

**'What can a mosquito do to an elephant?'.
Baffour Ankomah; Khalid Bazid
New African; May2003 Issue 418, p54, 2p, 1c**

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This article interviews Refiloe Masemene who is minister of justice, human rights, law and constitutional affairs in Lesotho about the extraordinary case in which the Lesotho government has taken some powerful Western multinational companies to court for corrupting some officials of the multi-million dollar project Lesotho Highlands Water Project (LHWP). In Lesotho, the government is the largest employer, although there are some large employers in the private sector such as the Lesotho Highlands Water Project. As such, it is vital that the country, through the judicial system, addresses this case of corruption at the LHWP. It was the government and parliament that allocated funds to the LHWP, and so the country's administration had to deal with the corruption case.

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Refiloe Masemene is the minister of justice, human rights, law and constitutional affairs in Lesotho. A blind man, he has a wonderful grasp of international and African affairs. Baffour Ankomah and Khalid Bazid interviewed him in late March in Maseru, about the extraordinary case in which the Lesotho government has taken some powerful Western multinational companies to court for corrupting some officials of the Lesotho Highlands Water Project (see NA Dec 2002). Here are excerpts.

New African: This corruption case at the Lesotho Highlands Water Project (LHWP) and your government's determination to pursue it in court with all vigour, is very unAfrican. Tell us more, and why you are not giving any quarter to the Western multinationals?

Masemene: You see, there was this high profile case of bribery involving the chief executive of the Lesotho Highlands Water Project, and the high court sentenced him to 18 years in prison. He has lodged an appeal, which is going to be heard in April.

NA: What about the companies? A Canadian company was found guilty by the high court; is it appealing as well?

Masemene: Yes, it is appealing as well. Initially the company was fined two million maloti (equivalent to two million South African rand) by the high court. The company appealed, and the appeal is also going to be heard in April. There are also a number of other foreign companies lined up for court — British companies, French companies and many more. As you are aware, the Lesotho Highlands Water Project is a multi-million dollar project and there are a number of donors involved, and as such that bribery case was a big, big issue.

NA: Was it that important, so much that you should stake Lesotho's reputation on it?

Masemene: Of course, yes! What is really important is the fact that Lesotho, being a small democratic kingdom, abhors corruption. We live in a world where people preach to us about transparency, democratisation, good governance, and all that. By

that, I think, they mean that both big and small countries, founders of the United Nations, are equal before the law.

You are aware that Lesotho is subsumed into, or is an enclave within, the Republic of South Africa, and the living conditions are similar except that our share of the cake is small. It is simply because in the pre-colonial era, Lesotho became a subsistence economy in which the population was expected to feed itself. But because of the migratory labour system involving the big multinational companies, most able-bodied Basotho men had to go and work in South Africa, mainly in the mines.

The British government, our colonial master, imposed a hut tax here whereby Basotho men were compelled to go and work in South Africa to earn the money to pay the hut tax. The British government demanded that the tax be paid only in cash, not in kind. And the only way to earn cash to pay the tax was to go and work in the mines in South Africa.

That was the beginning of the satellite economy linking Lesotho to South Africa. And as we speak today, there are more Basotho living and working in South Africa as miners. To this very day, in Lesotho, the government is still the largest employer, although there are some large employers in the private sector such as the Lesotho Highlands Water Project.

As such, it is vital that the country, through the judicial system, addresses this case of corruption at the LHWP. It was the government and parliament that allocated funds to the LHWP, and so we had to deal with the corruption case. Corruption is a great disease because it is cancerous in nature. It is vital that we should speak what we say and say what we speak. This is why the judiciary had to deal with the case.

NA: This is quite exciting. Because in the West, corruption is supposed to be the middle name of Africa and the African. Western officials pretend that corruption doesn't exist in their own countries. It is, therefore, encouraging to see a small country like Lesotho taking on the giants of Western industry and telling them, "no you can't ; come here and corrupt our officials".

Masemene: Yes, we are all aware that Africa, by its geographical nature, being a question mark if you look at the map, attracts a lot of negative comments. But let's look at it objectively: At the 1884 Berlin Conference when there was this scramble for Africa, Europe told itself: "When we scramble for resources in Africa, let's unite and so we can plunder the resources for our own benefit".

That culminated in the transfer of raw materials from Africa and the importation of a new mode of production to Africa, which by its nature is subservient to international capital. Today we have the G8 and all that, but the raw materials underpinning the G8 economy are still in Africa. When you speak about currency differences, the fluctuations always favour Europe, and the question is why is that?

Today, as we speak, some foreigner is waging a proxy battle somewhere in Africa for his own benefit. Which means that, to them, their corruption was hidden from us. That was why they used to say Africa was barbaric, we killed people, and what not. But humanity is the same, and history has shown that it was a misnomer to label Africa barbaric.

NA: Even then, your government's determination to stamp out foreign-induced corruption is an exception.

Masemene: I think, as a country, our social formation was such that in the past, at the founding of this nation in the 18th century, the founder of this nation, King Moshoeshe I, said to the people, "don't say to a foreigner that you are a foreigner". That is the nature of the Basotho, as a people.

You are aware that the formation of the Union of South Africa was as a result of Jan van Riebeeck's shipwreck at Cape Town. Van Riebeeck worked for the Dutch East India Company. He was on the way to India looking for spices, there was that shipwreck and as such Cape Town became a middle way to India. And those Cape Dutch farmers under the Dutch East India Company didn't want to be controlled by the British. And so they came into the hinterland.

Around the 1880s, there was the discovery of diamond in Kimberley, and the diamond-mining company was founded by the Briton, Cecil John Rhodes. He suffered from tuberculosis and as the weather in Britain was such that he couldn't live there, he was forced to come down to Africa. He started the diamond-mining company in Kimberley, and after that he extended his influence to Zimbabwe and hence South Africa and Zimbabwe became twin brothers of apartheid measures.

The land currently occupied by the South African province of Free State belonged to our king, Moshoeshe I. But in 1902, as the Boers were moving to Natal, they wanted grazing rights on our land. Our king agreed, so the Boers stayed on our land, up to today.

And then the British ruler of these parts, Major Warden, decided one day to make an arbitrary boundary right up to the interior of our land. Our king protested by telling him: "How could you draw up such an arbitrary boundary, because the Vaal River which is our boundary is in Transvaal". That is where Lesotho extended to, but we lost all that land. You see, when they came to Africa they said they had "discovered" us, instead of saying there were inhabitants or indigenous people already living on this land. Because we did not come from Europe, they said they discovered people here (laughs). In effect, there was no discovery. How can you discover something that exists? So they had to conquer both mentally and culturally.

So, for our own survival, we have to do things right now that we are running our own government and our own affairs. That is why we are determined to see the bottom of this corruption case. We want it to be an example to Southern Africa and the rest of the world. Unless the world rid itself of such practices, there will never be the rule of law and confidence in democracy. Our motto in this country is "peace, rain and plenty". Peace means people must not fight. If there is peace, we will speak to our gods and the rains will fall. If the rains fall, there will be plenty. So if there are those who plunder the wealth through means that are not socially acceptable, it is like circumventing the norms of acquisition. Hence we want to stamp out corruption in whatever form it manifests itself.

NA: That is quite encouraging, but tell us, have there been pressure or threats from the home countries of these companies, to kill the case?

Masemene: We've not had any direct pressure or threat as such, but on the internet, yes; they posted articles saying "Lesotho is a small country, why are they doing this to our companies?". I think we will have to wait for the outcome of the appeal in April. But already there are indications in certain quarters saying, "what can a mosquito do to an elephant?" If the developed world and all of us, members of

the human race, are to create a better world for everyone, I think this is the right place to start, to use this corruption case as the blueprint.

NA: But you do agree that the giving and receiving of bribes in Africa have become the norm. So Lesotho is an exception.

Masemene: Maybe it is because of our Basotho culture. By nature, the Basotho say "let's help each other". We built our nation on selfhelp. As agricultural people, we used this philosophy of "togetherness" to help one another. And it is also the African philosophy, it happens everywhere in Africa. But I think with the advent of international capital, corruption crept into business and became part of the culture, and it will take time for us to remove it. It is a mammoth task.
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