



Centre for Conflict Management and Transformation

CHALLENGES TO RELOCATION AND COMPENSATION OF RURAL COMMUNITIES DISPLACED BY DEVELOPMENT PROJECTS IN ZIMBABWE



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Abstract

This research paper outlines the challenges rural communities experience when they have to cede state land they are entitled to occupy and use in order to pave way for development projects. Due to weaknesses in the land tenure systems and the lack of a harmonized and comprehensive policy framework on compensation in Zimbabwe, local communities face severe risks in terms of livelihoods and socio-economic development, if they are physically relocated. As a result, relocation processes often create conflicts between the affected communities and the responsible authorities, which in some cases stall development projects. For the purpose of this research, three representative relocation cases from the Midlands Province were investigated, in which the authorities had applied different approaches. The paper analyses the impact of the relocations on the affected communities, their satisfaction with the processes, and the strengths and weaknesses of the applied approaches in terms of consultations and negotiations, resettlement on alternative land, compensation for improvements and disturbances, and rehabilitation of social, economic and cultural development. Based on the findings, the research paper presents key recommendations which are designed to minimize conflicts and facilitate mutual agreements between the responsible authorities and affected communities. Thereby, this research paper intends to contribute to the development of comprehensive policies regulating the relocation and compensation of rural communities affected by development projects.

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Definition of Key Terms

- **Local authorities** are elected and appointed representatives of certain areas in the Rural District Councils, as well as local government officials for the district and provincial administration.
- **Responsible authorities** for relocation and compensation are all stakeholders responsible for the planning and implementation of such processes, which includes local authorities and the Ministry of Local Government, the Ministry of Lands, Agriculture and Rural Resettlement, and in some cases stakeholders from the private sector, such as mining companies, land developers or infrastructure development partners and contractors.
- **Displacement** refers to involuntary or forced human mobility from the habitual homeland without adequate compensation, guarantees or mechanisms of social support.
- **Relocation or resettlement** refers to physical, pre-planned relocation combined with appropriate support mechanisms, including social support in the new location.
- **Compensation** refers to financial payments, replacements or other support received by the affected people in order to compensate them for any damages or losses they reasonably incurred due to the process of displacement or relocation. Compensation is guided by the principle of equivalence: affected people should be neither enriched nor impoverished due to the process. However, an improvement of their situation is usually desirable.
- **Rehabilitation** goes beyond physical relocation and refers to integrated programmes and measures designed to mitigate or reverse the risks and negative effects of relocation on livelihoods and socio-economic development in a sustainable manner.
- **Land tenure** refers to the relationships, rights and regulations that define ownership, access, use, control and transfer of land. Land tenure systems determine who can use what resources for how long, and under what conditions.
- **Growth points** are settlements earmarked for economic and physical development. Growth points were created by the Government of Zimbabwe to redress imbalances in the nature of the colonial economy by providing focal points for local investment in neglected rural areas. By decentralizing investment, central government hoped to provide services, employment and markets and undertake primary processing, as well as curb rural-urban migration.

Illustration 1: Map of Midlands Province, Zimbabwe

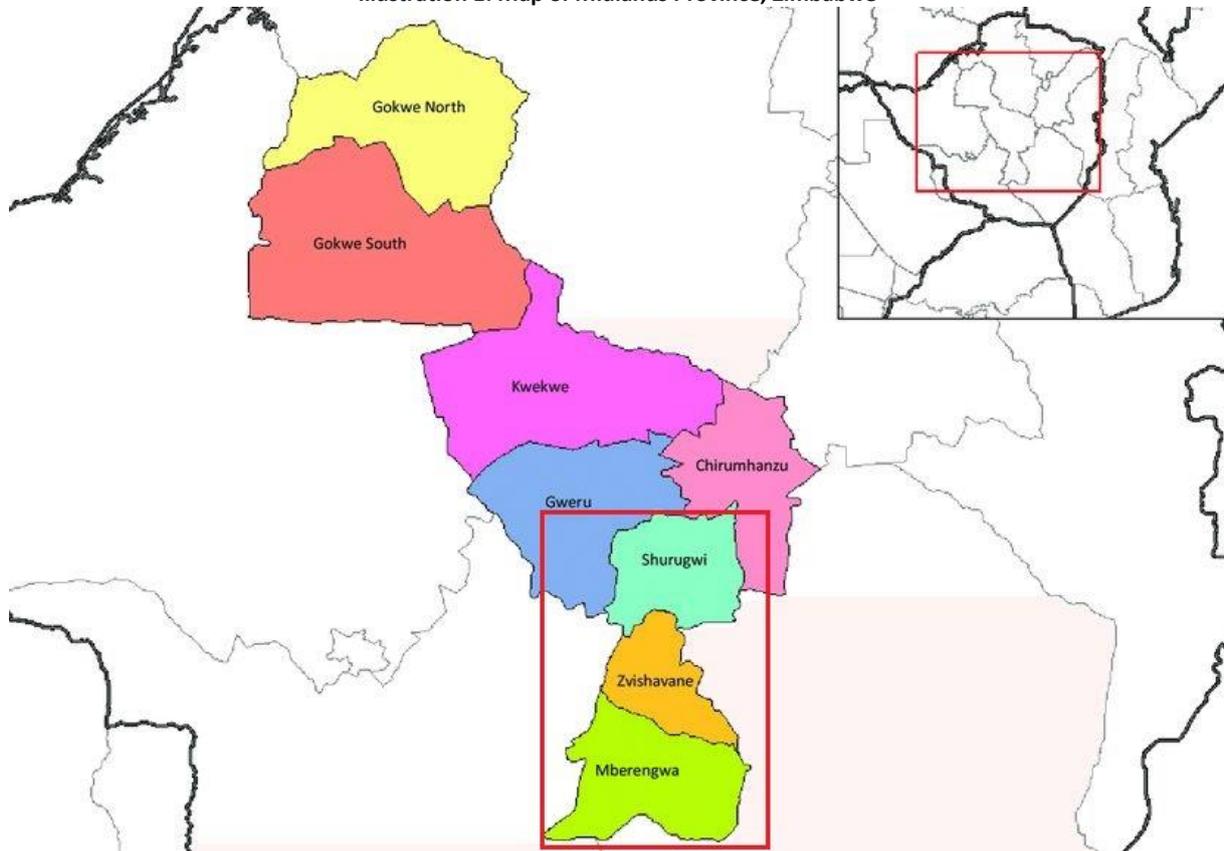


Table 1: List of Districts and Rural District Councils in Midlands Province

DISTRICT	RURAL DISTRICT COUNCIL
Gokwe North	Gokwe North
Gokwe South	Gokwe South
Kwekwe	Zibagwe
Gweru	Vungu
Chirumhanzu	Takawira
Shurugwi	Tongogara
Zvishavane	Runde
Mberengwa	Mberengwa

1. INTRODUCTION

1.1 Background and Problem

Across the globe and particularly in developing countries, local communities face risks of being displaced by development projects, such as dam and road constructions, mineral exploration and mining, urban, peri-urban and industrial expansion, or other infrastructural developments. In China, 70 million people were displaced between 1950 and 2000, while 50 million were affected in India. A study carried out by the World Bank shows that in the majority of development induced displacements, standards of living have declined and poverty increased among the affected people.¹ Local communities residing in areas earmarked for developments become victims of economic, social and cultural disruptions as they are uprooted from their ancestral homes and the environment they often have built strong attachments to, owing to generations of occupation. Economic, social and cultural systems are lost in the process, especially if there are no concerted efforts and programmes to compensate the affected people and to rehabilitate their livelihoods and development.

Africa has seen many cases of such displacements in the past. For example, between 20,000 and 30,000 people have been displaced for a gold mine in the Ghanaian region of Tarkwa, while 160,000 people lost their homes due to a pipeline project in South Sudan and 50,000 Maasai people were displaced in the creation of the Serengeti National Park.² Zimbabwe has its own long history of displacements linked to destructive colonial settlement policies resulting in the displacement of black people residing in areas reserved for white settlers and to the construction of the Kariba dam, which displaced an estimated 57,000 people and had long-lasting negative effects on the affected Tonga people. Some countries of the Southern African Development Community like Mozambique, have tried to address the issue by developing comprehensive regulations for resettlement processes.³

In Zimbabwe, dam constructions and mining have been major causes of development induced involuntary human mobility of rural communities after independence. A survey conducted by the Zimbabwe Vulnerability Assessment Committee indicates that 8% of the population have been affected by displacements and relocations between 2000 and 2007.⁴ The Tokwe Mukosi dam construction, which was intended to provide irrigation and electricity to communities in the semi-arid southern Masvingo Province, displaced approximately 2000 households⁵ and resulted in untold suffering of thousands of people who were left homeless, landless and destitute.⁶ The current Mines and Mineral Act gives mining precedence over agriculture⁷ and especially in Manicaland Province local communities have been negatively affected by projects like the Chiadzwa diamond mining project which displaced 600 households. The burden of the costs for rehabilitating the livelihoods of the affected people was disproportionately borne by the communities.

¹ Sudhanshu Tripathi: Development, Displacement and Human Rights Violations. In: Indian Journal of Public Administration, 201, Volume: 63, issue: 4, November 2017, pp. 567-578

² Bogumil Terminski, Development-induced Displacement and Resettlement: Theoretical Frameworks and Current Challenges. Geneva, 2018, p. 18

³ Catholic Commission for Justice and Peace: Land Displacement, Involuntary Resettlement and Compensation Practice in the Mining Sector - A Comparative Analysis of Legal and Policy Frameworks in Southern Africa. Lilongwe, 2014, Annex 6.6.

⁴ 17% of the respondents from 30 districts have relocated since 2000, while almost half of them had been "asked to move". Internal Displacement Monitoring Centre: The Many Faces of Displacement. IDP's in Zimbabwe. Harare, 2008, p. 41

⁵ "1,5 million for Tokwe Mukosi Flood Victims", Newsday, 29 May 2017

⁶ Human Rights Watch: Homeless, Landless, and Destitute - The Plight of Zimbabwe's Tokwe-Mukosi Flood Victims. 2015

⁷ Sam Moyo African Institute for Agrarian Studies: Locating the Position of Peasants under the "New Dispensation" – A Focus on Land Tenure issues. Harare, 2018, p. 4

In addition, some areas in Zimbabwe have witnessed rapid urbanisation in the past 30 years. Expansion of towns, growth points and rural service centres has resulted in displacement and relocation of local communities, which are expected to cede land to pave way for urban and rural development. Across the country, such processes have triggered local conflicts between the authorities and communities occupying land earmarked for urban or rural development. It has been the experience of the Centre for Conflict Management and Transformation that these conflicts are often structural and related to weaknesses in the land tenure systems and compensation policies that contribute to situations in which communities resist the relocation, because they feel unfairly treated and insufficiently compensated.

1.2 Research Purpose and Questions

Since 2013 the Centre for Conflict Management and Transformation has been conducting interventions to transform conflicts between local authorities and communities on relocation and compensation issues resulting from urbanisation and development projects in the Midlands Province. During these interventions, stakeholders realized that some aspects of these conflicts are structural and need to be addressed by reforming policies and harmonizing the different approaches applied by local authorities.

In 2017, the Centre for Conflict Management and Transformation, in cooperation with the Office of the Provincial Administrator, started supporting local authorities from the eight rural districts in jointly developing recommendations, guidelines and policies that intend to minimize displacement and relocation conflicts by emphasizing on mutual agreements and encouraging responsiveness to the concerns and human needs of the affected communities, which participated in the dialogue process. This research paper is part of the efforts to encourage dialogue and interrogation of policies and legislation in and beyond the Midlands Province.

The primary goal of this research paper is to highlight policy gaps and practical challenges that contribute to the escalation of conflicts between communities and local authorities on relocation and compensation in cases where communities have to cede rural land for development purposes. The secondary goal is to analyse the strengths and weaknesses of different approaches towards relocation and compensation that have been applied in practice by the authorities. The research was guided by the following questions:

- What are the rights of smallholder farmers and rural communities in terms of relocation and compensation according to the legislation and policy framework in Zimbabwe?
- Are these rights and current policies sufficient in terms of mitigating potential negative effects of relocations on the livelihoods and development of the affected communities?
- Which approaches are applied in practice by the responsible authorities, when they relocate and compensate rural communities?
- What are the specific conflict issues and challenges emerging in the relocation process?
- How does relocation impact on the affected communities and what aspects of compensation should be improved from their perspective?

Preliminary desk research revealed that there have been quite a few studies about displacements caused by political conflicts and mining in Zimbabwe. However, only very few recent studies relate to cases that occurred in the context of urban expansion and infrastructure development. Even fewer studies look beyond the immediate effects of physical relocation and explore the medium- and long-term impact, as well as the positive and negative aspects of the resettlement and compensation approaches applied by the authorities in terms of restoring the livelihoods and socio-economic development of affected communities.

This research paper intends to contribute towards closing this gap by presenting findings on the approaches and results of specific relocation cases that occurred in the context of development projects in Zimbabwe. For the purpose of this research, three cases were examined and analysed in terms of critical aspects, such as consultations, resettlement, compensation and rehabilitation. By relating the findings to grey areas and gaps in the Zimbabwean legislation and policy framework on relocation and compensation of rural communities, this research paper aims to provide relevant information for policy dialogues and reform at local and national level.

1.3 Research Methodology

For the purpose of this research paper, a comprehensive review of local, regional and international policies and literature on displacement, relocation and compensation of local communities has been conducted. In addition, three distinct cases were identified in the Midlands Province, in which communities have been relocated due to development projects. The three cases occurred in different decades (1998, 2002, 2013) and districts (Mberengwa, Shurugwi, Zvishavane) and involved different approaches and stakeholders. The cases were identified and selected in cooperation with Mberengwa Rural District Council, Tongogara Rural District Council and Runde Rural District Council.

The three cases affected a total of 105 households with approximately 600 people, of which a sample of 52 households with one respondent from each household was interviewed using a semi-structured questionnaire (14 out of 35 households from Mberengwa, 20 out of 30 households in Zvishavane, 18 out of 40 households in Shurugwi, cf. Annex). Affected community members were also asked to map their access to public facilities, services and resources within a distance of 15 kilometres and to compare the situation before and after the relocation.⁸

The collected data was triangulated through conducting additional focus group discussions with community members and key informant interviews with District Administrators, Chief Executive Officers, Executive Officers Planning/ Engineering/Technical Services and Councillors for the three Rural District Councils. The data was further validated and consolidated through reviewing relevant documents provided by key informants, information gathered from conflict interventions, policy dialogues and projects facilitated and implemented by the Centre for Conflict Management and Transformation, as well as resources available to the public at the organisation's on-site Resource Centre.

⁸ With regards to social infrastructure, the respondents considered schools, clinics, business centres and roads. Boreholes, irrigation schemes, community projects, shared fields and grazing land were amongst the facilities classified as community developments and commons. The respondents also rated the functionality of critical public services and institutions, such as agricultural extension services, veterinary services, traditional leadership, village and ward development committees. Another crucial aspect was the state of the environment and access to natural resources like watershed areas and forests. Some community members also emphasized intangible heritage and cultural sites, such as sacred places, gravesites or other culturally or religiously relevant facilities.

2. LAND TENURE AND COMPENSATION OF RURAL COMMUNITIES

2.1 Land Tenure Systems in Zimbabwe

Zimbabwe has complex and diverse settlement patterns, land tenure systems and compensation regulations, which are the result of colonisation and the various efforts after independence to redress colonial inequalities. During colonial times, the most arable land regions I-III were reserved for white settlers, which obtained freehold titles that provided ownership of agricultural land in perpetuity and could only be traded with other white settlers. Black settlers could also own agricultural land, but were restricted to designated “Native Purchase Areas”, which were often located in remote areas with land of poorer quality.⁹

The majority of black farmers resided in overcrowded and overused “Tribal Trust Lands”, which were predominantly located in region V, administered on behalf of the indigenous population and specifically reserved for “native” occupation and usage. The land parcels were allocated by traditional chiefs according to local customs and not formally registered. Colonial efforts in the 1950s to introduce formal title deeds for specific tracts proved to be difficult to implement and were subsequently abandoned by the Rhodesian settler regime, which recognized chiefs as the final authority for land allocation in those areas. The remaining land in Zimbabwe was designated national land for reserves, which would later become national parks.

After independence in 1980, every Zimbabwean was given the right to purchase agricultural land in any region, with the important exception of “Communal Land” and “Resettlement Areas”. The former “Tribal Trust Lands” were transformed into state land vested in the President of Zimbabwe. In practice, the traditional leaders retained their role in allocating parcels to local residents, who were collectively permitted to occupy and use state land designated as communal land by the President. In addition, the government started acquiring farms owned by white settlers, which were transformed into state land designated for resettlement of mainly small-scale farmers.¹⁰ Communal lands were increasingly affected by environmental degradation and residents and returning refugees from the liberation war were given the opportunity to apply for resettlement. Resettlement land could not be owned or purchased and initially, parcels were allocated customarily like in communal lands, but increasingly settlers obtained open ended settlement permits, which gave individuals or groups the right to occupy and use certain parcels allocated by the local authorities.

In the early 2000s, Zimbabwe embarked on a more far-reaching land reform and the government undertook compulsory acquisition of land owned by white farmers without compensation. As a result, the system of freehold titles for agricultural land was largely abandoned and became increasingly restricted to non-agricultural land, while most agricultural land became state land. The expropriated land was subdivided and classified as either A1 farms for the resettlement of small-scale farmers and local communities or A2 farms for medium- and large-scale commercial farming. The government invited all interested and qualified Zimbabweans to apply for resettlement and issued temporary offer letters for occupation of designated A1 or A2 farms. Subsequently, A1 settlers or groups could obtain indefinite settlement permits for occupation and usage from the Ministry of Lands and Rural Resettlement. In addition, the government introduced regulated 99-year leaseholds for A2 farmers using allocated state land for commercial agriculture on a larger scale.

⁹ Ian Scoones: Medium-Scale Farming for Africans – The Native Purchase Areas. 2017, February 6. Retrieved from <https://zimbabweland.wordpress.com/2017/02/06/medium-scale-farming-for-africans-the-native-purchase-areas-in-zimbabwe/>

¹⁰ Francis T. Gonese, Nelson Marongwe, Charles Mukora, Bill Kinsey: Land Reform and Resettlement Implementation in Zimbabwe - An Overview of the Programme against Selected International Experiences. Harare, 2002, pp. 10-12

Since the fast track land reform, the public discourse about land tenure, resettlement and compensation in Zimbabwe has been dominated by issues related to the compensation of evicted white farmers and the regulation of 99-year leases in order to improve security of land tenure and to make them more viable for commercial farming. Despite the crucial role of rural communities and smallholder farmers for the economic, social and cultural development in Zimbabwe, there has not been sufficient attention and action to address similar challenges they are facing.

Local communities face potential eviction whenever the authorities decide to change the use of state land that had been designated for occupation by rural communities in order to make place for development projects instead. While this often seems a rather technical problem of land use management from the perspective of the authorities, the communities deal with severe risks in terms of their livelihoods and development and often try to resist moving and end up in conflict with the authorities, if they feel they are not fairly treated and adequately compensated for their losses. For the purpose of this research, it is critical to have a more detailed look at the rights of smallholders and rural communities in terms of land tenure, protection from arbitrary displacement and compensation for diminution of any such rights.

Residents of communal lands and resettlement areas have the right to occupy and use designated state land, although they have no ownership of the land. In order to protect the livelihoods and development of local communities, they enjoy the right to be compensated, if their rights to occupy and use the land are affected. However, weaknesses in the land tenure systems, gaps in the legislation and policies on compensation and power imbalances in practice have resulted in cases, in which communities have suffered significant losses when they had to cede land. Furthermore, relocation and compensation processes are not regulated by a harmonized policy framework. As a result, different authorities apply different approaches and at times impose inadequate or unsustainable compensation models.

2.2 Compensation of Occupants of Communal Land

Communal land is state land vested in the President of Zimbabwe. Local communities, regardless of their historical claims and how long they would have occupied the land, have no ownership but are permitted to occupy and use communal land by the President.¹¹ The Communal Land Act provides, if “any person is dispossessed of or suffers any diminution of his right to occupy or use any land”, they shall be given the right to occupy or use alternative land and an agreement as to compensation shall be reached.¹² If no alternative land is available and no agreement has been reached, Section V and VIII of the Land Acquisition Act shall apply.¹³ The following relevant issues in terms of compensation are left open and at the discretion of the responsible authorities:

- Ensuring that the alternative land is equivalent and as adequate for the intended occupation and use as the previously occupied land,
- Improvements and disturbances to be considered for agreements on compensation,
- Ensuring that communities have equivalent access to social infrastructure, developments and resources on alternative land.

According to the Manual for the Management of Urban Land¹⁴, authorities intending to expand urban land into communal land have to reach an agreement on compensation with the affected

¹¹ Communal Land Act (Chapter 20:04), Section 4 and 7

¹² Communal Land Act (Chapter 20:04), Section 12

¹³ The application of the Land Acquisition Act is however difficult, since communal land cannot be purchased and therefore has no official market value.

¹⁴ Ministry of Local Government, Public Works and National Housing: Manual for the Management of Urban Land. Harare, 2002

communities. The agreement has to be submitted as an addendum to the application for excision of communal land and needs to be approved by the Ministry of Local Government. However, neither the Communal Land Act nor the Manual provide details on how such an agreement shall be reached and which areas of concern it is supposed to cover as a minimum requirement.

Although the occupants of communal land are already disadvantaged due to collective and limited rights to the land, there are no provisions to ensure sufficient public notice, consultations, assessments or negotiations based on equal bargaining powers, which according to the Food and Agriculture Organization of the United Nations are critical aspects for reaching agreements on compensation¹⁵. The cases investigated by this research show that local communities are usually not consulted in the development of compensation agreements and do not have access to professional advice, unless the expenses are covered by themselves. Since the responsible authorities usually have an interest to keep compensation costs as low as possible, there is thus a considerable risk that “agreements” may be imposed on local communities.

2.3 Compensation of Occupants of Resettlement Areas

Resettlement areas usually comprise of smallholder beneficiaries of the land reform programme. After independence, a *villagized Model A* was used which derived its design from communal lands. Model A was later modified into *villagized Model A1*, which provides a 0.5 hectare residential plot, 5 hectares individual arable land holding and 25 to 60 hectares communal grazing land depending on the size of the community. In addition, a *self-contained Model A1* with 25 to 50 hectare was introduced, which was supposed to cater for all residential, arable and grazing requirements of each household instead of reliance on communal allocation and provision of resources.¹⁶

As is the case with communal land tenure, occupants do not own the land in resettlement areas. In terms of Statutory Instrument 53 of 2014 which regulates settlement permits, the land is retained by the state and settlers are to be issued with indefinite permits to reside on the land, cultivate it and graze a certain livestock. However, the government has the authority to terminate or cancel the permit at its sole discretion after giving three months written notice.¹⁷ Although Statutory Instrument 53 of 2014 gives a right to claim compensation for improvements and crops growing on the allocated land, the following areas are of concern in terms of compensation:

- No obligation to provide alternative land or otherwise compensate for loss of land as main source of livelihood,
- No guidance on how, when and by whom assessments of improvements and crops are supposed to be carried out,
- Compensation is explicitly restricted to improvements and crops only, which leaves no flexibility for consideration of any other relevant losses incurred,
- Settlers may be dispossessed before receiving any compensation.

According to Statutory Instrument 53 of 2014, compensation agreed upon or determined must be paid not later than 180 days from the date when the government resumes possession of the allocated land that was subject to the permit, while the government reserves the right to resume possession within 90 days of the written notice. Although in default of agreements, compensation shall be determined by arbitration, this does not only leave room for severe disruptions of

¹⁵ Food and Agriculture Organization of the United Nations: *Compulsory Acquisition of Land and Compensation*. Rome, 2008, p. 24

¹⁶ Francis T. Gonese, Nelson Marongwe, Charles Mukora, Bill Kinsey: *Land Reform and Resettlement Implementation in Zimbabwe - An Overview of the Programme against Selected International Experiences*. Harare, 2002, p. 23.

¹⁷ Agricultural Land Settlement (Permit Terms and Conditions) Regulations, 2014 (SI 2014/ 53), Section 20

livelihoods, but also enables removal of settlers based on wrong promises, since there is no provision to ensure compensation values have been determined and approved before taking repossession of the land.

In practice, the situation is further complicated, because there is a backlog in issuing settlement permits and occupants often only have offer letters or are not registered at all. In general, beneficiaries of resettlement schemes are more vulnerable than the occupants of communal lands. This is because they feel indebted to the benevolence of the government which availed them the land as part of its resettlement policy, while occupants of communal land often feel some sense of ownership or entitlement to the land and its surroundings owing to generations of occupation. As a result, occupants of communal land are more likely to oppose displacement and to claim bargaining power than occupants of resettlement areas when faced with displacement.

3. RELOCATION AND COMPENSATION IN PRACTICE – THREE CASES FROM MIDLANDS PROVINCE

For the purpose of this research, three representative cases from different decades and districts have been selected, which demonstrate different approaches to relocation and compensation with distinct strengths, weaknesses and results. The first case occurred in Mberengwa District between 1998 and 2000, when 35 households were relocated to pave way for Mataga Growth Point. A second sample was taken from Zvishavane District, where 30 households were moved in 2013 due to an expansion of Zvishavane Town involving a land developer. The third case is related to the Unki platinum project by international mining group Anglo American, which required the relocation of 40 households from the proposed project site in Shurugwi District in 2002. In total, approximately 600 people were affected by these cases. The research focused on how the responsible authorities dealt with consultations, resettlement, compensation and rehabilitation, as well as the impact on the affected communities and the appraisal of each aspect of the process by community members.

Table 2: Selected cases - year, location, reasons for relocation and responsible authorities

<i>District</i>	<i>Year of relocation</i>	<i>Former location</i>	<i>Current location</i>	<i>Reason for relocation</i>	<i>Responsible authorities</i>
a) Mberengwa	1998-2000	Ward: 18 Village: Chipedza / Chagwiza	Ward: 36 Village: Bungwe Resettlement I	Growth point expansion	Local authorities / Ministry of Lands
b) Zvishavane	2013	Ward: 13 Village: Mabhula	Ward: 5 Village: 5 Mhondongori	Town expansion	Local authorities / Ministry of Lands / Land developer
c) Shurugwi	2002	Ward: 19 Village: 18 Chironde	Ward: 21 Village: 1 Reitfontein	Platinum mining	Local authorities / Ministry of Lands / Mining company

3.1 Consultations and Negotiations

Both the Communal Land Act and the Statutory Instrument 53 of 2014 encourage agreements between the authority requiring land and the affected communities. Agreements are usually reached through public consultations and negotiations between the responsible authorities and the affected communities or representatives of their choice. In the three cases at hand, the affected communities were informed by the responsible authorities about the relocation, but the terms of the resettlement and compensation packages were agreed upon without community participation. Two communities were not consulted in public meetings and only one community obtained a written agreement, however only after they approached the Administrative Court.

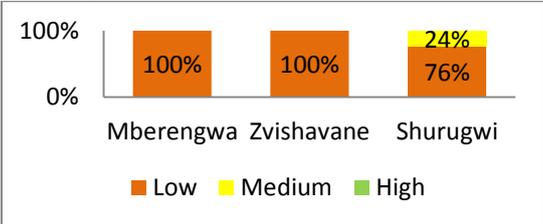
The affected community members from Mberengwa first read in the newspaper in 1992 about plans to expand the growth point and relocate them from their communal land. Afterwards, the Rural District Council called for a meeting with community leaders and announced the relocation, but was met with resistance from the chief and community. They were told that it was against the law to stay on land earmarked for development and some community members started registering for resettlement out of fear of not being compensated otherwise. In 1998, the community became a beneficiary of a resettlement scheme launched by the President of Zimbabwe and most households moved until 2000, after they had been threatened with forced eviction and became afraid of farming operations being disrupted.

The community from Zvishavane consists of people from different areas, who had been resettled voluntarily in the context of land redistribution policies shortly after independence. In 2012, the residents encountered contractors in the resettlement area that intended to develop the land for urban settlement. The community was relocated in 2013, less than a month after being informed by

the District Administrator and the chief that the land they occupied had been placed under town jurisdiction and was already pegged. The community engaged a lawyer from Harare and demanded USD 7000 per household as well as replacement of their houses and community structures. They eventually were relocated, after they had been promised to receive adequate compensation and signed an agreement, which was kept by the lawyer.

In Shurugwi, Unki mine was involved in the relocation of a community in 2002. The mining company approached the community a year in advance and the District Administrator and Rural District Council conducted public meetings to inform the community about plans to relocate and compensate them. However, according to the affected community members the applied approach was more instructive than consultative and the responsible authorities did not negotiate terms with the community, although they had been promised to have a choice between different resettlement areas and that they would receive employment opportunities from the mining company. In the end, the community was relocated after they had been told that if they do not move, they would have to go back to where they came from, thus reminding them of being beneficiaries of previous resettlement programmes.

Figure 1: Community level of satisfaction with consultations and negotiations



In the absence of mutual agreements, any aggrieved party has the right to approach the Administrative Court for remedy. With regards to resettlement areas, Statutory Instrument 53 of 2014 states that disputes may be resolved in terms of the Arbitration Act. In addition, disputes can also be presented to the Land Commission.¹⁸ However, 87% of the respondents in all three cases did not know their rights, which restricted their ability to demand fair negotiations or to seek a court order. Nearly all respondents that were aware of their rights came from Shurugwi and reported that they had been informed about their rights during public consultations by the responsible authorities, although only 28% of them felt sufficiently informed.

The affected community members from Shurugwi would have preferred a more consultative approach and fair negotiations, but they decided not to take any actions against the relocation. In Zvishavane and Mberengwa, where communities had not been consulted and informed about their rights, the conflict escalated. The majority of community members in Zvishavane petitioned the local authorities and brought the case to the Administrative Court, which ruled in their favour. Some of the affected community members from Mberengwa organised demonstrations and were arrested when they resisted the pegging of stands. While some households were relocated, others continued to resist moving, which resulted in a long-lasting conflict and standoff between the council and the community that was only resolved 20 years later through an intervention by the Centre for Conflict Management and Transformation.¹⁹

3.2 Resettlement on Alternative Land

Since agriculture is the main source of livelihoods for rural households in Zimbabwe, resettlement on adequate alternative land suitable for agricultural production becomes a critical aspect of relocation,

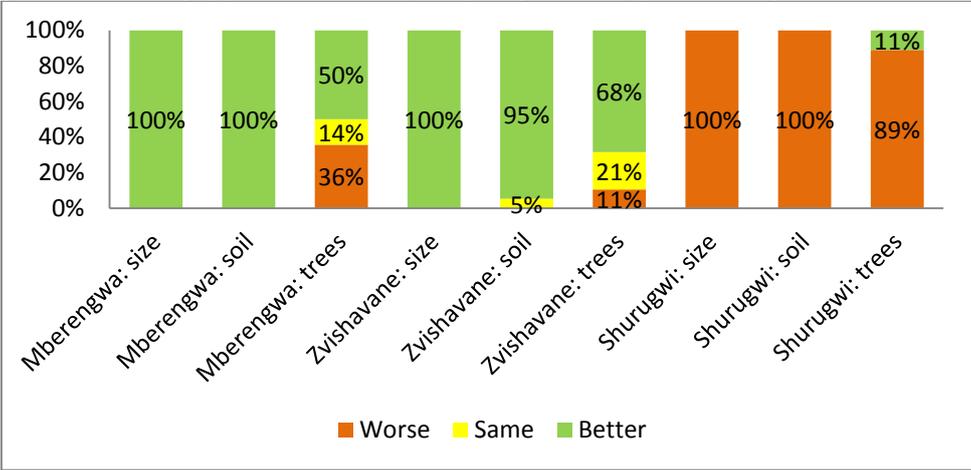
¹⁸ Constitution of Zimbabwe Amendment (No. 20) Act, 2013, Section 297(d)
¹⁹ “Mataga, villagers end 23-year dispute”, The Herald, 28 November 2017, <http://www.herald.co.zw/mataga-villagers-end-23-year-dispute/>

unless access to other sustainable sources of livelihoods can be offered. The communities from Mberengwa and Zvishavane, which were relocated to pave way for urban development, ultimately benefitted from the resettlement in terms of being allocated better land than they had occupied before the relocation.

The affected households from Mberengwa received larger pieces of land with better soil quality. As residents of communal land, all respondents had occupied less than 5 hectares and the majority less than 2 hectares land, but they were resettled on land ranging from 6 to 10 hectares. In Zvishavane, each household was allocated between 6 and 15 hectares land. Although the majority of households had occupied up to 20 hectares before the relocation, the new location offered more arable land, good rainfall patterns and better soil quality, trees and perennial crops.

In contrast, the community from Shurugwi, which had to cede their land to a mining company, bemoaned that they had received smaller plots with less fertile soils, trees and perennial crops. 76% of the respondents previously had occupied 6 to 10 hectares, but only received 3 to 5 hectares. The affected community members reported that they used to harvest enough for their own consumption and surplus for sale. On the current land, they cannot even produce enough for themselves.

Figure 2: Community appraisal of land size, soil quality and trees/perennial crops after the relocation



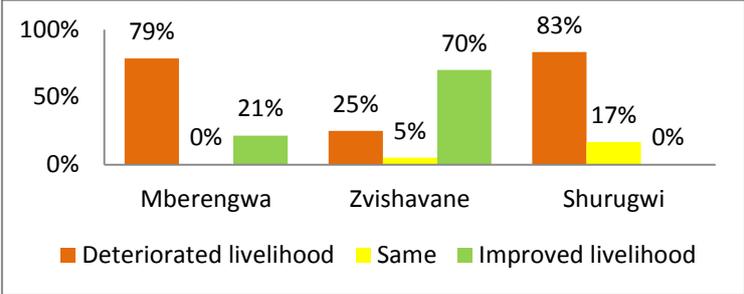
Despite being affected by involuntary relocation, in two out of the three cases the communities are not benefiting from improved security of their land tenure. Only in Mberengwa the households that previously had occupied unregistered communal land received settlement permits, which they however had to obtain without assistance and at their own costs. The new land of the affected households from Zvishavane is not registered at all, although they used to have settlement permits for the land they had occupied before the relocation. The community from Shurugwi has received offer letters, which have not yet been replaced with indefinite settlement permits as outlined by Statutory Instrument 53 of 2014.

Table 3: Type and registration of former and current land

Case	Type and registration of previously occupied land	Type and registration of currently occupied land	Waiving of registration fees?
Mberengwa	Communal land	Resettlement area	Paid for permit
	Not registered	Settlement permit	
Zvishavane	Resettlement area	Resettlement area	-
	Settlement permit	Not registered	
Shurugwi	Resettlement area	Resettlement area	Free offer letter, but no permit
	Not registered	Offer letter	

The very different experiences of the communities from Zvishavane and Shurugwi in terms of land allocation are reflected in opposite development of livelihoods. In Shurugwi, the community lost access to artisanal mining and was resettled on less adequate land, which resulted in deteriorated livelihoods for the vast majority of affected households. In contrast, a majority of affected community members from Zvishavane felt their livelihoods have improved, because they received more productive land and are harvesting better yields than in the area from which they were relocated. Despite having been allocated better land, the majority of the households affected by the case in Mberengwa reported deterioration of livelihoods, which to a certain degree might be linked to overall socio-economic challenges in the country since their relocation in the late 1990s.

Figure 3: Community appraisal of livelihood development after the relocation



3.3 Compensation for Improvements and Disturbances

Statutory Instrument 53 of 2014, the Land Acquisition Act and the Manual for the Management of Urban Land stipulate that occupants of resettlement areas and communal land that lose the land they occupy shall be compensated for improvements on such land. In addition, Statutory Instrument 53 of 2014 provides the right to be compensated for “any crops growing on the allocated land on the day of the cancellation or termination of the permit”.²⁰ Compensation, whether financial payments, material support or replacement of structures, is usually determined by an assessment or valuation of the immovable assets and any other damages the affected households reasonably incur due to the relocation process. However, only in two of the three investigated relocation cases valuations were carried out to establish compensation values.

In Mberengwa, the Regional Valuations Officer from the Matabeleland Region conducted assessments in October 1999 and submitted a valuation report to Mberengwa Rural District Council in November. The valuation was done on a “depreciated replacement cost basis” of existing structures and also took into consideration fruit trees, kraals and salvage values, but excluded the value of land, which was state land. In addition, a disturbance allowance of 20 percent of the total costs was included. However, the valuation was not conducted in a consultative manner and took place, after some households had already been resettled. Most community members were unaware of the assessment and the valuation methods applied. They felt they should have been given an opportunity to provide their own estimations and submissions to the valuator for further consideration. Some also raised concerns about possible conflicts of interest, since the valuation was conducted by a government official.

A similar assessment was commissioned by the local authorities and mining company in Shurugwi, where 11% of the respondents from the community reported that they also produced their own written submissions, which however were not considered. The exact process and valuation methods applied are not known, because there is no documentation available. In Zvishavane, the authorities did not carry out any assessment of compensation values, which became apparent when the community took legal action against the relocation process. As a result, the Administrative court estimated a flat fee and ruled that each household was entitled to USD 7000 compensation.

²⁰ Agricultural Land Settlement (Permit Terms and Conditions) Regulations, 2014 (SI 2014/ 53), Section 20(1)(a)

Although the valuation assessment in Mberengwa was comprehensive and determined financial compensation for improvements and disturbances, the affected community members ended up in a dire situation without access to housing, because they were relocated without having received any financial compensation yet. The resultant crisis is evidenced by a letter written from the Midlands Provincial Administrator dated 15 January 2001 to Mberengwa Rural District Council, wherein he raised his concern over the continuous delay of the payment of compensation, which left the affected community “desperate for accommodation”.

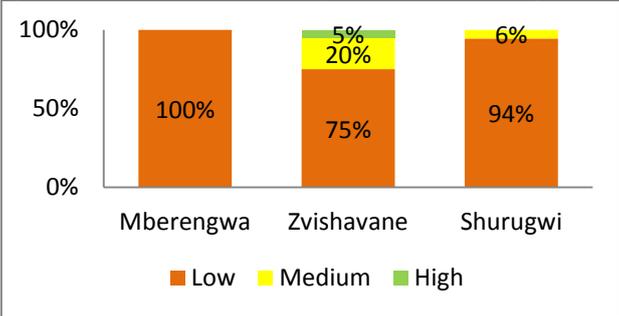
A different approach was taken in the cases from Zvishavane and Shurugwi, where the involved land developer and mining company constructed identical houses for the relocated communities. In Shurugwi, the relocated people were housed in temporary shelters until the construction was finished. However, the affected communities from both districts expressed concerns over the size and quality of the houses. In the case of Zvishavane, some of the affected communities reportedly used to have houses two times bigger than the ones they received. They deemed the new houses inadequate in terms of replacing the buildings they lost and not suitable for a rural setup. The newly constructed houses were also of worse quality and had cracks all over, which indicates that they were constructed hurriedly and without sufficient resources allocated for their construction.

Illustration 2: Houses constructed for community in Zvishavane (crack on top of the wall on the right side)



Before the relocation, most households in the affected areas owned three or more buildings for accommodation, sanitation and storage. In addition, most of them had erected demarcation and fencing and arranged drainage and access routes. In Zvishavane and Shurugwi, the communities had also been part of irrigation schemes and the households from Shurugwi were connected to the electrical grid. Despite the assessments that had been carried out in Shurugwi, the new houses were not comparable to the previously owned ones, but the responsible authorities ignored complaints about the size and quality of the buildings they had constructed. One of the affected community members from Shurugwi described the houses as a health hazard and remarked: “...the word ‘replacement’ loses its meaning when what is lost is not comparable to what is being offered, especially when what is offered is less than what was lost”.

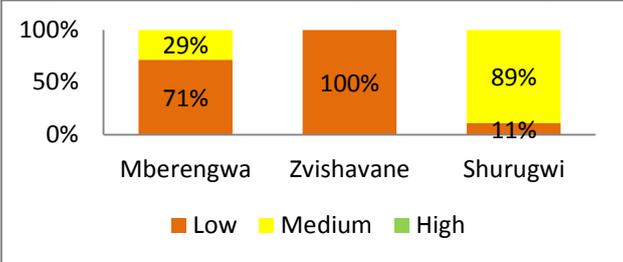
Figure 4: Community level of satisfaction with compensation for buildings and other improvements



In all three cases, the relocation process resulted in disruptions and disturbance of livelihoods that particularly affected vulnerable groups. The relocated community members had to clear and cultivate the new land, transport movable household assets to the new location and 88% of all respondents reported that they lost crops, livestock or earnings due to the process. Although the affected households from Mberengwa and Zvishavane had been allocated better land, they experienced a very difficult first year. The community from Zvishavane was relocated amidst heavy floods and did not get any support in clearing and cultivating the new land, which was covered by a huge forest. 36% of the respondents from Mberengwa were assisted in tilling the land, but the remaining households did not receive any support either. In contrast, the affected community from Shurugwi was provided agricultural inputs (seeds and fertiliser) and a group orchard to start up their agricultural activities in the new area.

In Shurugwi and Mberengwa, the responsible authorities also supported the affected community members by providing trucks for moving their belongings to the new settlement. Instead of receiving transport, the affected households from Zvishavane were given an allowance of USD 90 each to transfer their cattle for a distance of 72 kilometres. However, the amount was reported to be insufficient, because each household owned between eight and fourteen cattle, which they ended up walking for the whole distance with some livestock perishing along the way.

Figure 5: Community level of satisfaction with compensation for disruptions and disturbances



The affected households from Mberengwa were supposed to receive comprehensive financial compensation to cover their losses in terms of improvements and disturbances. In Zvishavane, houses were constructed for the relocated community and they were supposed to get financial compensation to cover the replacement of other structures and any other losses they incurred due to disturbances. The community in Shurugwi was given a similar deal, but also received agricultural inputs to minimize disruptions, while the financial compensation was supposed to cover any other losses and recognized the involuntary nature of the relocation. However, only the community in Shurugwi actually received the full amount and value of financial compensation they were entitled to, although most household had not received the payment on the due date.

Table 4: Payment and amount of financial compensation per household

<i>Mberengwa</i>	USD 40 (payment in Zimbabwean Dollar, estimation of current value based on the costs of a bag of wheat)	Cheque (4 years later)
<i>Zvishavane</i>	USD 550 + USD 90 for transport - USD 150 for legal costs	Cash, full amount of USD 7000 not paid
<i>Shurugwi</i>	USD 1000 (payment in Zimbabwean Dollar, estimation of current value based on the price for three cows)	Cash (17% of respondents reported to have received the full amount on the due date)

As is the case with communal land, the funds to compensate the affected community members from Mberengwa were supposed to come from the Consolidated Revenue Fund²¹ and not directly from

²¹ Communal Land Act (Chapter 20:04), Section 12(2)

the responsible authorities. Documents show that Mberengwa Rural District Council had not received the full amount from central government to effect the payments until July 2002. Thereafter, due to “red tape” the cheques stayed for more than 6 months in the District Administrator’s Office, before they were handed over to the Chief Executive Officer of Mberengwa Rural District Council for disbursement to the affected community members. By the time the funds reached the intended beneficiaries, their value had been eroded by inflation. What was estimated to be sufficient to replace improvements and compensate disturbances had turned into just enough to buy a 20 kilograms bag of wheat four years later. Such a bag currently has an estimated value of USD 40.

In Zvishavane, the affected community sought and obtained a court order which directed the local authority to grant each household USD 7000, two residential stands in the newly created urban area and a fully constructed four roomed house. Nevertheless, the responsible authorities defaulted on this judgement and as of September 2018, five years after the relocation, only USD 550 have been paid to each household, of which approximately USD 150 were used to cover the costs of legal representation. Some community members disagreed about the way the payment and the expenses were split amongst them, which contributed to conflicts and rifts within the community.

The lawyer hired by the community had negotiated an agreement between the community, the land developer, the Governor of the Midlands Province (Minister of State) and the local authorities, which stipulated the payment of compensation by the land developer through the Office of the Governor to the legal representative of the community, who would then transfer the funds to the community. The community feels reliably informed that the agreed amount has been paid in full to the Governor’s Office and now suspects that there have been underhand dealings between the Governor’s Office, the lawyer and other stakeholders. This was supported by the fact that the lawyer contacted the community in 2017 to inform them that their outstanding balances were ready, only to become evasive immediately thereafter and eventually renouncing agency without handing over any documentation of the agreement to the community. The community has lost hope of receiving the outstanding amount.

3.4 Rehabilitation of Social infrastructure, Development and Resources

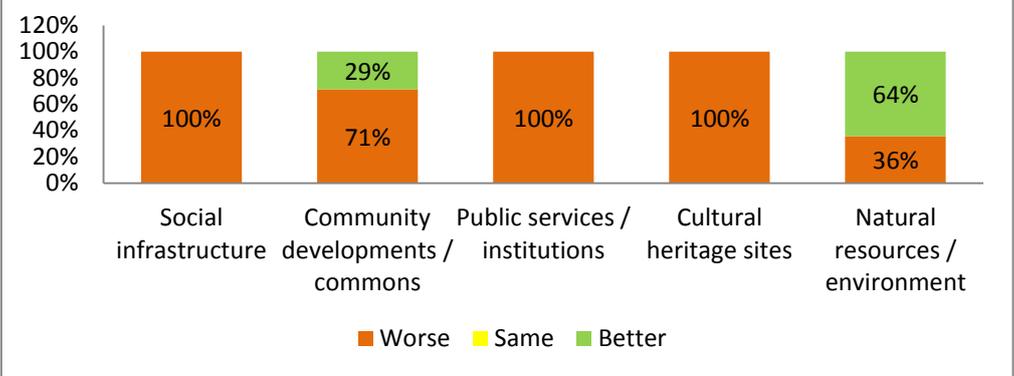
Physical relocation of communities can have sustained negative effects on the social, economic and cultural development of the affected people, in particular if there are no integrated plans or programmes to rehabilitate their livelihoods as well as social infrastructure, community developments, public services, cultural sites and the environment. Whilst there has been a strong policy focus on improving the access of smallholder farmers and rural communities to adequate land in Zimbabwe, there have been gaps in terms of ensuring access to critical social infrastructure in resettlement areas²², which particularly affects vulnerable groups, such as children, elderly and people living with disability or chronic health issues.

The community from Mberengwa, which had occupied communal land before the relocation and was severely restricted in terms of the available land, used to enjoy comprehensive access to social infrastructure at their previous location. After the relocation, the affected households have gained land, but lost direct access to nearly all social infrastructure, with the exception of a primary school. Two school blocks were constructed by the responsible authorities, which also drilled a borehole and repaired two boreholes in the proximity of the new location to support the community. The new environment offers better access to water and forests, although half of the respondents reported loss of grazing lands and the community has not received a dip tank they had been promised. In terms of public services, the community has less access to agricultural extension services, which are located far away, and the traditional leadership is not as functional as before. The culture of the

²² Cf. Centre for Conflict Management and Transformation: Challenges to Social Service Delivery in Zimbabwe’s Resettlement Areas. Harare, 2014

community has been affected by a lack of a cemetery and sacred places. Community members also reported significant disruption of social relationships due to the relocation, since only part of the community has been resettled and experienced challenges in integrating into the new community.

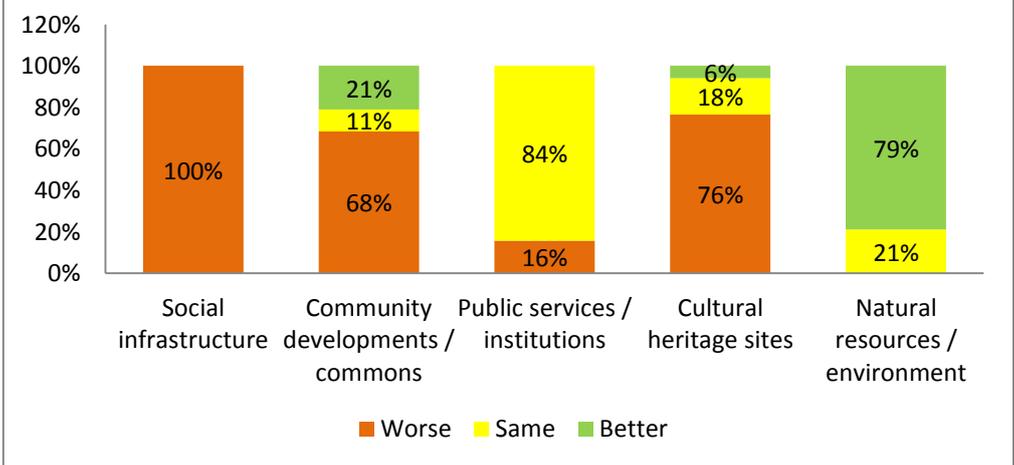
Figure 6: Mberengwa - community appraisal of access to public facilities after the relocation (within 15 km)



In terms of social infrastructure, the community from Zvishavane is in a similar predicament as the one that has been relocated 15 years earlier within Mberengwa. Primary and secondary schools, the clinic and business centre are now 18 kilometres away, while such facilities were located within 5 kilometres distance at the previous settlement. The community members had built a school using their own resources at the former location and they were told by the responsible authorities that this school would be sold to the land developer and the funds used to construct a new school in the area they had been relocated to. The local authorities also promised the construction of a road connecting the community to the business centre, since they are now located within 3 to 4 hours walking distance to public transport. The authorities drilled a borehole, but have not made good on their other promises yet. In contrast to the previous settlement, the community is not part of an irrigation scheme anymore and some community members reported to have benefited from artisanal mining before the relocation, which is however compensated by the improved agricultural production on the new land. They also lost cultural sites and do not have a cemetery anymore, but enjoy similar access to public services as before.

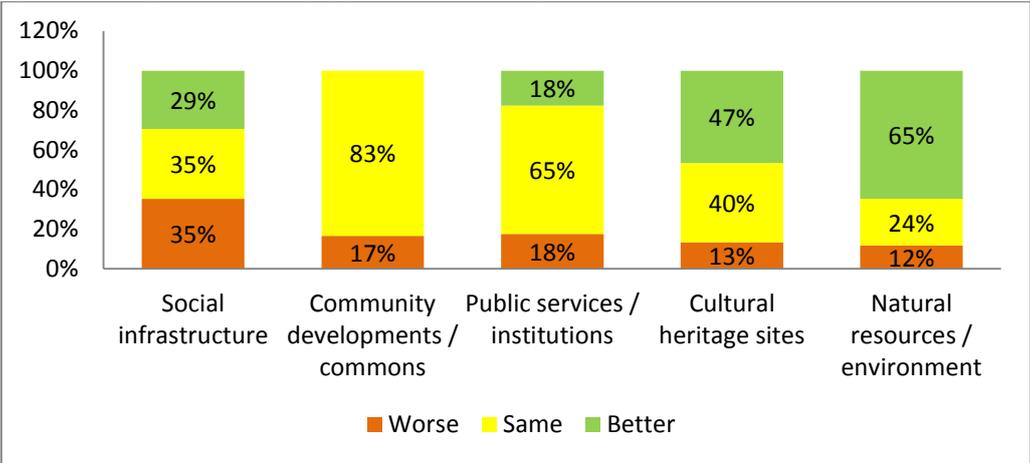
In Zvishavane and Mberengwa, social relationships were negatively affected by the restricted access to education, because some households left their children behind on their own, so that they could continue to attend school. Access to ancestral graves was also lost due to the relocation, although 66% of all respondents indicated that they would not have preferred reburials due to their cultural beliefs, even if it would have been offered by the responsible authorities.

Figure 7: Zvishavane - community appraisal of access to public facilities after the relocation (within 15 km)



The community from Shurugwi, which had been relocated due to mining, experienced less challenges and changes than the communities in the other two cases. The community is not part of an irrigation scheme anymore and livelihoods have been negatively affected by the loss of artisanal mining opportunities and decreased land size and quality, which also resulted in the loss of shared fields and community projects. However, overall community members reported that they enjoy similar social infrastructure and community developments as before the relocation. They still have access to health services, a business centre and are connected to a road, while Unki mine also constructed a primary and secondary school and drilled boreholes. The community has a cemetery and most public services are as functional as before, although there is less access to sacred forests and veterinary services. However, some community members complained that Unki Mine had not kept the promise to create employment opportunities for community members and youths.

Figure 8: Shurugwi - community appraisal of access to public facilities after the relocation (within 15 km)



4. CONCLUSION

4.1 Summary of Findings

The affected community from Mberengwa is very dissatisfied with the relocation process and compensation package they received, which basically only consisted of alternative land, transport and assistance with tillage for some of the households. The responsible authorities had not conducted the process in a consultative manner, but comprehensive valuations were carried out. However, the valuations were conducted without the involvement of community members and there was no agreement with the community on compensation. The conflict escalated in demonstrations by community members, who eventually were threatened. While some felt they were forced to move, others refused and kept on resisting for the next twenty years.

After the relocation, the community from Mberengwa was left without housing, because compensation was only paid four years later. In the meantime inflation had nearly completely eradicated the value of the financial compensation, which was supposed to provide comprehensive coverage for improvements and disturbance. Although the local authorities supported the rehabilitation of the community by constructing a primary school and drilling boreholes, the affected people had much better access to social infrastructure before the relocation. The community has however benefited in terms of receiving more adequate land for agriculture and the security of their land tenure has been improved by settlement permits, which they had to pay for. Despite this, it is concerning to note that part of the community is already facing another possible relocation to pave way for mining activities.

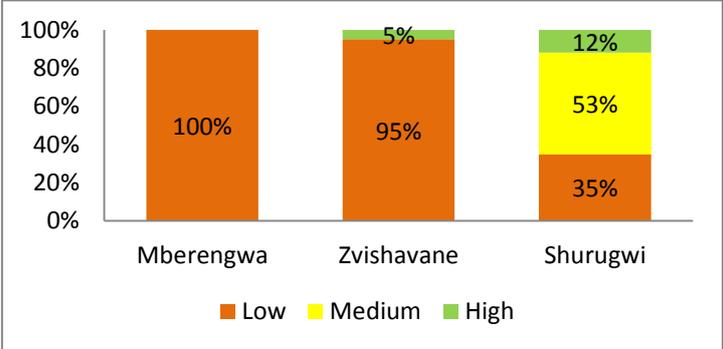
The experience of the community from Zvishavane was similar to the one from Mberengwa. In contrast to the community from Mberengwa, people were not left without housing after the relocation, but initially faced severe problems in moving to the new location and clearing and cultivating the land. The houses that had been constructed by the land developer who was involved in the relocation were not equivalent to the buildings the affected people owned before, while the financial compensation they received was not sufficient to cover their losses and make up for the disturbances they endured. In the end, the community was left on their own in terms of rehabilitating their livelihoods. However, since the responsible authorities resettled the community on better land for agriculture, most community members actually managed to improve their livelihoods in the long term. Although this is a positive result, the allocated land has not been registered and the community was also negatively affected by losing access to most social infrastructure and developments, which had a particularly severe impact on vulnerable groups.

Overall, the relocation process in Zvishavane was severely compromised, worsened social relationships and led to severe dissatisfaction and conflicts in the community. The community had not received public notice, was moved within a month of being informed and no valuations were conducted to assess compensation values. In response, the affected community members successfully approached a lawyer and the Administrative Court, which ruled in their favour and validated their demand of USD 7000 compensation per household and certain replacements. Despite this, the community has not received restitution and there are indications of underhand dealings between the involved stakeholders. The case has resulted in the suspension of involved officials and is being investigated by the commission of inquiry, which was set up in February 2018 to probe into illegal land sales around urban areas since 2005.

The case from Shurugwi presents a very different picture and led to opposite results than the other two cases. The community is the only one reasonably satisfied with the relocation process and compensation package they received. The responsible authorities developed social infrastructure for the community and provided affected households with houses, material support and financial

compensation to minimize disruptions and disturbances, which was financially supported by the involved mining company. It is however important to note that, just as in Zvishavane, the affected people are not satisfied with the replacement of houses, because their new houses are smaller and of poorer quality than their previous ones despite the assessment conducted before the relocation.

Figure 9: Overall level of satisfaction of communities with relocation process and compensation package



Although no negotiations took place in Shurugwi and the community had no say in the terms and conditions of their relocation and compensation, the affected people received sufficient notice, were publicly consulted by the responsible authorities and also knew about the valuation assessments that were conducted. The affected people decided to not take action against the relocation, although they received some information about their rights by the authorities and reported to have not moved voluntarily. Even though the community received a comprehensive compensation package, which covered most of their losses, they were negatively affected by the relocation in the long term. The households had been relocated on smaller land parcels of poorer quality and as a result the livelihoods of the affected people deteriorated, which raises questions about the sustainability of the assistance that has been provided.

4.2 Recommendations

As the case from Shurugwi shows, public consultations and transparency in advance of the relocation are key to increase the acceptability of the process and to avoid the escalation of conflicts and delays of projects. Ideally, the responsible authorities, affected communities or their chosen representatives, and relevant third parties engage in fair and balanced negotiations to reach a mutual agreement about the terms and conditions of the relocation and compensation. If such an agreement can be reached, it should be availed to all parties and relevant stakeholders in writing. In order to enable fair and balanced negotiations, the responsible authorities should also inform affected communities about their rights. In a best case scenario, any costs for legal or other representation and related expenses of the community are supposed to be considered and covered by the compensation package.

The communities from Zvishavane and Shurugwi both complained about the size and quality of houses that had been constructed for them, which were not comparable to the ones they previously owned. Compensation should be guided by the principle of equivalence. Any financial compensation, material support or replacement of structures should aim at restoring the position the affected households were in before the relocation. In order to achieve equivalence, comprehensive valuations and assessments should be carried out at household level to establish compensation values. Conflicts can be avoided, if affected community members are informed about the process and methods of valuations and assessments and if they have the option to make their own submissions for further consideration. Ideally, the commissioned valuers and assessors are independent parties agreed upon by all stakeholders. The results of neutral assessments accepted by all involved parties can be helpful for negotiations and increase the chances of reaching a mutual agreement.

Although smallholders have a critical role in reviving agricultural production in Zimbabwe and it has been the goal of various government policies to improve their situation and development, it is concerning that none of the communities in the three cases received specific support in replacing any farming-related improvements on their land, especially with regards to the communities from Zvishavane and Shurugwi that were part of irrigation schemes before the relocation. The communities from Mberengwa and Zvishavane were also severely affected by disruptions and disturbances of their livelihoods, but have not received adequate compensation and no specific measures were in place to mitigate such risks. Communities should receive adequate support and financial compensation for any disruptions, disturbances or other damages reasonably incurred due to the process of relocation, especially in consideration of the fundamentally involuntary nature of the process. The affected people should also be provided sufficient transport for their movable assets and receive technical assistance or material support in clearing or cultivating new land.

However, the cases from Mberengwa and Zvishavane revealed several challenges with regards to financial compensation. Especially in terms of replacement of structures, financial compensation is not always the most suitable and sustainable method for restoring the previous household situation and it also might not always benefit all household members equally. In any case, agreements on financial compensation should clearly outline the payment schedule, mode of payment and interest rates applicable to delayed payments. At least partial payment should be done in advance of the relocation in order to enable the communities to prepare for re-establishing their livelihoods at the new location and to avoid a situation like in Mberengwa, where people were left without housing and support systems. The cases from Mberengwa and Zvishavane also showed that it might become complicated for the beneficiaries to actually receive compensation funds, if the funds come from central government or are channelled through the hands of various intermediaries. To avoid any unreasonable delays, local authorities or third parties from the private sector should wherever feasible provide compensation to the communities directly and already factor the costs into development plans and budgets at the planning stage of the project.

Agriculture is the key source of livelihoods for most rural communities and the case from Shurugwi points at the negative impact of allocating inadequate land, which is not at least equivalent in terms of size and quality to the land previously occupied by the relocated people. Wherever feasible, alternative land should be of similar size, soil quality, rainfall patterns, trees and perennial crops. If such land is not available, other compensation should be provided and reasonable measures or programmes agreed upon to provide or enable other sustainable sources of livelihood for the affected people. In addition, adequate actions should be taken to enable sustainable development by avoiding repeated relocations and improving the security of land tenure of the affected people. Relocated communities should benefit from having their land properly registered and ideally registration fees should be waived by the authorities as part of the compensation package.

The communities from Mberengwa and Zvishavane lost access to crucial social infrastructure and developments due to the relocation, which affected their constitutional socio-economic rights²³, disturbed their social relationships and had a particularly negative impact on vulnerable groups, such as children, elderly and people living with disability or chronic health issues. Responsible authorities should aim for resettling affected communities in areas with equivalent infrastructure, developments and resources. If this is not feasible, reasonable measures and programmes should be agreed upon to rehabilitate the social, economic and cultural development of the affected communities.

For this purpose, impact assessments should be commissioned and conducted at communal level in advance of the relocation. Such impact assessments should weigh risks and opportunities of the relocation in terms of socio-economic development and livelihoods, examine the current and prospective access of the affected community to infrastructure, social facilities, public services and

²³ Constitution of Zimbabwe Amendment (No. 20) Act, 2013, in particular Section 73-77

natural resources, as well as propose adequate programmes to mitigate negative impact and to rehabilitate development.²⁴ Just like valuation assessments, such impact assessments should be carried out in a transparent and participatory manner and inform negotiations of agreements on relocation and compensation.

The case from Shurugwi caused by the Unki platinum project provides a good example, how the involvement of development partners from the private sector can positively contribute to the compensation and rehabilitation of relocated communities, while the case from Zvishavane that involved a land developer shows that this is far from being guaranteed. Any third party benefiting from the relocation of local communities should reasonably contribute towards the compensation of each household and the rehabilitation of the socio-economic development of the community. In order to avoid situations like in Zvishavane, it is however crucial that such contribution is agreed upon and implemented in a transparent and accountable manner.

Table 5: Key recommendations to responsible authorities for relocations of rural communities

- To give sufficient public notice and conduct public consultations and hearings
- To inform affected communities about their rights
- To negotiate the terms and conditions of the relocation with the affected people or their chosen representatives and any relevant third party
- To reimburse expenses of the affected people for legal or other representation and preparation of any required documentation
- To make any agreement that has been reached available in written form to all involved parties and relevant stakeholders
- To commission valuations and assessments of immovable household assets and have them conducted by a neutral party, wherever feasible
- To inform affected people about the process and methods of the valuation assessment and to provide the option of making own submissions
- To replace buildings and other improvements based on the principle of equivalence, or to provide material support and/or financial compensation that enables equivalent replacement
- To take reasonable measures for mitigation of disruptions and disturbances
- To provide technical and material support and/or financial compensation for any disruptions, disturbances or other damages reasonably incurred due to the process
- To clearly outline payments schedules, the mode of payment and interest rates applicable to delayed payments in any agreement involving financial compensation
- To finish replacements of crucial structures and pay at least partial compensation in advance of the relocation
- To pay or provide compensation to the beneficiaries directly, wherever feasible
- To factor compensation costs into development plans and budgets at the planning stage of projects
- To allocate equivalent or better land to the affected people that is at least as suitable for the intended occupation and use as the previously held land
- To provide, support and enable other sustainable livelihood sources and opportunities, if equivalent alternative land is not available
- To facilitate registration of land and to waive registration and development fees
- To commission neutral assessments examining the social, economic, cultural and environmental impact of the relocation in advance of the process
- To agree upon and take reasonable measure ensuring equivalent or better access to infrastructure, social facilities, public services and natural resources at the new location
- To ensure that any third party involved or benefiting from the relocation contributes towards compensation and rehabilitation of the affected people in a transparent and accountable manner

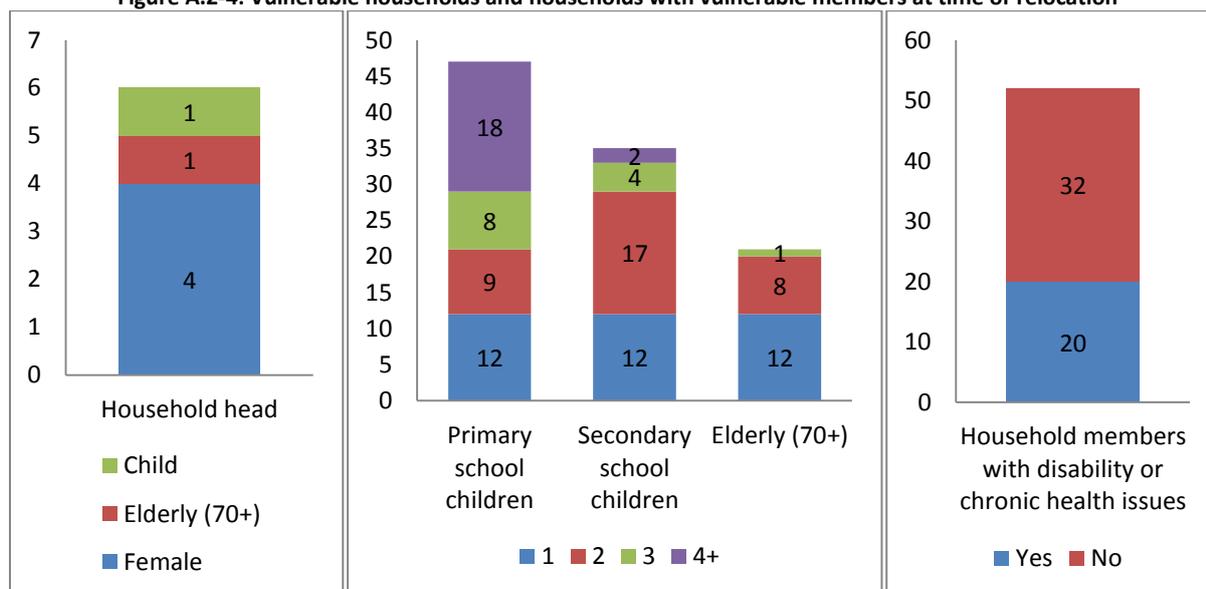
²⁴ Cf. the comprehensive resettlement regulations in Mozambique, which require a “Technical Resettlement Monitoring and Supervision Committee” and socio-economic studies and environmental assessments for preparation of development oriented resettlement plans. Catholic Commission for Justice and Peace: Land Displacement, Involuntary Resettlement and Compensation Practice in the Mining Sector - A Comparative Analysis of Legal and Policy Frameworks in Southern Africa. Lilongwe, 2014, Annex 6.6

Annex: Respondents and Vulnerable Households

Table A.1: Respondents from affected communities (total: 52)

Sex	Male		Female		
	32	20			
Age	18-35	36-49	50-69	70+	
	7	19	23	3	
District	Mberengwa	Zvishavane	Shurugwi		
	14	20	18		

Figure A.2-4: Vulnerable households and households with vulnerable members at time of relocation



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