



Introduction

Development-induced displacements are a worldwide social and economic challenge. 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 cases, standards of living have declined and poverty increased among the affected people.¹

Rural communities, particularly in developing countries, face perpetual risks of being displaced by infrastructure development projects (e.g. dams, roads, transmission lines), urban development and expansion projects, or large-scale commercial projects (e.g. mining, timber and agribusiness). Development-induced displacements may lead to loss of land, livelihoods, shelter, property, and access to social facilities, natural resources and cultural heritage, if the affected people are not cushioned by appropriate compensation and social support mechanisms, as well as integrated rehabilitation programmes to mitigate negative impact. As a result, communities often resist relocations and in some instances the emerging conflicts between the responsible authorities and the affected communities delay critical development projects.

Prominent cases in Zimbabwe	Number of Displaced People	Year
<i>Kariba Dam</i>	57 000 people	1956 – 1959
<i>Chiadzwa Mining</i>	4300 families	2000s
<i>Tokwe Mukosi Dam</i>	2000 households	2000s

A survey conducted by the *Zimbabwe Vulnerability Assessment Committee* indicates that 8% of the population have been affected by internal displacement between 2000 and 2007², but Zimbabwe is still to adopt any legislation and/or policy specifically targeted at the protection of *Internally Displaced People (IDP)* and people affected by *Development-Induced Displacement (DID)*. Although Zimbabwe signed the *African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)*, it has not been ratified and domesticated yet.

The policies of the Government of Zimbabwe are geared towards rural development, economic growth and foreign investment. This calls for a complementing review and harmonisation of legislation, policies and practices designed to protect the rights and livelihoods of rural communities affected and displaced by development projects. This position paper identifies four main areas of concern and presents key recommendations on how to mitigate negative impact and conflicts caused by development-induced displacements in Zimbabwe.

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 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.



1. Free, prior and informed consent (FPIC)

Relocation and compensation of people to pave way for development projects should be guided by the principle of FPIC: “In plain terms, FPIC is knocking on somebody’s door and asking for permission before you come in”³. Free implies the absence of coercion, intimidation and manipulation. Prior means that consent is sought in advance of the development project that will result in physical or economic displacement. This includes the time necessary to allow the affected people to undertake their own decision-making processes. Being informed means that the affected people have been provided all information relating to the development project and that the information is objective, accurate and presented in a manner and form understandable to them. Consent implies that the affected people have agreed to the development project that will result in their physical or economic displacement based on the compensation processes and packages that have been negotiated with them. The FPIC concept goes beyond mere involvement; it entails the meaningful participation of people who will be affected by a development project in the processes that lead to the making and designing of such a project.

Key recommendations:

- To give sufficient public notices and conduct public consultations and hearings in which affected communities are also informed about their rights.
- To negotiate the terms and conditions of relocation and compensation 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 any documentation they require.
- To make any agreement available in written form to all involved parties and stakeholders.

2. Fair and comprehensive compensation

Compensation refers to financial payments, replacement of structures and assets, or any other form of support received by the affected people in order to compensate them for any damages or losses they reasonably incurred due to the displacement. Compensation is guided by the principle of equivalence: affected people should be neither enriched nor impoverished due to the process (FAO 2008, p.24).⁴ However, an improvement of their situation is desirable.

In terms of immovable assets of the affected households (buildings, sanitation, fencing, irrigation, fruit trees, crops etc.), compensation should be determined and negotiated based on an independent and transparent valuation process. If the affected people are physically relocated from one place to another, transport should be provided for any movable property. Disruptions of the economic activities and livelihoods of the affected people should be mitigated as much as possible and factored into the compensation package.

³ Portalewska, A. (2012). “Free, Prior and Informed Consent: Protecting Indigenous People’s Rights to Self Determination, Participation and Decision Making.” *Cultural Survival Quarterly*, 36(4), p. 15.

⁴ FAO (2008). “Compulsory Acquisition of Land and Compensation”, Land Tenure Studies 10, Food and Agriculture Organization of the United Nations, p. 24.



Even though the affected people may not own the land they occupy and use, they usually have a right to being allocated alternative land (i.e. occupants of communal land). In the case of rural households, agriculture is in most cases the main source of livelihoods. Therefore the easiest way to rehabilitate livelihoods is resettlement on alternative arable land suitable for agricultural production. If such agricultural land is available, the land size and quality should at least be equivalent to the land they occupied and utilised before. In order to avoid tenure insecurity, multiple relocations and additional costs for the affected people, the allocated land should be adequately assessed, developed and registered by the responsible authorities.

Key recommendations:

- To conduct or commission valuation assessments of immovable household assets.
- To inform affected people about the process and methods of the valuation and to provide the option of making own submissions if feasible.
- 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 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 facilitate allocation and registration of land and to waive registration and development fees.
- To fairly compensate any affected people who are lawfully settled on the land in question (including customary law), to treat illegal settlers in a humane manner, and to consider informal settlers as formal if their settlement has been condoned by the authorities for an extended period.

3. Inclusive socio-economic development and profit-sharing schemes

Even if affected people are not physically relocated from one place to another, they may still be economically displaced as a result of the development project affecting their livelihoods, way of life and socio-economic rights. An example of economic displacement is the loss of agricultural fields or access to commons, such as grazing land, forests, water sources, and fishing grounds, as a result of development projects, such as mining, urban development or dam construction. Environmental pollution by mining activities may also render arable land unproductive, which results in economic displacement of communities that surround mining sites.

In the case of urban development or expansion in rural areas, affected rural households are sometimes offered to be incorporated and to receive urban residential stands as alternative land. However, this may still put them at risk of being economically displaced by losing agricultural land as their main source of subsistence and income. In such cases, the affected people may need additional facilities and support enabling them to access alternative means of livelihoods (e.g. providing additional stands, employment opportunities, exemption from fees and levies, flea market stands, mining claims, fishing rights, market



gardening, small plots under irrigation, or inclusion in education support programmes, such as the 'Basic Education Assistance Module'). When designing compensation models and packages, adequate response mechanisms to economic displacement must be factored in to achieve sustainable development.

If the affected people are physically relocated, in some instances they may lose access to natural resources and commons, public infrastructure and services, cultural heritage sites, and social facilities (e.g. water sources, forests, grazing land, business centres, roads, dip tanks, veterinary and agricultural extension services, cemeteries, schools, clinics). This might particularly affect vulnerable groups, such as school children, elderly and people with disabilities or health issues. Therefore it is crucial to develop, implement and monitor comprehensive resettlement plans that guide the relocation process and ensure that the new location is sufficiently prepared and developed for human settlement and rehabilitation of livelihoods in advance of relocations.

In order to avoid loss of access to resources, infrastructure, facilities or services, any responsible authority for development projects which result in any kind of displacement should conduct or commission comprehensive 'Environmental and Social Impact Assessments' (ESIAs), which are supposed to inform resettlement and compensation plans. Where a development project does not satisfy ESIA requirements, the responsible authorities should suspend the funding and implementation of the project until such time these requirements are fulfilled. This will assist in reducing adverse social and economic consequences of development projects on the affected people.

Projects that displace local people should be designed in a way that provides direct benefits and opportunities for the local people, which may not be restricted to mere employment. In the case of large-scale mining and hydroelectric projects or any other public or private projects that have a commercial component and generate profits, compensation models should not be designed as a once-off facility and community shareholding should be considered. The responsible authorities should set up transparent and accountable profit or dividend sharing schemes to enable the affected communities to continuously derive benefits and investments into local development from the project that displaces them.

Key recommendations:

- To provide, support and enable alternative sources of livelihoods and/or access to social support programmes, if equivalent alternative land for agricultural production is not available.
- To commission ESIAs on the social, economic, cultural, and environmental impact of the project on the affected people and to develop, implement and monitor comprehensive resettlement and compensation plans.
- To ensure equivalent or better access to public infrastructure and services, social facilities, commons and natural resources in the case of physical relocation.
- To identify and preserve important cultural heritage sites, to provide the option of reburials and to consider and facilitate culturally relevant processes, such as rituals.
- To design transparent and accountable shareholding and profit sharing schemes benefiting the socio-economic development of displaced communities.



4. Relocation and compensation before project implementation

Internationally, it has increasingly become a standard practice and requirement for funding and loan facilities to assess the environmental and social impact of development projects and to set aside sufficient funds and facilities for relocation, compensation and socio-economic rehabilitation of the affected people. Multilateral financial institutions, such as the World Bank and African Development Bank, do not want to be associated with negative social impact and human suffering as a result of development projects they are supporting and facilitating.

However, the planning and management of some development projects by some public and private institutions in Zimbabwe is still mainly concerned about the financial viability, technical implementation and potential revenues of such projects, while potential negative social impact often remains an afterthought. When the total costs of development projects are estimated and budgeted, costs for relocation and compensation are either not included or there are no mechanisms and facilities in place to ensure the timely availability and accessibility of adequate funds to conduct the necessary processes before the project implementation.

There are several examples where the affected people received compensation several years after development projects have commenced or even after they had been completed. As a result, the value of financial compensation was eroded by inflation. After two decades, government is yet to complete compensating people displaced by Tugwi Mukosi dam.⁵ Therefore it becomes crucial to assess the environmental and social impact and to budget for relocation and compensation costs at the planning stage of development projects.

Before approving and commencing development projects that will require relocation or compensation of affected people, a comprehensive resettlement and/or compensation plan must be put in place and agreed upon with the affected people. Funds and facilities should be set aside for completing relocation and compensation processes within the agreed upon time frames and a technical committee should be tasked with monitoring the progress. If such processes and agreements are not being adhered to, the development project should not be approved or funds for the implementation of the project should not be released.

Key recommendations:

- To factor relocation and compensation costs into development project plans and budgets at the planning stage.
- To create specific funds and facilities designated for the implementation of relocation and compensation processes before commencement of a project.
- To clearly outline the payment schedule, the currency and mode of payment, as well as interest rates applicable to delayed payments in any agreement involving financial compensation.
- To complete the replacements of crucial structures and infrastructure at the new location and to pay at least partial compensation in advance of relocations.
- To avoid 'red tape' and intermediaries and provide compensation to the beneficiaries directly through the project if feasible.

⁵ “\$1.5 million for Tokwe Mukosi dam flood victims”, *Newsday*, 29 May 2019.



- To ensure that any third party benefiting from a development project contributes towards relocation and compensation of the affected people in a transparent and accountable manner.

Conclusion

Development must not be associated with human suffering. Instead, development must bring with it inclusive progress and positive transformation to societies. To minimise negative impact of development projects and conflicts between the affected people and the responsible authorities, we recommend to all stakeholders to facilitate free, prior and informed consent, to ensure comprehensive and fair compensation for land, improvements and disruptions based on transparent valuation processes, to minimise economic displacement by conducting environmental and social impact assessments and planning towards rehabilitating livelihoods and socio-economic development, as well as incorporating community shareholding and profit-sharing schemes. To that end, relocation and compensation costs should be included in development project budgets and adequate plans, mechanisms, budgets, funds, and facilities should be established to ensure timely completion of relocation and compensation processes as part of the project implementation.

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