

**Recommendations on Development-Induced Displacements in Zimbabwe****Introduction**

Development-induced displacement is a worldwide social and economic problem. 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

Especially in developing countries, rural communities with weak land rights face risks of being displaced by infrastructure development projects (e.g. dam constructions), urban development and expansion projects, or large-scale business projects (e.g. mining, timber and agriculture). Displacements lead to loss of land and property and have a negative impact on the livelihoods and socio-economic development of the affected people, if they are not cushioned by appropriate relocation, compensation and rehabilitation programmes. As a result, affected communities often resist and in some instances conflicts with the responsible authorities delay critical development projects.

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. New government policies geared towards rural development, economic growth and foreign investment call for a complementing review and harmonization of legislation, policies and practices designed to protect the rights and livelihoods of rural communities affected by 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

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. Free prior informed consent (FPIC)

Relocation and compensation of people to pave way for development projects must 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,

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.

³ A. Portalewska: Free, Prior and Informed Consent: Protecting Indigenous People’s Rights to Self Determination, Participation and Decision Making. In: *Cultural Survival Quarterly Magazine*, December 2012.



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intimidation or manipulation. Prior means that consent is obtained in advance of the development project that will result in physical or economic displacement, and 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, as well as the compensation process and package 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 project.

Key recommendations:

- To give sufficient public notice and conduct public consultations and hearings, in which affected communities are informed 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

2. Fair and comprehensive compensation

Compensation refers to financial payments, replacement of structures and assets or any other 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.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 considered in the compensation package.

Even though the affected people may not own the land they occupy and utilize, they have a right to being allocated alternative land⁵. In the case of rural households, agriculture is usually the main source of livelihoods and the easiest way to rehabilitate livelihoods is resettlement on alternative 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 utilized before. In order to avoid tenure insecurity, multiple relocations and additional

⁴ Food and Agriculture Organization of the United Nations: Land Tenure Studies 10. Compulsory Acquisition of Land and Compensation. Rome, 2008, p. 24.

⁵ Communal Land Act (Chapter 20:04), Section 12; Ministry of Local Government, Public Works and National Housing: Manual for the Management of Urban Land. Harare, 2002, p. 21.



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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, wherever 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 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 any illegal settlers in a humane manner, and to treat informal settlers as formal settlers, 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 land or access to commons such as grazing land, forests 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, amounting to economic displacement of communities that surround mining sites.

In the case of urban development in rural areas, affected rural households may be offered residential stands as alternative land, but are still 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, flea market stands, mining claims, fishing rights, or inclusion in education support programmes such as BEAM). 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, they may lose access to natural resources, public services, cultural heritage sites and (social) infrastructure (water sources, dams, dip tanks, forests, cemeteries, veterinary and agricultural extension services, roads, schools, clinics, business centers etc). This might particularly affect vulnerable groups, such as school children, elderly and people living with disability or health issues. In such cases, it is crucial to develop and monitor comprehensive resettlement plans guiding the relocation process and ensuring that the new location is sufficiently prepared and developed for human settlement and rehabilitation of livelihoods.

In order to avoid economic displacement or loss of access to infrastructure and services, any responsible authority for development projects which result in any kind of displacement



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should conduct or commission *Environmental and Social Impact Assessments* (ESIA) 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 economic and social economic consequences of development projects on the affected people.

Especially in the case of mining or hydroelectric projects or any other projects that generate profits, compensation models should not be designed as a once off facility. The responsible authorities should set up transparent and accountable profit or dividend sharing schemes to enable the affected communities to continuously derive benefits from the project that displaces them. The setting aside of 1 percent of profits generated from the hydro-electric power plant for social development projects benefiting the displaced communities by the *Zambezi Water Authority* is a typical example of such a profit-sharing scheme.

Key recommendations:

- To provide, support and enable alternative sources of livelihoods and/or access to social welfare programmes, if equivalent alternative land for agricultural production is not available
- To commission ESIA on the social, economic, cultural and environmental impact of the project and to develop, implement and monitor comprehensive resettlement and compensation plans
- To ensure equivalent or better access to infrastructure, social facilities, public services 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
- To design transparent and accountable 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 funding requirement to assess the environmental and social impact of development projects and to set aside sufficient funds and facilities for relocation, compensation and socio-economic development 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 funding and facilitating.

However, the project planning and management by some government institutions and development agencies 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 determining the total costs of development projects, costs for relocation and compensation are either not included or there are no mechanisms and facilities 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 the development projects has been commenced or even completed, while the value of financial compensation was eroded by inflation. After two decades, government is yet to complete compensating people that were displaced by Tokwe Mukosi⁶ dam. Therefore, it

⁶ “\$1, 5 million for Tokwe Mukosi dam flood victims”. *Newsday*, 29 May 2019.



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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 funds and facilities that allow for relocation and compensation processes to be completed before project implementation
- To ensure that any third party benefiting from the development project contributes towards relocation and compensation of the affected people in a transparent and accountable manner
- To clearly outline payments schedules, the currency and mode of payment and 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 provide compensation to the beneficiaries directly through the project, wherever feasible

Conclusion

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

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