LABA 1/2 copy

(PART B)
The following items have been successfully completed

ltems	Recommendations	Progress to date	Responsible branch/section	Completed by date (Target)	Date Completed (Actual)	Ombudsman Signature
8.2 delay in the payment of compensation	 8.2.1 It is recommended that LHDA pay lending interest rates at the commercial bank rates in terms of section 39 (2) of the LHDA Order on all delayed compensation which were outstanding at the time of the inquiry. 8.2.2 The delayed payment of compensation for 	LHDA and the Project Authorities have agreed in principle that a schedule of payments must be published to ensure that all concerned know when and which compensation is due. Eg. for arable land compensation: in-kind compensation would be distributed June-July.	PD&P , Finance and FOB- MOHALE	October, 03	November 2003	no information these
	communal assets is excluded because of the problems begetting this class as the process to be depended on both parties (LHDA and communities) to be finalised.	Working on this assumption, PD&P, FOB Mohale and Finance are reconciling the payments schedules for people who have complained to confirm or dispute the claim of delayed payment.		January, 2004	- Card	
	8.2.3 It is further recommended that future payment be effected timeously, failing which it should be accompanied by interest at the commercial bank lending rate.				_	
3. 5 minimum hreshold allowance	8.5.1 LHDA continues to pay this type of allowance in accordance with the spirit of the compensation policy.	8.5.1 Motivation for approval to pay per the signed stage 1 forms and waiver to assess income for stage 2 has been approved by LHWC and calculations made. Payments started on 16 th	PD&P , Finance and FOB- MOHALE	30 Nov 03	Paid on February 2004	Thereber
	8.5.2 This allowance be paid timely so that it serves the purpose for which it was designed	February, 04	,			complaints
7-1400	8.5.3 Should LHDA fall behind with payment of this allowance it is recommended that LHDA pays interest thereon at the commercial bank lending rate in terms of section 39 (2) and LHDA order No.23 of 1986 (as amended)					Jassumet there been compliance
8.6 compensation for gardens	It is recommended that LHDA compile all garden lands' complaints with a view to complying with the Regulations and to ensuring that all complainants have been treated fairly and justly	Payments started on 11 th of February, 04 to be completed by 17 th February, 04.	PD&P and FOB- Mohale	30 Nov 03	Paid in February 2004	

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8.7 compensation for the loss of production from arable land	I 8.7.1 Delivery of grain is made in August of each year in view of the fact that to acquire grain LHDA has to go through a lengthy tendering procedure and that harvest starts in June. In the event of the late delivery, interest has to be paid at the rate recommended under para. 8.2.1 above.	LHDA has committed itself to write to affected communities to state period of delivery of grain (July – August)	PD&P , Finance and FOB- MOHALE	August.03	November, 2003	
	8.7.2 A payment cheque should be accompanied by narration/breakdown of the calculation of the cheque amount so that the payee knows what the amount of the cheque represents	LHDA is attaching this narrative for each cheque	PD&P , Finance and FOB- MOHALE			
8.8 documents	8.8.1 Each Resettlee / relocatee be availed a copy of the compensation Policy duly translated into the Sesotho language within six months of the date LHDA receives this report.	Sesotho copies have been provided to households and to the community structures.	PD&P , Finance and FOB- MOHALE	30 Nov 03	November,2 003	dispute the
8.8.2 blue cards	8.8.2.1 The blue cards are translated into Sesotho and complainants be given translated versions within six months of receiving this report. 8.8.2.2 Resettlees are taught how to read and understand the contents of the blue cards.	Blue cards are written in Sesotho and English for ease of use. A workshop to review the form was held with the resettlees in November 2003.Forms have been redesigned as per workshop recommendations.	FOB-MOHALE	30 Nov 2003	Nov 2003	
	8.8.2.3 The form signed upon payment of compensation should be signed not only by the LHDA official as it is now the case but also by the recipient of compensation as proof of the receipt thereof	The LHDA staff do not sign the forms, it is the recipients who sign the forms				
	8.8.2.4 In appropriate cases, every Resettlee be availed his/her blue card within six months from date of receipt of this report by LHDA	Each resettled household is now in possession of the blue card.			Complete	
8.9.2 water supplies	LHDA provides water supply systems to resettled communities viz.: Ha Mosuoe, , Ratau, Tsolo, Nazareth	Work complete in Mosuoe Ha Ratau and Tsolo.	FOB - Mohale		Complete 2003.	
B. 9. 4 schools	8.9.4.1 LHDA builds additional classrooms at Metolong Primary school and provides necessary furniture	8.9.4.1 3 Additional classrooms, staff room with bookstore, water & sanitation, and VIP latrines have been provided at Metolong primary as well as matching school desks for class rooms and staff room. Ino, Masapong, Mets'oarong, Ratau, Machache Metolong and Nazareth i.e all foothill schools are	CIB FOB-Mohale		Completed in 2003.	
		Metolong and Nazareth i.e all footnill schools are 100% completed. Koporale, Likalaneng and			Completed at different	

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		Ts'iu Primary Schools in the highlands are also completed.			dates from 2003 to 2004	
	8.9.4.2 It is also recommended that LHDA collects schools data in the resettlement area which the enquiry did not inspect to determine their needs with a view to carry out its obligations towards them in terms of its own policy.	8.9.4.2 This has been done in 2001 and was repeated in June 2003 and it was the basis for providing additional class rooms and necessary facilities as per the policy.	CIB FOB Mohale	August 2004	Done 2003.	4
	8.9.4.3 LHDA liaises with the Ministry of Education with a view to ascertaining its plans with regard to the provision of high schools in the area where it has resettled people in order for it to discharge its obligations to the resettlees in this respect.	8.9.4.3 This was also done in 2001 and repeated in June 2003 and meetings with the Min. of Ed. happened in May 2003 to share information on the school development			Done 2003	
8.9.5 electricity supply	8.9.5.2 LHDA provides electricity to the two households at Tsoapo-le-Bolila since it has already done the wiring thereat.	Policy is to provide electricity to a community not disparate households. The two households decided to locate in distant disparate area. This community service cannot be provided unless from own pocket			Matter closed	not you
8.10 fencing	8.10.1 It is recommended that LHDA attends to the matter by doing reclamation works at Ha Seoehlana and attending to the fencing problems there.	Work ongoing and to be completed in July 2004.	LHDA	July 04	Retaining / walls complete.	
8.10 fencing	8.10.2 It is recommended that 'Malitaba Leferefere's gate be attended to so that the opposite sides of the fence are in alignment and facilitate the closing of the gate.	Mrs. Leferefere herself moved the fence at least a metre away from where LHDA had originally put it, thereby also pulling it at least another metre at the gate. LHDA has visited the site with the contractor who built the toilet and he has confirmed that he did not move the fence.			2003	M
8 11 houses	8.11.2 Size of houses we recommend that LHDA makes an effort to explain to resettlees their actual entitlements and what to expect under the compensation policy.	8.11.2 This matter has been addressed and explanation in writing has been made to those who lodged complaints in the past such as Ntate Pule Pule at ha Nkhema and others.	FOB-Mohale	30 Nov 03		M
8.11.3 Thabo Bosielo's Gas Cylinder (Ha Mpiti)	LHDA should deliver missing gas cylinder	The cylinder was delivered during the Ombudsman's hearings.		March, 2003	March 2003	

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8.11.3 rondavels	LHDA has failed to conform to construction specifications in respect of Ralikomo Tlali and	LHDA has opted for;	LHDA		3 rd Dec. 03	
	'Mamatseliso Tekane by failing to erect separate rondavels on their sites. It is proposed the following options for election by LHDA:- 8.11.3.1 Partial demolition of the main provided it does	To remove 1 room out of the 3 rooms and out of the measurements of the demolished room erect a rondavel; or:	LHDA			
	not affect the rest of the building and out of the measurements of the demolished room erect a rondavel; or: 8.11.3.2 Erection of the rondavel without the partial	To remove 1 room out of the 3 rooms and pay cash to the household in order for the owner to build a rondavel	LHDA			
	demolition of the house or: 8.11.3.3 Negotiated settlement of this breach mediated by the Ombudsman. LHDA is expected to choose an option acceptable to it and to advise Ombudsman of that choice within one	The options have been communicated to the owners, their response in writing has been that LHDA to leave their 3 roomed houses as they are	CIB			\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
	month from date of receipt of this report. LHDA is then expected to implement its choice within two months from the date of the choice of an option.	Meeting was held on 3 rd of December, 2003			_	_)
8.11.4 Coal Stoes	8.11.4.1 It is recommended that LHDA corrects defects in coal stonves and to educate complainants on the usage thereof within two months of the receipt of this report. If stoves don't function properly thereafter, they must be replaced.	Repair and corrective measures for defective stoves is complete.	LHDA	June 2004		2
		FOB has undertaken a programme of user education as part of awareness for the right use of the stoves as well as how to clean them.	LHDA	(Awareness raising ongoing)		7/
	8.11.4. 2 Regarding Mrs. Mamokete Mathosi's stove it is recommended that the stove be replaced with a new one right away.	The stove in question was delivered for installation. The owner did not allow LHDA to install the stove, as she wanted the stove in another house that she wants to build. The stove remains with her; however, LHDA cannot take responsibility for installation.				

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8.12 Thetsane housing scheme Lack of consultations about sites and house plans	8.12.1 It is recommended that it is essential for LHDA to consult with relocatees and it does appear that there is still more consultation to be done in view of the complaints laid before the Ombudsman (see Regulation 6 (2) of the Compensation Regulations 1990).	8.12.1 LHDA notes this and has held meetings with the affected on issues regarding their plans, gardens and other issues relating to the alleged housing defects on Wednesday23'd June 2004 in presence of representation from the Ombudsman's office.	FOB-Mohale			
8.12 Built-in wardrobes	8.12.4 It is recommended that LHDA fits built in wardrobes in the houses of 'MalitIhare Nketsi and 'Mamohapi Mohapi. They are entitled to them in terms of the LHDA Special Compensation Dispensation Policy 1996 and the types of their houses.	Work started end of June 2004 and is to be completed early July 2004.	FOB Mohale	July 04	Complete July	
8.12.5 separation of bathrooms and toilets	It is recommended that LHDA carries out alterations to ensure that the toilets and bathrooms are separate at the houses of Selapane Seleke, 'Mapaseka Phutsisi, Motlatsi Apele, 'Mathato Makara, 'Mabokang Lekhooana and Motaung Lints'a. LHDA in building their houses failed to comply with plan specifications and type of house.	Consultations with families on 28/09/03. Their wish is not in original plan, and technically not possible and no extra space unless houses are fundamentally altered. Stalemate as complaints wont agree with LHDA.	FOB Mohale	31 Oct. 03	Case closed. 28 Sept. 2003	here hele here hele how plan disourns.
8.12.6 two-roomed houses	Regarding the two-roomed houses with no interconnecting doors, it is recommended the following options for the choice of the LHDA:- 8.12.6.1 Re-evaluation of the complaints with a view to finding solutions thereto.	LHDA has had meetings with the households concerned at Ha Thetsane. LHDA found most of the relocatees to have opened the door on the inside wall as they had requested. During the consultations with the relocatees, the following suggestions were made for consideration:	FOB Mohale	July 04		
	 8.12.6.2 Negotiations with owners of the houses as to how to re-address the situation with the Ombudsman acting as the mediator therein. A solution acceptable to the owner is essential in these cases. The relocatees have already been traumatized and will for the rest of their lives be living in a house which is not acceptable to them and can only distress them all their lives. 	LHDA should not remove 1 door from outside, but LHDA to put a burglar proof door onto 1 exterior door of a room used as a bedroom LHDA to compensate those that have already opened the door on the inside wall at LHDA standard rates	LHDA	July 04		
	diem an dien nyes.	LHDA has accepted to implement both suggestions and to date work to put burglar	LHDA	June 04		1 - 32/4/11

Items	Recommendations	Progress to date	Responsible branch/section	Completed by date (Target)	Date Completed (Actual)	Ombudsman Signature
	LHDA is given one month, calculated from the date of the receipt of this report, to exercise the option and to advise the Ombudsman thereof. LHDA is expected to implement its choice within two months from the date of the choice of the option.	proof on one exterior door for each affected house is complete. Reimbursements to house owners who had already opened the door on the inside wall will be effected in July to August 2004.made	LHDA	July to August 2004	Completed June 04	
8.12.7 geysers	It is recommended that LHDA replaces all the geysers which are in the state of disrepair within six months of the receipt of this report.	Geysers have been checked and found to be leaking and not heating as reported. Budget for repairs has been approved and work started on 16 th February, 04		Nov/Dec200 3	Feb. 2004	
8.12.10 Mrs Malints'a Lints'a rental units	It is recommended that LHDA carries out its obligation to this lady by building her rental units and this should be done within six months of the receipt of the report.	Evidence has shown that Mrs. Malintsa Lints'a's affected property was the rental flats, she had instructed LHDA in writing to build her a house in lieu of compensation for rental flats at the new location and her house which was not affected by the works should be left on site. LHDA has discharged its obligations as instructed. A letter has been written to Mr. Lints'a reaffirming that LHDA abode by his request and a copy of his letter of instruction was attached for reminder.		7 th Nov 03		
Conservancy Tanks	No further action required		Mohale FOB, PD& P Branch , and Finance		Oct 2003	
8.13 compensation for trees	Recommendation is that the following people be paid for their trees within two months of receipt of this report viz. Moqekela Ralepoma, Motseoa Isaac, Malebona Mokoatsi, Mathato Takatso, Khotso Lakabane. Lakabane, Mojaki Morokole, Teboho Rajane, Mampai Leshapa, Makalo Lakabane, Malipolelo Makoko, Tsebiso Ralepoma, Maleronti Ralepoma, Malebohang Makhoali and Ntuoe Makhoali	(NOTE: there has been some delay in processing payment for trees due to verification exercise in order to confirm the claim or dispute the claim.) Moqekela Ralepoma –paid M2500.59 on 24/11/03 for 57 willow trees Motseoa Isaac –paid M4346.43 on 13/11/03 for 13 willow trees as lump sum Malebona Mokoatsi 85 willow trees were paid ACP amounting to M3478.40. on 15/11/02 Mathato Takatso Verification team went to Takatso for verification and found the case genuine. Paid on 13/11/03 M245.66 for 2 peach trees * Khotso Lakabane The asset inventory and registration of trees was	Mohale FOB, PD& P Branch and Finance FOB Mohale	Nov.2003	Nov. 2003	

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		done jointly by LHDA Officer, Committee members and property owners. And number of trees recorded in the Blue card was a record which was agreed upon. Verification team to be reinstated by 25 th Jan. 2004. * Moiaki Morokole	FOB Mohale			
		Verification team went to Nthakhane and Takatso villages for verification but he was not found, however another date will be arranged.				10 furthe
		Verification team to be reinstated by 25 th Jan. 2004 Tsibela Rajane 4 fruit trees were paid amount of M3789.88 as	FOB Mohale			Mormati
		Lump Sum on 26/06/03 'Mampai Leshapa , 8 willow trees were paid amount of M916.64 as	Mohale FOB, PD& P Branch			of the police
		ACP paid on 27/06/03 Makalo Lakabane	and Finance		The second secon	you which
		Verification team went to Seotsa villages for verification but he was not found, however another date will be arranged	Mohale FOB, PD& P Branch and Finance			do Lon
		'Malipolelo Makoko Coppices of 515.85sqm and 394.36sqm which makes total of 910.21sqm were paid amount of	Mohale FOB	1		14 Auto
		M4,022.76 as Lump Sum. Also 106 fuel trees and 2 peaches were paid M4337.76 and M1894.94 as ACP and Lump Sum on 06/12/02	Mohale FOB, PD& P Branch and Finance			the second
		and 01/07/03 respectively. Ts'eliso Ralepoma Verification team went to Seotsa villages for	Mohale FOB			\
		verification but he was not found, however another date will be arranged. Verification team to be reinstated by 25 th Jan. 2004.				
		'Maleronti Ralepoma Verification team went to Seotsa villages for verification but he was not found. Verification team to be reinstated by 25 th Jan. 2004	Mohale FOB			
		Malebohang Makhoali 13 willow trees were paid amount of M531.99 as ACP. However if she needs lump sum, she can				
		make such a request. Paid ACP on 24/11/03 Ntuoe Makhoali 13 willows were paid amount of M4398.94 on	Formation			100 100 100 100 100 100 100 100 100 100

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		11/11/02 as Lump Sum. The basis of payment was according to Compensation Policy and Rates.				
8.14 kraals and other structures	Recommendation that Mojaki Morokole be paid compensation for his three kraals within two months of receipt of this report.	3 kraals of 52.4sqm (Double kraal) and 27.4sqm belonging to Mojaki Morokole were paid 18/10/03.	Mohale FOB, PD& P Branch and Finance	Oct.2003	October, 2003 Case closed	
8.15 incomplete house structures (original homes)	It recommended that the following resettlees be paid compensation within two months of the receipt of this report for their incomplete house structures viz.:- Lekau Lekau and Macheche Tota	These two h/holds have received amount of M10,227.36 and M7,307.31 respectively as payment for incomplete structures, on 8 th April 2003	Mohale FOB, PD& P Branch and Finance	April 2003	April 2003	
8.15.2 stables	Recommendation that Mosoeu Leteka be paid compensation within two months of the receipt of this report.	Paid on 18 th August 2003 Negotiations were held with Moabi Bosielo at	Mohale FOB, PD& P Branch and Finance	August 2003	August 2003	
	In the case of Moabi Bosielo It is recommended that construction of his stable be completed within a period of three months from the receipt of this report.	Ha Makotoko, the stable has been demolished and he has been paid cash compensation on 19 th August 03. LHDA did not meet deadline because of protracted negotiations with Mr. Moabi Bosielo.	Mohale FOB, PD& P Branch and Finance		August 2003	7
8.16 damaged property	8.16.1 It is recommended that in view of the fact that these items of property are old and hardly repairable Mr Mojaki Morokole be offered monetary compensation therefore.	8.16.1 Compensation payment for damaged property effected as agreed during the first week of January 2004 for Mr. Mojaki Morokole.	LHDA	Jan 2003	Jan, 2003	HASA has been shown such policy dealis this This
	8.16.2 It is also recommended that he be provided with potable water as his source of drinking water is water tank. The availability of tank water depends on rain.	8.16.2 Policy is to provide watery to a community not disparate households. Mr. Morokole decided to locate in distant disparate area. This community service cannot be provided unless from own pocket			-	this This x
8.17 complaint by people allegedly denied resettlement by LHDA	They are to make their choice within 1 month of receipt of the ombudsman's report	5 complainants who responded have been paid their entitlements for 1 structure on as is basis in October, 03. due to lengthy negotiations, deadlines not met.	LHDA	Oct 2003	Oct 2003	1
8.18 graves	8.18.1 Recommendation that LHDA proceeds with the grave resettlement as undertaken during the inquiry.	Their graves have been removed and reburied at Koporale as per their request in July 2003.	FOB-Mohale	July 2003	July 2003.	1
	8.18.2 With respect to stillborn recommendation is that LHDA applies its practice and customs to deserving cases.		FOB-Mohale			
3.19 compensation for driving animals	8.19.1 It is recommended that Ntate Morokole and any other complainant who has submitted the chief's letter but has not been paid be re-compensated within two months from the date of receipt of this report.	23 households including Ntate Morokole have been compensated for driving their animals. October, 2003	FOB-Mohale	Oct 2003	October 2003	

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	8.19.2 In the case of Mosoeu Leteka, Ntuoe Makhoali and Tsatsi Leteka recommendation is that they submit the chief's letter so that they can get their refund.	Due to protracted negotiations LHDA paid one month late. But all payments completed.	FOB-Mohale	Oct 2003		
8.21 non-payment for fields	Mats'eliso Jane – Ha Tsolo be paid within a month from the date of receipt of this report.	Mats'eliso Jane was paid M2310.69 for loss of field (7842.38sqm): annual cash compensation on 15 th May 2003	Mohale FOB, PD& P Branch and Finance	May 2003	May 2003	7" 1
	Chabana Lakabane – Ha Makhale be paid within one month from the date of receipt of this report. Makomo Mokeki – Ha Tsolo LHDA should make funds available for the proposed project within one month from the date of receipt of this report.	Chabana Lakabane Paid Once-off payment for a field (667.39sqm) paid M3699.01 on 15 th May 2003 Makomo Mokeki has received amount of M20,000 for construction of Malaene on 19 th May 2003.	Mohale FOB, PD& P Branch and Finance		<u> </u>	faymen
	Noka Pule – Ha-Moji LHDA pays within one month from the date of receipt of this report.	Noka Pule Paid Once-off payment for 4 fields (324.0 sqm, 690.23sqm, 949.13sqm & 848.42sqm) and amount of M1973.16, M4203.50, M5780 and M5166.88 on 12 th May, 2003	Mohale FOB, PD& P Branch and Finance			too los
8.22 non-delivery of fertilizer	8.22.1 Tseliso Khapetsi and Mathato Jane Ha Ratau It is recommended that LHDA investigate the circumstances surrounding the acceptance of these monies without the issuing of a receipt and failure to deliver fertilizer as expected or at all with a view to instituting disciplinary action against the officer(s) who	FOB Manager Mohale has addressed the staff in question and also sought assistance from finance to help with proper accounting of goods.	FOB-Mohale	April 2003	April , 2003	
	may be found to be at fault 8.22.2 LHDA to deliver fertilizer within one month from the date of receipt of this report.	Fertilizers were delivered and signed off in April 2003.	FOB-Mohale	April 2003	April 2003	1
8.23 uncompensated site	Mosoeu Leteka Lithabaneng It is recommended that the money that was earmarked for the acquisition of a site for him should be paid to him. Alternatively, LHDA acquires its standard sites for him.	He was paid M3,600.00 for the site he had acquired for himself and he admitted having received this amount during Ombudsman's hearings 15 th November, 2002	FOB-Mohale	November 2002	Case closed November 2002.	
	LHDA is to comply with this recommendation within two months from date of receipt of this report.					

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8.24 incomplete delivery of household property	Seeta Tsapane- Nazareth: It is recommended that LHDA ensure delivery of water tank to Tsapane senior house as soon as it receives the water tanks from the supplier. Nteso Nteso – Ha Makhale It is recommended that LHDA fulfils its undertaking on or before the date	LHDA delivered the on 13 th February, 04 The cap was fitted. DONE during the Ombudsman's hearings in March 2003	FOB-Mohale Stage II Resettlement Team and FOB- Mohale	Feb. 2004	Feb 2004	
8.25 incomplete houses in resettlement home	proposed by them. Nteso Nteso – Ha Makhale it is recommended that LHDA addresses the defects in Nteso's house within a month from date of receipt of this report.	The defects were corrected. DONE during the Ombudsman's hearings in March 2003	Stage II Resettlement Team and FOB- Mohale	March 2003	March 2003	
8.26 training for self -reliance projects	It is recommended that LHDA should monitor the training of resettlees.	LHDA has provided training on Sewing group of 25 participants, and Carpentry for 15 individuals in October.03	FOB-Mohale		complete	
5.18 Complaints by Ha Ntsi community against LHDA's Quarrying activities		This case has been taken to the Lesotho High Court and is now outside LHDA's control.			Case closed 2003	