns with LHDA and its contractors that children in the community have started experiencing eye problems as a result of the dust from blasting activities, but LHDA has denied liability and has provided no help to remedy the situation.

Reduced access to clean water

Sometime in 2018, one of LHDA's contractors broke the water pipes serving our community and never came back to fix them. The water we fetch from alternative springs is sometimes polluted.

People waiting outside the Polihali site to seek jobs do not have access to toilets- so they relieve themselves near water points, causing pollution to the water. The waste from the Polihali site is not properly managed, and it sometimes flows into the same river we use to drink, cook, and wash, posing health risks to us.

The ongoing construction of the project has closed off paths that led to some of the springs, and LHDA has not provided alternative water sources for us. We have to go for long distances to find water.

In Ha-Maotoana, crushed stones have polluted Makhoaba river making it difficult to access clean water. The dust from these explosions does not settle quickly. It contaminates the air we breathe and the water we drink. Our springs and wells are now filled with dust and debris, and we do not have any other reliable source of clean water. We are no longer able to get water from the river for laundry purposes and for our animals. The dust created during the crushing of stones has also affected the quality of mohair from our sheep.

We are not just talking about inconvenience, we are talking about poisoning our only source of life.

Soil erosion

Water running off from the construction site causes serious soil erosion. Crops do not grow the way they used to. And the little that grows is often washed away by water from construction sites.

Noise pollution

There is constant noise pollution from heavy trucks that pass day and night, often just a few metres from our homes. The noise is deafening and the vibrations from the explosives shake our walls and roofs. Sometimes, the blasting happens late into the night, without any notice. It has become difficult to sleep. Our children are frightened, and the elderly no longer feel safe in their own homes.

In Haramonakalali, for example, explosives used in quarry blasting cause a lot of noise day and night, it affects animals such as rabbits and kills chickens kept by the community members.

Community health and safety impacts

The most eminent and burning issues here are the issues of damaged houses due to blasting at the time of construction of Hashote access road.

The dongas that were created during construction of the access road make it difficult and dangerous for animals and small children to cross the road. This issue is aggravated by the fact that the area is not fenced for safety.

The third big issue is the lack of a bridge crossing from Ha-Jeke village (situated within Makhoaba area), to other neighbouring villages. This problem came because of the construction of a bridge done at the time of installation of electricity poles. When the bridges got damaged due to heavy rains, this created dongas which made it difficult for communities to cross.

In Malubalube, there is no access bridge to cross to areas where we get essential services. There is a bridge that we used to use before, but now we are denied access to it and have been told to use a route that takes us the whole day to get from one place to another. The reason for the denial is the blasting that takes place near this access bridge. But we were promised that there would be a vehicle which would take us from one side to another. But the promise never materialized.

g. Labor related issues

Local workers, especially women and youth, have been excluded from job opportunities at the project site, despite promises of employment prioritization. Others work under unsafe conditions in tunnels and construction zones.

h. Gender-based harms

Absence of a gender-responsive framework

One of the most serious and systemic concerns about the project is the complete absence of gender-responsive policies, strategies, and legal safeguards within the project's design and implementation. The lack of such frameworks has not only enabled discrimination, but it has actively facilitated gender-based violence, exclusion, and long-term harm. As women and girls, we are not simply left behind; we are being systematically put in harm's way.

We are not represented nor consulted as a distinct group during community consultations, and our unique experiences, needs, and contributions are routinely overlooked in project design and decision-making processes. This lack of representation denies us a voice in decisions that fundamentally shape our lives and futures.

Most of community harm disproportionately affects women

As pregnant women and nursing mothers, we have to constantly evacuate from our homes and move far away to avoid being injured by falling debris or the tremors caused by the explosions from blasting- which happens mostly at night and without warning. All of this could have been prevented had the LHDA resettled us before initiating its quarry mining activities within our community.

During periods of drought, as women and girls, we are again disproportionately impacted. As natural springs dry up due to both climate and construction-related environmental changes, we are forced to travel longer distances in search of water. This increases our workload, reduces our time for education or income generation, and exposes us to greater risk of violence and assault. Our young girls are particularly vulnerable, often missing school or dropping out entirely. Nevertheless, there has been no response from LHDA to mitigate or prevent these differentiated risks for women and girls.

LHDA reinforcing harmful culture of compensating head of households to exclude women from benefiting from compensation

Women face deeply entrenched structural and socio-cultural barriers that hinder their ability to access land, resources, and compensation. Under customary law, women are often regarded as legal minors, dependent on the authority of male relatives or husbands. This legal and cultural context has been reinforced, rather than challenged, by LHDA, whose Compensation Policy fails to recognise joint property ownership or safeguard the rights of women as independent rights-holders. In practice, compensation is typically paid to male heads of households, even in cases where property is jointly held or primarily used by women, leaving women economically disenfranchised and socially disempowered.

Economic disenfranchise from these angles expose women to further vulnerabilities including gender based violence and sexual abuse

The influx of contractors and migrant labourers into project areas has severely disrupted local social dynamics and increased the risk of gender-based violence (GBV), sexual exploitation, and abuse. In Ha-Ramonakalali and Masakong there is a sharp rise in sexual exploitation, unplanned pregnancies among girls, increased HIV infections, and deteriorating access to sanitation and clean water. These are not incidental effects, they are the direct consequence of failing to implement gender safeguards.

For instance, in Ha-Ramonakalali a 14 year old girl was impregnated by a contractor working on the project. Rather than being held accountable, the contractor was quietly transferred to another camp, avoiding all consequences. The girl, who later underwent an abortion, was arrested, while the man responsible remains free and employed. No legal action was taken against him. This case illustrates not only the failure of accountability mechanisms, but also the gendered injustice embedded in the project's operations. Moreover, transactional sex involving contractors and young girls is rampant in areas like Mapholaneng, exposing girls to exploitation, early pregnancies, and lifelong social and economic consequences. The absence of a gender policy has allowed such exploitation to go unchecked, placing young girls at the mercy of powerful male actors with no recourse for justice or support.

i. Threats and reprisals

Coercion and threats of harm by security personnel

In multiple project-affected communities, particularly Masakong and Ha-Seshote, we have been subjected to intimidation, violent arrests, and even torture at the hands of law enforcement personnel, including police officers and soldiers. These acts of repression have occurred during peaceful protests, where we sought only to express our grievances and demand accountability from LHDA. We have raised issues, ranging from lack of transparency to unfulfilled promises and discrimination, yet instead of receiving engagement or remedy, we have been met with brute force and fear.

In Tsekong, Malubalube, Tloha-re-buoe, Makhoaba, and Sekokong, our peaceful public demonstrations have been dismissed, and in some instances, we have been threatened, intimidated, or physically harmed for speaking out. These patterns of retaliation have created a climate of fear around civic participation and collective action.

In Masakong and Ha-Ramonakalali around 22 April 2024, as women in the community, we organized and led a strike against LHDA and project contractors, namely SUN-JV, Rumdel, and Kopano-ke-Matla. We asked for equal access to employment opportunities, an end to discriminatory recruitment practices, and recognition of our economic agency. However, the response from LHDA and the contractors was dismissive and hostile.

The most emblematic incident of state-sanctioned repression occurred in May 2023, during the Sod Turning ceremony marking the official launch of construction of the Polihali Dam in Malingoaneng, officiated by President Cyril Ramaphosa of South Africa. Community members from Masakong, Malingoaneng, Ha-Ramonakalali, and Tloha-re-Buoe attended the event, carrying placards bearing peaceful messages about their expectations, grievances, and hopes regarding the project. Rather than engaging or acknowledging our voices, soldiers deployed at the event chased us away and confiscated the placards without our consent. We were denied our right to express ourselves in front of the very leadership that claimed the project would bring development to our communities.

6. Previous Attempts to Resolve These Concerns

We understand that the IRM's policy requires complainants to first engage with the AfDB Management and/or the project company/client, unless there are good concerns that prevent this. In our case, we have engaged LHDA as well as their contractors SUN JV multiple times, as evidenced in the annexures shared from above sections.

Engaging AfDB

On November 5, 2024, we (through our advisors) reached out to the African Development Bank (AfDB) Project Contact, Eskendir Alemseged Demissie (E.ALEMSEGED@afdb.org), via email regarding community concerns related to the Lesotho Highlands Water Project Phase II. A meeting was held on November 13, 2024, with him and his colleague Daniel Ogol (D.OGOL@afdb.org), where we raised the community's grievances and highlighted three urgent issues:

- **Transparency on resettlement and compensation.**
- **Immediate halting of blasting activities** until affected communities are relocated or compensated.
- **Facilitating direct dialogue** between affected communities and the Lesotho Highlands Development Authority (LHDA).

They asked that our advisors prepare formal documentation of all the issues community members and advisors have previously raised with LHDA, what LHDA responses have been, and what still remains unresolved. We attach as annex 9 the document our advisors prepared and shared with Mr. Demissie and Mr. Ogol.

Following our engagement, the AfDB contacted LHDA regarding these concerns. In January 2025, LHDA proposed to hold periodic meetings with stakeholders to address these issues. However, no such meetings have taken place to date, leaving affected communities without the necessary engagement and resolutions they were promised. Further engagement with the AfDB team was unresponsive.

7. Security Concerns & Confidentiality

We **require** that our names, contact information and other identifying details contained in the complaint are kept confidential during this process.

We have described in the “threats and reprisals” section above, the experiences we have encountered when we have voiced contrary opinions with that of LHDA and government. We have experienced hostility, we have been beaten up, arrested and threatened with worse. We are afraid that if our names or contact details are known by the government, we may be harmed. We want to ensure that our lives and those of our families are not put at risk.

We hope that through the IRM process, we may be able to establish trust and a commitment from the government against retaliation, threats and reprisals- so that we can engage in constructive dialogue without the fear for our safety.

8. What We Want to Achieve

We are bringing this complaint because we want:

- An immediate pause to blasting and quarrying activities, until affected communities are adequately compensated and relocated
- Prompt disclosure of crucial project information. (such as disclosure of compensation computations, giving us copies of our signed compensation agreements, information on resettlement areas, etc)
- Fair, safe, and dignified resettlement (including meaningful and inclusive consultation with affected communities on the process)
- Fair and adequate compensation for land, assets, or resources lost, including both communal and individual compensation (including compensation for women)
- Independent studies to confirm what is fair and adequate compensation in the context of the project
- Support to restore and improve livelihoods
- Other forms of social support (such as support for health, education, infrastructure, sanitation, safety, etc)
- Remediation for environmental harm (such as addressing water or soil pollution)
- Changes to employment conditions (including equal employment opportunities for women and young people)
- Measures to restore or protect cultural heritage

- An opportunity to equitably share in the benefits of this project (such as access to water, power, or revenue from the project)
- Improvements to project-level grievance mechanisms to ensure access, accountability and efficiency of the system (including inclusiveness in representation of the mechanism)
- Better monitoring of project impacts by the Bank and LHDA
- Other changes to the project to avoid future harm

Note: this is a tentative list intended to provide you with an indication of our goals. It may change as the complaint process progresses, if our circumstances change, or if we obtain additional information or advice. We understand that outcomes differ case-to-case and depend on a range of factors.

Prioritization

Of the desired outcomes we have described above, the following are our highest priorities:

1. An immediate stop to all blasting and quarrying activities, until full and complete relocation has occurred.
2. Full, transparent, fair, and prompt compensation for communal and individual assets.
3. Safe and dignified relocation and resettlement processes, and repair of the environment.
4. Livelihoods restoration and provision of electricity.
5. Employment opportunities and compensation for work related injuries.
6. Remedy of gender-based impacts and a plan to prevent future such impacts.

9. Temporary Project Suspension

We understand that the IRM Director has the power to recommend to the AfDB Board and the President of the Bank that an AfDB-financed project be suspended while the IRM process is underway- if serious, irreparable harm would result from its continued processing or implementation. We understand that this recommendation is discretionary, and the final decision will be made by the Board. We request that the IRM Director considers making a recommendation to temporarily suspend the project under paragraph 27 of the IRM Policy until the following issues are adequately addressed:

- An immediate stop to all blasting and quarrying activities, until full and complete relocation has occurred.
- Repair all water pipes that have been damaged due to construction activities

- Safe and dignified relocation and resettlement processes.
- Full and transparent information on compensation including providing copies of signed agreements for compensation, computation of the compensation and relevant details in simple terms and in Sesotho

The project's ongoing blasting activities pose a significant threat to our health and safety. The dust generated from these activities is inhaled daily, particularly by those living closest to the blasting zones. The elderly and children are bearing the brunt of this exposure, with increasing reports of respiratory distress and other related illnesses. The debris from blasting, often consisting of large rocks, lands with such force that it presents a real and immediate risk of serious injury or even death. These explosions have also caused structural damage to our homes, with some houses now visibly at risk of collapse. These homes are no longer safe for habitation, yet our families continue to live in them due to lack of alternatives.

In addition, the continued destruction of agricultural land without compensation is causing long-term economic and food insecurity. Our fields are being impacted or taken without fair compensation or any meaningful livelihood restoration. These fields are essential for our household survival, producing maize, beans, vegetables, and other crops that sustain families.

The project's contractors have also damaged key water infrastructure, such as water pipes, without undertaking any repairs. This has left entire villages without access to clean water. The burden of securing alternative water sources falls disproportionately on women and girls, who are now forced to walk longer distances to fetch water, exposing them to the risk of gender-based violence, harassment, and physical harm along the way.

If project activities are allowed to continue during the IRM process, these harms will not only persist but may become irreversible. The physical destruction of homes, land, and health cannot be undone once the damage is fully realized. We therefore request that a temporary suspension be imposed on the project, particularly on blasting, tunnelling, and land acquisition activities, until the complaint is meaningfully addressed and protective measures are implemented.

10. Complaint Pathway

We are interested in a **dialogue or dispute resolution process** facilitated by IRM, that brings the community, LHDA and any other government body implementing the project, and the Bank together in a facilitated discussion, to find solutions that everyone can agree on.

We respectfully request that this complaint be handled with urgency, transparency, and close engagement with affected communities. Many of the harms outlined, particularly those relating to unsafe housing, lack of compensation, water insecurity, loss of means of livelihoods and the threat to life and health from blasting activities, are ongoing. Without prompt intervention, the situation on the ground will continue to deteriorate, causing further irreparable harm to the lives, livelihoods, and dignity of already vulnerable communities.

We also ask that the investigation process include in-person visits and direct consultations with affected community members, particularly women, the elderly, persons with disabilities, and youth. These groups experience the impacts of the project differently and should be heard in their own voices. We prefer that community meetings and consultations be conducted in Sesotho, and held in locations accessible to the residents, and in consultation with our Advisors.

We urge the IRM to ensure a commitment from LHDA and its contractors against any form of retaliation to any community member because of their involvement in this process. Further, that interim protective measures be considered where credible threats or reprisals are identified.

We look forward to your prompt registration of this complaint, and to receiving more information about the eligibility process.

Sincerely,

Complainants on behalf of our communities

Annexure Glossary:

Annex 1: 37 Name and signatures of 37 complainants consenting to the filling this complaint

Annex 2: List of community members that were present and voted for community representatives to engage in the IRM process and related purposes

Annex 3: Agreement with Advisors

Annex 4: Letters from community members to LHDA to request access to compensation documentation

Annex 5: Copies of complaint letters from community members on restricted access due to construction

Annex 6: Complaint letter from community member in Ha-Konki to LHDA requesting relocation as the area will be an island around the dam resulting to wet, dump area with likely health impacts

Annex 7: Complaint letter from community members to LHDA on the deterioration of their houses and damage caused by blasting

Annex 8: Letters of complaint from across communities to LHDA raising various concerns, including the unfairness, inadequacy, and delayed disbursement of compensation.

Annex 9: Summary of issues documented by our Advisors and shared with Mr. Demissie and Mr. Ogol of AfDB during their engagement on issues affecting us caused by the Project.