Community Engagement: The Missing Link in Project Induced Displacements in Zimbabwe

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Abstract

This paper focuses on examining the extent of community engagement in relation to project induced displacement in Zimbabwe. Various communities across Zimbabwe have been displaced or threatened with displacement by government and private companies with little or no consultation at all. These include displacement in Marange diamond fields, threats of displacement in the Dinde community in Hwange, the Chilonga community in Chiredzi, and the Kaseke village in Uzumba among others This has greatly affected the socio-economic lives of such communities. To examine the negative consequences of displacement without community engagement, the researcher used the Cernea's Risk and Reconstruction Model of Displacement. It has been highlighted that the communities are facing challenges of landlessness, joblessness, and food insecurity (among others) as a result of development induced displacement. The lack of community engagement in project induced displacement is taking place regardless of the existence of various international and domestic legal frameworks which protect communities in relation to displacement. Such legal frameworks include the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa as well as the Constitution of Zimbabwe [Amendment no. 20]. Therefore, this means government and private companies should respect such legal frameworks in letter and spirit with regards to displacement. As such, it is crucial for government and CSOs to take into account the recommendations highlighted in this paper towards protecting the IDPs in Zimbabwe.

Keywords

Displacement; development induced displacement; community engagement; Zimbabwe

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Author's Note

"All in all, I wish we had discovered water instead," lamented Sheik Ahmed Yamani, former oil minister of Saudi Arabia.

The discovery of natural resources should be a blessing and not a curse to the community or country. However, in Zimbabwe, communities have not fully enjoyed and benefited from the discovery and extraction of natural resources in their areas. Instead, they have been faced with evictions without consultation, resulting in the dislocation of their livelihoods and socioeconomic rights. Some even lament that it would have been better if resources were not discovered in their communities, for it has become a curse and not a blessing to them.

1. Introduction

Zimbabweans have witnessed a sharp increase in internal displacement in the recent past. These displacements are harming the natural ecosystem as well as the social and economic lives of citizens across the length and breadth of Zimbabwe. This paper argues that project induced displacements in Zimbabwe are devoid of community engagement which is creating antagonism and hostility between the project owners and the rural dwellers in which most of these displacements are taking place. Therefore, this paper will analyse government's compliance with the Kampala Convention as far as project induced displacements are concerned and assesses how lack of community consultations is eroding the livelihoods of the communal citizens.

1.1 Background

A lot of internally displaced people exist in Zimbabwe however, the exact number of these people cannot be ascertained since the government does not keep statistics on Internally Displaced Persons [IDPs]. The history of internal displacement in Zimbabwe dates back to the colonial era, whereby a number of chiefs were displaced by colonial masters to pave way for white settlers as well as the establishment of developmental projects such as the construction of the Kariba Dam. Ngungubane (2021) highlighted several chiefs who were displaced from their lands by colonial government for instance, Chief Ngungubane was displaced from Esigodini to Midlands province, Chief Gwebu was moved from Matabeleland South to Buhera whilst Chief Shana from Masvingo was relocated to Matebeleland North. In addition, for the colonial government to pave way for the construction of the Kariba Dam they had to displace about 23 000 Tonga people from Zimbabwe who were located in the Zambezi valley (Tugwi Mukosi Multidisciplinary Research Institute [TMMRI], 2021). These Tonga people were relocated to the arid areas of Binga. It is important to note that these displacements took place without the engagement of local citizens by the colonial masters.

After independence, internal displacement of citizens continued unabated with the construction of various dams and projects which saw a large number of rural citizens being displaced. The construction of Insukami Dam in Gweru led to the displacements of communities whilst in Mberengwa the construction of Mundi-Mataga Dam affected a sizeable number of people (Ngungubane, 2021). Tugwi-Mukosi Dam construction saw the displacement of 18 000 citizens in 2014 and it became one of the projects to displace most people in the history of independent Zimbabwe. It seems the engagement with the affected community was not done properly because, as noted by Ngungubane (2021) the affected families were moved to places without infrastructure and sanitation services whilst families complained against government for not compensating them. If engagement was properly done and the community's views taken into account such a scenario could not have taken place. The Chisumbanje sugar plantation and Marange diamonds projects also displaced large rural communities in Manicaland Province without adequate consultation (Zamchiya, 2014).

In Africa, development projects are increasingly becoming the major cause of challenges faced by communities and a cause of population movements (Tugwi Mukosi Multidisciplinary Research Institute [TMMRI], 2021). The majority of current displacements have been caused by natural disasters and the so called 'development initiatives'. However, this paper focused on internal displacement initiated by government and private sector related projects under development initiatives. In 2009 following the discovery of diamonds at Marange fields, more than 1000 families were displaced to pave way for the mining activities. However, there was

no proper consultation of the community concerning the relocation. In 2021, the Dinde community from Hwange witnessed some mine drillings by Beifer, a Chinese Company for coal exploration, in their community without any prior consultation with local leaders. The Chinese company conducted the drilling activities wantonly as they disregarded the cultural values of the community when drilling at the community's graveyard. The community is facing imminent displacement without any form of consultation. Such displacements have caused untold suffering to the affected communities as their livelihoods as well as their social and economic rights are threatened.

1.2 Problem Statement

Zimbabwe signed and ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons [Kampala Convention] of 2009. This, together with the Constitution, prohibits the state from undertaking arbitrary displacement and evictions of population. Article 10 of the Kampala Convention places obligation on states to try as much as possible to prevent displacement caused by projects carried out by public or private actors. In addition, the same Article mandates stakeholders to explore feasible alternatives, with full information and consultation of persons likely to be displaced by projects. In terms of Section 74 of the constitution, Zimbabweans have a right to freedom from arbitrary eviction. Arbitrary eviction is when an individual or a group of people are evicted through an unfair manner usually without following court order or allowing the affected to be heard (Zimbabwe Lawyers for Human Rights, 2015). However, the government and private entities have a tendency of disregarding these regional and domestic obligations. In 2009 around one thousand families were evicted from the Marange community to pave way for diamond mining without proper and adequate consultations with the community concerned. In addition, in 2017 the Vhimba community in Chimanimani was served with a 72-hour eviction notice by the Zimbabwe Parks and Wildlife Management Authority from the land they have occupied for more than hundred years (Action Aid, 2019). In 2021, such scenarios also took place in the Dinde community in Hwange and in Uzumba in Mashonaland East Province where villagers were threatened with evictions by private mining companies without prior consultations. Such displacements without community engagement have resulted in the destruction of livelihoods and socioeconomic rights of the communities involved. This has further plunged these communities into poverty since many of them are rural villages which are already victims of marginalization in most parts of Zimbabwe.

1.3 Objectives

The overall goal of the paper is to enhance community engagement before the commencement of any project which would lead to displacement of people in terms of Article 10 of the Kampala Convention. Therefore, the research is predicated on the following objectives:

- 1. To examine the legal framework which provides for the engagement of citizens prior to displacement of populations for project purposes.
- 2. To establish the extent to which citizens and communities have been engaged in relation to projects induced displacement in Zimbabwe.
- 3. To identify how displacement without community engagement adversely affects the livelihood of the community and people's social and economic rights.

4. To proffer recommendations to enhance community consultation in line with the provisions of the Kampala Convention in relation to project induced displacement in Zimbabwe.

1.4 Methodology

To fulfil the objectives highlighted above, the researcher adopted a qualitative approach. The approach was purely desk research since no filed work was conducted. Therefore, the researcher made use of various legal statutes, case studies and case law relating to displacement in Zimbabwe. Secondary data was analysed from various sources which include journals, legal judgements, commentaries, newspaper articles and published sources. For reliability, the collected secondary data was fact-checked for accuracy and then analysed vis-à-vis objectives of the research.

2. Legal Framework for Engagement of Citizens in Project Related Displacement in Zimbabwe

There are several legal frameworks which provides for the consultation and engagement of community before the commencement of any project with a possibility of displacing people. Some of the frameworks have adequate provisions which only lacks implementation whilst others are inadequate too. These frameworks are anatomized below.

2.1 The Kampala Convention

The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, popularly known as the Kampala Convention, came into being in 2009. As stated in the preamble of the convention, the African Union Heads of State were conscious of the suffering and vulnerability of the internally displaced persons hence they were determined to end the phenomenon of internal displacement by addressing the root causes. Zimbabwe is among the first countries to sign and ratify the Kampala Convention in November 2013. Therefore, as a member state it is expected to abide by the dictates of the convention in terms of protecting the internally displaced persons. Article 3 of the Kampala Convention places various obligations on member states in relation to internal displacement. In terms of Article 3 (1) states shall:

- (a) Refrain from, prohibit and prevent arbitrary displacement of population.
- (h) Ensure the accountability of non-State actors concerned, including multinational companies and private military or security companies, for acts of arbitrary displacement or complicity in such acts.
- (i) Ensure the accountability of non-State actors involved in the exploration and exploitation of economic and natural resources leading to displacement.

In addition, Article 3 (2) obligates member states to:

- (a) Incorporate their obligations under this Convention into domestic law by enacting or amending relevant legislation on the protection of, and assistance to, internally displaced persons in conformity with their obligations under international law;
- (b) Designate an authority or body, where needed, responsible for coordinating activities aimed at protecting and assisting internally displaced persons and assign responsibilities to appropriate organs for protection and assistance of IDPs...

(c) Adopt other measures as appropriate, including strategies and policies on internal displacement at national and local levels, taking into account the needs of host communities;

Article 3 above is very important since it clearly prohibits arbitrary displacement of population. In addition to that, non-state actors responsible for any displacement should be accountable for their actions. This is important in the Zimbabwean context whereby citizens have been displaced by private companies specifically to carry out mining activities among others. However, Zimbabwe has been found in short of enacting a stand-alone law to regulate displacement let alone amend relevant legislation on the protection of and assistance of internally displaced persons. According to Internal Displacement monitoring Centre (2014), despite the fact that Zimbabwe was among the first country to ratify the convention it has neither incorporated the convention's provisions into domestic law nor has it designated an authority responsible for IDP issues. This legal lacuna in the domestic arena defeats the letter and spirit of the Kampala Convention. Vhiriri (2021) is of the view that a stand-alone IDP legislation would enhance a degree of legal certainty hence making it easy for government agencies to implement its provisions. Zimbabwe is yet to come up with a policy or law to regulate internal displacement issues unlike other African countries. By 2014, six African countries had adopted policies, legislation or decrees relating to internal displacement. These include Angola, Burundi, Kenya, Sierra Leone, Sudan and Uganda (Beyani, 2014). However, in Zimbabwe there is also no legally constituted body for the coordination of activities towards the protection and assistance of internally displaced persons. To that end, the absence of such a body has resulted in various challenges. For instance, there is lack of information on the total number of IDPs in Zimbabwe because the country does not officially register and profile IDPs (Internal Displacement Monitoring Centre, 2014). Currently there is no formal recognition or definition of IDPs in Zimbabwe.

Article 10 of the Kampala Convention obligates state parties to engage the community before the commencement of any projects with a potential to displace citizens. In terms of Article 10:

- (1) States Parties, as much as possible, shall prevent displacement caused by projects carried out by public or private actors;
- (2) States Parties shall ensure that the stakeholders concerned will explore feasible alternatives, with full information and consultation of persons likely to be displaced by projects;
- (3) States parties shall carry out a socio-economic and environmental impact assessment of a proposed development project prior to undertaking such a project.

From the above, it is clear that the centrality of Article 10 is the need to engage and conduct consultations with the community facing displacement due to projects initiated by either private or public enterprises. However, as shall be indicated in the succeeding sections below, this is the missing link in the Zimbabwean context. Vhiriri (2021) points out that development used to be seen as a necessary evil wherein people were forced to relocate in order to transform from traditional to complex and modernised societies. Nonetheless, with the popularization of a human rights-based approach to development together with the Kampala Convention, community engagement should be of paramount importance prior the commencement of any developmental project which has a probability of displacing citizens.

2.2 The Constitution of Zimbabwe

The Constitution of Zimbabwe Amendment (No 20) Act of 2013 has provisions which prohibit arbitrary eviction in terms of Section 74. Arbitrary eviction, a situation whereby individuals

are unfairly evicted or evicted without prior consultations is strictly prohibited. Recent displacement of communities in Zimbabwe has been necessitated by the "so called development". Fortunately, those who crafted the constitution were mindful of displacement in the name of "development" and took into account the need to engage and consult citizens in development initiatives. Section 13 of the constitution talks about national development wherein section 13(2) it points out that development measures, *must involve the people in the formulation and implementation of development plans and programmes that affect them.* As pointed out by Vhiriri (2021) regardless of the fact that this section does not expressly refer to IDPs, the constitution by implication makes it mandatory for affected people to be involved throughout the process of the proposed development. Therefore, it means that the exploitation of natural resources for developmental purposes should take into account the community concerned such that if they are to be affected by displacement, they should be consulted to map the way forward in terms of compensation.

2.3 Other Legislations Related to Displacement versus Community Consultations in Zimbabwe

There are other various pieces of legislation in Zimbabwe which indirectly talks about displacement without much need to engage citizens. Such various pieces of legislation have seen the displacement of many people to pave way for various developmental projects.

2.3.1 The Mines and Mineral Act

One such legislation is the Mines and Mineral Act (Chapter 21:05) of 1961. This Act is very important in Zimbabwe because most of the displacements which have happened in the recent past are initiated by mining related projects. However, the Act is very obsolete and no longer in touch with the changing environment in the mining sector and developmental agendas. In terms of section 31 (1) (a) of the Mines and Mineral Act, the prospective miner is mandated to seek consent from the owner of the land prior to the commencement of any mining activity. Through this section, the need for consultation is laid bare since it is only through genuine consultation and engagement that consent is sought. However, the need for consultation is washed away by the Minister's discretion in terms of Section 31 (1) (g) i-iii, which disregard the choice of the landowner if they decide not to give consent to allow the commencement of mining activities at their farm. The section does not provide an avenue for the farmer who risks being displaced from their farm to seek recourse (Vhiriri, 2021). By granting such overwhelming powers to the minister, it therefore means engagement of the concerned persons may no longer be mandatory. This defeats the letter and spirit of both the national constitution as well as the Kampala Convention.

As noted by Newsday (2021) the Mines and Mineral Act supersedes all other Acts that underpins community development when minerals are discovered. For instance, section 26 of the Mines and Mineral Act states that all state land, communal land and private land reserved to the government is open to prospecting. This clearly shows how bad the Act is in relation to displacement and consultations of persons likely to be affected by the mining activities. Individuals and community are left vulnerable and susceptible to displacement to pave way for mining activities without any consultations whatsoever. For instance, section 31 (1) (h) obligates a prospective miner to get consent from the Rural District Council over any communal land. Nonetheless, the Act does not make it mandatory for the council to consult the community concerned, and more often than not the council end up making decisions which are

not in sync with realities of the ground (Vhiriri, 2021). Thus, the Act needs to be amended or aligned to the provisions of the constitution specifically Section 13 discussed above.

2.3.2 The Regional, Town and Country Planning Act

The Regional, Town and Country Planning Act is another piece of legislation which warrants analysis in relation to displacement in Zimbabwe. Section 18 of the Act mandates the Local Authorities to consult and present their draft developmental plans for two months before the implementation of the plans. The two months period is an important time within which citizens could present their objections against such development plans. However, the discretion still rests within the council in terms of determining the adequacy of the consultations, whom to consult and whether or not to take into account the views of the concerned citizens. This issue is very important because times without number authorities have been engaging citizens and consulting them as an exercise to tick the box without taking the contributions of those consulted into account when finalizing decisions. In terms of Section 18 (2) (b) of the same Act, the authority is mandated to subject the approved draft plan to public scrutiny through placing it in public domain for two months. This procedure is not adequate and is marred by loopholes since most people in the communal areas rarely have time or resources to visit the offices of local authorities and read notice boards, unless they are advised and sponsored to do so Vhiriri (2021). This brings an unfortunate situation whereby the victims of displacement due to proposed development only become aware when the projects begin and evictions are in motion. It would be a proverbial case of too little, too late to seek any recourse towards stopping the displacements.

2.3.3 The Rural Land Act

The rural communities in Zimbabwe are at a greater risk of displacement than any other group in the country. In the past decade many rural communities have been evicted or faced evictions from their communal land which they have occupied for generations. Therefore, this warrants to investigate the legislation which have been used to carry out such displacements. The most important ones are the Communal Land Act (Chapter 20:04) and the Rural Land Act. In terms of Section 5 of the Rural Land Act for the expropriation of land to take place, the requirement is that a notice of acquisition should be placed in the newspaper that circulates in the area of interest. However, it is imperative to highlight that very few people have access to newspapers in the rural areas. To make matters even worse, the Act allows only those people in whose name the land is registered together with those who have title deeds to the land to make any objections against the acquisition. Unfortunately, the rural inhabitants do not have any title deeds to the land they have occupied for over centuries ago. To that end, their displacement without consultations and adequate if any compensation will remain the order of the day. A case in point is that of a Chinese mining company versus a community in Uzumba district, Mashonaland East Province. Saunyama (2021) points out that the mining company Heijin informed the community of Kaseke village in Uzumba district that they had no capacity to stop their eviction for the purposes of granite stone mining since they had no title deeds to the disputed communal land. Therefore, consultation with the community may be a secondary option since primarily they don't have title deeds to make any objections to land appropriations.

2.3.4 The Communal Land Act

The Communal Land Act (Chapter 20:04) is another piece of legislation which have been used at times to displace communities in rural areas without consultation. The Communal Land Act

governs the land which was called the Tribal Trust Land prior to independence. The Act represents a continuity of the Tribal Trust Lands Act of 1979 created during the colonial period (Magaisa, 2021). In terms of Section 4 of the Act Communal Land shall be vested in the President, who shall permit it to be occupied and used in accordance with this Act. This alone gives the president overwhelming powers over the communal lands to an extent that the inhabitants of the communal lands occupy and use it at the mercy of the presidency. Thus the villagers who occupy communal lands do not have title deeds over it except the right to occupy and use it. Therefore, under such circumstances, displacements without consultations and adequate compensation becomes imminent. Magaisa (2021) points out that even though the courts have recognized that communal farmers have usufruct rights, which can be inherited, without a secure title they remain legally insecure and at the mercy of the president. In his Judgement on the landmark ruling of Chilonga eviction challenge (2022) Justice Mafusire bemoaned colonial legacy. The judge said, 'there can be no question that the communal Land Act, particularly the vesting of the title of such lands in any person other than the occupiers and users of that land, has its origins in the pathological hatred of the aboriginal races by the invading forces and the retrograde, self-serving conceptions and philosophies concerning the indigenous African'. Therefore, this calls for the repealing of such an Act which is inundated with colonial undertones.

In terms of Section 6 (1) (b) of the Communal Land Act, the president may after consultation with any rural district council established for the area concerned, declare that any land within Communal Land shall cease to form part of Communal land. Such land becomes state land which can then be granted, sold or otherwise disposed of in terms of the Act or any other law. In addition to the presidential power over communal land, Section 10 of the same Act grants the minister powers to set aside communal land for certain purposes. These purposes may include establishment of a town, village, business centre or industrial site. To demonstrate the absence of the need to consult communal inhabitants and their trivialization in the legislation, Section 6 and 10 of the Act only mandate the President and the minister to consult the Rural District Council concerned. This means the villagers are relegated to the periphery in decisions which directly affect them in the event of displacement. Although the Rural District Council is elected, it may not represent the true interests of the communal inhabitants. In addition, in terms of Section 10(2) the minister is granted power to, 'set aside land for any purposes whatsoever, ...which he considers is in the interests of inhabitants of the area concerned or in the public interest or which he considers will promote the development of Communal Land generally or of the area concerned'. The minister is not legally mandated to consult the community concerned in deciding what he considers will promote development. Since development is people oriented, the law should have mandated the minister to consult the community to come up with what they consider may promote development in tandem with the provisions of Article 10 of the Kampala Convention. Unfortunately, as pointed out by Magaisa (2021), such a provision of the Communal Land Act is patronizing as it treats adult citizens as if they were minors whose interests are left to be decided by the minister without their input.

From the discussion, it can be highlighted that only the Kampala Convention and the Constitution of Zimbabwe have adequate provision when it comes to the need for consultations prior to displacement of the community for projects purposes. However, what is lacking is the adequate implementation of the legal frameworks to safeguard communities in Zimbabwe. The other pieces of legislations highlighted indicate a lot of loopholes which leave communities vulnerable to evictions and displacement without adequate consultations. Such legal frameworks need to be amended to take into account the provisions of the Constitution and the Kampala Convention.

3. The Extent of Community Engagement in Relation to Project Induced Displacement in Zimbabwe

This section assesses the extent to which government and private players have been engaging and consulting communities concerned prior to the commencement of projects with a potential to displace people. A variety of case studies were explored in a bid to provide an adequate panoramic view to these issues. Zimbabwe has a history of forced displacements with little or no consultations with the affected persons. This history dates back to the colonial era. During the colonial era, the construction of the Kariba Dam led to the displacement of a sizeable number of Tonga people on both sides of the Zambezi River. Whilst the Northern Rhodesian government partially engaged the Tonga people regarding the displacements and relocation planning process, the Southern Rhodesian Native Affairs Department disregarded any form of negotiation with the natives (Mashingaidze, 2021). The Tonga people were just instructed to relocate with neither compensation nor adequate planning to begin a new life in the uplands. Following the independence of 1980, it was expected that the new government would break such a system and begin to engage citizens more robustly before any displacement took place. However, history has proved otherwise.

3.1 Displacement Cases from Manicaland Province

Manicaland province has faced a number of project induced displacements in the last ten years. For instance, following the discovery of diamonds in Chiadzwa and the need to regularize their extraction, villagers from both Chief Marange and Zimunya were involuntarily displaced. No proper consultations between the villagers and the mining companies concerned took place. The displacements which began in 2009 has affected over 1300 families as of December 2016 (Zimbabwe Environmental Law Association, 2016).

Prior to the displacements of the Marange community, there was a military operation which resulted in the death of several people. In an interview conducted by Human Rights Watch (2009), a local headman indicated that he was forced to burry five bodies belonging to miners by the military. In February 2009, the then Governor of Manicaland Province who was accompanied by a group of soldiers informed the villagers that relocation was imminent and government would not compensate them (Human Rights Watch, 2009). There was no consultation with the villagers; it was just a top-down approach imbued with threats. The involvement of military meant that the villagers could not contribute meaningfully even if they had been availed with an engagement platform. The lack of engagement with the community has been corroborated by Madebwe and Mavusa (2011) who indicated that the displaced villagers reckoned that they had lost much due to displacement and lack of an appropriate compensation. There was never meaningful engagement by the company officials to map the way forward on compensation. In addition, the companies involved did not consult the community about the choice of resettlement. Just like many development induced displacements, affected communities are excluded from the planning and decision making process. The diamond companies in Marange, together with the government, chose the 'suitable' resettlement area for the community without its involvement (Madebwe and Mavusa, 2011). The mining companies did not bother to consult the communities concerned. Thus, it may be argued that the companies involved in the displacement of the Marange community were no longer accountable for the displacement in violation of Article 3 (1) (i) of the Kampala Convention.

According to Makore (2016), the mining companies besieged the community with no official notice given to the community members who were earmarked for the relocation. To that end, the community only accepted relocation because they had no option since they had not mobilized to resist displacement. The use of force in the process of displacement also clearly indicates the lack of engagement and consultation by the companies involved. For instance, it was reported that many were relocated forcefully during the night and some even at gun point (Makore, 2016). Such a process was fraught with illegalities and became illegitimate in the eyes of the community who could neither have a say concerning their lives which were being destroyed nor their future which was now being determined by others on their behalf.

In Chisumbanje, around 1600 households were displaced to pave way for the establishment of a bioethanol plant. Villagers were side-lined during the whole process. They were not properly engaged by the private company involved. The lack of consultation is vividly captured by Konyana (2014) when he interviewed Chief Musikavanhu and Garahwa who pointed out that:

Development is a good thing...but where we are troubled is when development is brought in our midst without our consultation, knowledge and involvement. As in this area, we just saw a white man, Macdom, who was brought by ARDA to occupy all the land we had so that he grows sugar-cane for ethanol.

The Chiefs went further to bemoan the seizure of their land which was the backbone of their farming as well as the fact that workers for the quickly established factory were also not hired from the local communities. This clearly shows that there was no consultation with the community in Chisumbanje before the displacements. Chiefs are the custodians of the rural areas so if they are unaware of any consultations, it becomes a challenge for the affected community to expect any consultation.

In the same province of Manicaland, in 2018 the Vhimba community was threatened with displacement from the Zimbabwe Parks and Wildlife Management Authority. The twentyseven households from Chimanimani South were served with a 72-hour eviction notice without prior consultation with the community. The history of the of Chimanimani people is awash with evictions and displacement having been displaced around 1969s to pave the way for the establishment of the Chimanimani National Park. The displacement threats in 2018 came from the armed officers from the Zimbabwean Parks and Wildlife Management Authority [ZimParks], they ordered the community to vacate within three days (Action Aid, 2019). To make matters worse, the officers arrested women from the fields and threatened to burn houses and destroy crops. The ZimParks did not consult the villagers or engage them to find a workable solution. One of the villagers vented their frustrations saying, 'I stay in Vhimba area and we have seen people doing rounds in our area, and we are certain they wanted to prospect gold. The unfortunate thing is that the community was not consulted, we were in the dark' (Manayiti, 2018). It only took the intervention of Zimbabwe Environmental Law Association which made an application to the High Court to stop the evictions. The High Court ruled in favour of the applicants prohibiting the eviction on the basis that they were arbitrary and unlawful.

3.1.1 The Case of Kaseke Village in Uzumba

In 2021 alone, more than three communities faced imminent displacement to pave way for various projects albeit with no consultations with the citizens concerned. The cases include that of Dinde Community in Hwange, Chilonga villagers in Chiredzi and Uzumba community from Mashonaland East Province. Kaseke villagers in Uzumba under Mashonaland East Province were threatened with displacement by a Chinese mining firm. Chief Nyanjina who resisted the takeover of the entire village pointed out that the company told him to look for alternative land

for his subjects (Saunyama, 2021). This is contrary to Article 10 (2) of the Kampala Convention which mandates stakeholders concerned to explore feasible alternatives in consultation with the affected persons. As such, it was the duty of the Chinese company to find an alternative place for the would-be displaced community and not to abdicate that duty to the traditional leader. The chief bemoaned lack of consultation and engagement by the company and said that they only saw people with letters from the ministry of mines indicating that certain pieces of land were now belonging to them. Usually, the lack of community consultation leads to deliberate distortion and misrepresentation of facts which may negatively affect the whole displacement process. For instance, the chief indicated that more than seventy homesteads fall within the pegged area. But the government official alleged that only twenty households would be affected, whilst the mine representative even said only five households would be affected (Saunyama, 2021). All these differences can be attributed to the lack of community engagement. If relocation is to happen under such unclear circumstances devoid of community engagement, then compensation and establishment of an alternative place would remain a mirage.

3.1.2 The Dinde Community in Hwange

The Dinde community in Hwange area also faced displacement without prior consultation. In 2021 a Chinese company, Beifer Investments, tried to push 600 families from their homes to pave way for a coal mining project. The company was pushing for the eviction of the villagers without any consultation with the affected people. It was reported that the community was surprised to see Chinese drilling holes prospecting coal in and around their villages, including the community graveyard, without their knowledge and engagement. According to Zenda (2021), villagers were unhappy that a Chinese firm had started exploration activities in their land without any consultation with them. Since coal is very abundant in the area, the villagers knew that evictions would soon follow. Hence, they were frustrated with the lack of engagement. Due to lack of any form of consultation by the company, naturally the community gave stiff resistance. In response, the comprador bourgeoisie associated with the Chinese company used state security to harass and intimidate the local communities. Fortunately, the community received support and solidarity from various civil society organizations such as the Centre for Natural Resources Governance and Zimbabwe Lawyers for Human Rights as well as the Member of Parliament [MP] for the Constituency, Daniel Molokele. The MP said, "they appreciated and supported the stance taken by the local community representatives who were demanding that no exploration process would take place until a more comprehensive process is conducted" (Ndlovu, 2021). The demands of the community were within the confines of the law and in tandem with the provisions of the Kampala Convention.

After resistance from the community, in April of the same year the government attempted some form of engagement with the community. For instance, the Provincial Minister for Matebeleland North appealed to the community to allow the Chinese firm to start the operations arguing that villagers would benefit from the project. According to Ndlovu (2021), Moyo said he would be accompanying the Mines Minister to the area to engage the community and hear their concerns, pointing out that there must have been some poor communication about the project. Such consultations should have been done before any drilling took place in the community and particularly in the graveyards.

3.1.3 The Pending Case of Chilonga Villagers

Around February 2021, the Chilonga villagers in Chiredzi under Masvingo Province were threatened with displacement to pave way for an agricultural project. The Shangaan minority has suffered multiple displacements since colonial times. According to Magaisa (2021), over the past century the ethnic minority Shangaan people have been displaced from one place to another to pave way for colonial settlers and when sugar capitalists moved in to set up their vast estates. The displacements were triggered by Statutory Instrument 50 of 2021, which in terms of Section 3 every person in the area concerned was, 'ordered to depart permanently with all of his or her property from the said land by the date of publication of the notice...' The project belongs to a private company, Dendairy, which specialize in milk products and it is alleged that the land was earmarked to grow Lucerne grass to feed the dairy cattle. According to Human Rights Watch (2021) the project would lead to the displacement of 678 villages which will affect 13 840 people.

That no consultations were held with the community prior the issuing of the declaration of the intention of displacement through a statutory instrument in not in doubt. For instance, the date from which the communal land was set aside by the Minister was the same as the date the Chilonga people were required to depart (Magaisa, 2021). This effectively means there was no form of consultation with the community concerned; a decree was just invoked. This is even contrary to the Communal Land Act, specifically section 10 (3), which mandates the Minister to give notice, specifying the date with effect from which the land concerned will be set aside before the land is actually set aside. A claim by government officials that Chilonga community was engaged was dismissed as false. This is because several community leaders from Chilonga pointed that they were opposed to the evictions because they were not consulted and provided with reasonable notice for relocation as well as plans for compensation (Human Rights Watch, 2021). A quasi-consultation meeting which was held in April by the minister in which he informed traditional chiefs, local authorities, and headmen among others about the need to establish grass production farms in their area was met with resistance as the leaders rejected the idea. Instead of engaging the community, the state resorted to the use of force and intimidation. It is reported that in July 2020 several Shangaan community leaders were summoned by the Central Intelligence Organization officials for allegedly inciting their communities to resist government plans to relocate then to pave way for the Lucerne project (Mafirakureva, 2021). The use of threats and intimidation means the authorities had totally disregarded the consultation channels. Under such circumstances, even if engagement is to take place, it would be just but an exercise to rubber-stamp the decisions of the government.

Additionally, the Masvingo Centre for Research Advocacy and Community Development [MACRAD] indicated the lack of consultation with the communities involved. In its 2021 position paper, MACRAD (2021) indicated that communities pointed out that they were never consulted except that they saw some white individuals driving vehicles and appeared to be surveying the land. Furthermore, some individuals with unmarked vehicles who claimed to have been sent by the president gathered the community and made them to declare their assets. Consultation is about the exchange of information and ideas and the process did not stand the test of consultation as the community could not air their views, but rather they felt intimidated. The evictions were temporarily shelved following a High Court application by Zimbabwe Lawyers for Human Rights on behalf of the Chilonga villagers who challenged the constitutionality of Sections 4 and 6 of the Communal Land Act. Unfortunately, the judge, Justice Mafusire, dismissed the application in January 2022 which means the community is now in limbo as the government may initiate the displacement anytime from now.

4. Displacement vis-à-vis Community Livelihoods and People's Social and Economic Rights

Displacement threatens the livelihoods of community as well as people's social and economic rights. As captured by Cernea (2021), the impoverishment of displaced people is the fundamental risk in development induced involuntary population resettlement. The situation is worsened if there is no proper consultation with the community concerned about the displacement and the relocation processes. The need for community consultation is premised on the fact that their social and economic rights are threatened by displacements. Therefore, they need to take part in the process of discussing the alternative and possibly the required compensation. This has been accentuated by Article 10 (3) of the Kampala Convention which states that, 'states parties shall carry out a socio-economic and environmental impact assessment of a proposed development project prior to undertaking such a project'. The socio-economic impact assessment is important to measure the extent of economic and social damage the project may pose to the community and establish feasible and adequate compensation thereof. To produce reliable results, the impact assessment should be carried out in consultation with the affected community.

From a historical perspective, the displacement of the Tonga people to pave way for the construction of Kariba Dam indicates how displacement can ruin social and economic life of a community, thus the process warrants engagement in the first place. The colonial government relocated the Tonga people to the arid and dry land of Binga district which is infested with tsetse fly and wild animals (TMMRI, 2021). Since then, the Tonga people have been struggling with food shortages and perennially survive on donor hand-outs since the successive national governments largely neglect them. Ngungubane (2021) points out there was economic dislocation due to the displacements because the river and the lake were a source of their livelihoods, offering resources and jobs to the local Tonga people. They were instructed to relocate without compensation and adequate planning for decent livelihoods (Mashingaidze, 2021). To make the matter even worse, they did not benefit much from the lucrative fishing industry. Through the construction of the dam and the subsequent displacement, the Tonga lost their traditional rituals and cultural sites. The Tonga chiefs believed that they were separated from their river god 'Nyaminyami' and, since this was done without consultation and blessing of the ancestral spirits, a lot of people perished during the construction of the dam (Ngungubane, 2021). Oral tradition held that Nyaminyami supplied meat to the Tonga inhabitants of the Zambezi Valley during periods of severe drought. All these cultural and traditional rites were dislocated through the displacements.

4.1 Cernea's Risk and Reconstruction Model of Displacement

To explore the full impact of displacement on the community's livelihoods as well as social and economic rights the researcher applied the Cernea model of displacement. The model captures the key risks and impoverishment process which happened during displacement. As shown below, the model has eight (8) consequences of social and economic deprivations resulting from displacement in any society.



4.1.1 Landlessness

The model points out that the expropriation of land takes away the main foundation upon which people's productive system and livelihood are built. The situation is worse in rural areas where the loss of land is the principal form of decapitalization and pauperization of the displaced people (Cernea, 2021). In Chisumbanje, villagers were displaced from their land to pave way for the government related ethanol project. This disrupted their subsistence farming since land was taken. Traditional leaders from the community pointed out that all the land they used to grow maize for subsistence and cotton for sale was taken away so that they do not have land to cultivate maize for self-sustenance (Konyana, 2014). Many times, communities are given alternative land too small to practice subsistence farming than they previously occupied. This is the case of the ninety-five families displaced to pave way for the construction of the Causeway Dam in Marondera. On overage the families had six hectares of land obtained during the land reform programme around the 1990s. Faced with no alternative land to resettle the displaced families, the government had to consolidate all the remaining land outside the basin and re-divide it so that every household received about two hectares of land. Though the government promised that the land would be enough since it would be irrigated, the community's land was no longer adequate to sustain the people, especially taking into account the land they had before the displacement.

4.1.2 Joblessness

This may be exemplified in the case of the Marange community. Before the displacement the majority of the people were small scale farmers, but in the new resettled areas livelihood mechanisms are very limited. Madebwe and Mavusa (2011) pointed out that the mining companies did not provide young people with job opportunities except keeping a record of their names which has not materialized anything. This was also recorded in the Chisumbanje community where communities were uprooted for the establishment of the bioethanol plant. From an interview conducted by Konyana (2014), the community bemoaned the lack of engagement and pointed out that a factory was established quickly with labourers coming from afar. This means the community whose livelihoods were backed by subsistence farming was uprooted by the displacements and did not benefit economically from the projects since they were not given priority at the factory to supply labour.

4.1.3 Homelessness

Though loss of housing and shelter may be only temporary for many displacees, homelessness remains a chronic condition. For instance, the subjects of chiefs Marange and Zimunya were displaced to pave way for diamond mining and the companies promised to compensate the villagers. Initially, the mining companies, in coordination with the government, settled some community members in tobacco-curing barns because there were no housing facilities at the relocation site (Human Rights Watch, 2009). Later on, the houses were provided; however, they soon became unstable as a result of poor workmanship (Ngungubane, 2021). As such, the relocated families lost proper homes.

4.1.4. Marginalization

This occurs when families lose economic power and slide into downward mobility as many can no longer use their previously acquired skills at the new locations and human capital is lost or rendered useless (Cernea, 2021). In the case of Marange displacements, the companies did not fulfil their pledges of supporting the Marange-Zimunya Community Share Ownership Trust. This resulted in lack of financial capitalisation of the Trust and low levels of development in areas where people were resettled which led to the marginalization of the community. Thus, the Marange and Zimunya people and the region at large did not derive many benefits from companies that are mining diamonds in Chiadzwa (Ngungubane, 2021). Of the twelve promises pledged by the mining companies towards the displaced villagers, only three were fulfilled which left the villages marginalized.

4.1.5 Increased Morbidity and Mortality

According to Cernea (2021), this is due to serious declines in health which result from displacement induced social stress, insecurity, psychological trauma and outbreak of relocation related illness. Shortages of safe water supply and poor reticulation system increase the susceptibility of outbreak of waterborne diseases upon the uprooted society. The Tugwi-Mukosi Dam construction single-handedly displaced more families than any other project in post-colonial Zimbabwe. Ngungubane (2021) pointed out that the displaced families were moved to places that did not have infrastructure and sanitation services. This alone made the displaced community vulnerable to disease and declines in health.

4.1.6 Food Insecurity

The model indicates that forced uprooting increases the risk that people will fall into chronic undernourishment. Following the displacement of the Marange villagers, the displaced communities were moved to a new environment- Arda Transau. Unfortunately, some of the community members lost their livestock due to failure to adjust to the new environment (Human Rights Watch, 2009). This threatened food security since livestock are an important source of wealth and food in any communal area in Zimbabwe. Furthermore, the pledge made by mining companies that food was to be distributed to the villagers on a quarterly basis as well as farming inputs as agreed with the government remain a mirage. To that end, without the necessary inputs as promised, the relocated villagers could not till the land to its full potential and food insecurity set in.

4.1.7 Loss of Access to Common Property

Displaced societies lose their common property which include forests, water bodies, grazing lands and burial sites. More often than not, loss of common property is not compensated by government relocation schemes (Cernea, 2021). The relocated villagers from Marange community and the Chisumbanje area lost communal land and their perennial rivers respectively.

4.1.8 Social Disarticulation

Development induced displacement tears apart the existing social fabric through dispersing and fragmenting communities, and dismantling social organization and interpersonal ties (Cernea, 2021). In many communities, life is sustained through informal networks of reciprocal help, local voluntary associations and mutual service arrangements. They are all dismantled by displacement. Such scenarios happened during the displacement of the Marange villagers from the Chiadzwa diamond fields. Families which were relocated in the first phase were a collection of people who were not necessarily related since the company began by displacing and relocating those who coincided with the mine's development phase (Madebwe & Mavusa, 2011). Since there was no proper consultation with the community, names of the displaced families were listed randomly in the house allocation list without any consideration to social ties. As noted by Madebwe and Mavusa (2011), communities were fractured from the onset with displaced people being separated from their communities, relatives, neighbours and social support systems. This greatly affected the community's social rights and their livelihoods.

The discussion above shows that various communities in Zimbabwe are worse off socioeconomically than they were before displacements. Therefore, it becomes apparent that displacement of communities in Zimbabwe should be avoided as much as possible. When development induced displacement is unavoidable then the communities should be consulted and take part in the discussions of the process of displacement and relocation. A robust socioeconomic impact assessment should be carried out by experts in consultation with the communities involved so that an appropriate and adequate compensation plan may be put in place in a bid to reduce the negative economic and social consequences of displacement.

5. Conclusion

The Kampala Convention is a very progressive legal instrument as far as the protection of IDPs is concerned. However, in Zimbabwe little progress has been made concerning community consultation prior to displacement for "development" related reasons. Communities have been displaced with neither consultation nor environmental and socio-economic impact assessment taking place. This has been done riding on the back of various pieces of legislation which do not mandate engagement and consultation of community concerned in relation to displacement. Multiple cases of displacement have been used to highlight the propensity of government to displace communities without engagement, a colonial legacy which has been perpetuated four decades after independence. To elaborate how displacement has affected the socio-economic rights of communities especially in the absence of consultation, the researcher used the Cernea's Risk and Reconstruction Model of Displacement. Going forward, government and the responsible authorities including civil society organizations should consider the recommendations outlined below to safeguard the rights of the IDPs.

5.1 Recommendations

To enhance the engagement of communities in line with the provisions of the Kampala Convention in relation to project induced displacement in Zimbabwe, the following recommendations should be considered as a matter of urgency:

- 1. Government should establish a body which oversees displacement of people in terms of the Kampala Convention. An Act of parliament should provide for the establishment of such a body which should work to safeguard the rights of the IDPs and ensure that all necessary procedures are followed before any community is displaced for project purposes. The body should also be tasked with recording and keeping statistics and information on IDPs in the country, all of which are important when making policies and decisions in relation to IDPs in Zimbabwe. Currently there is a statistical gap on such issues.
- 2. Government should work towards coming up with a stand-alone legislation or policy to govern internal displacement issues. The legislation and or policy should be geared towards the protection and assistance of the internally displaced persons in tandem with Kampala Convention and other international legal provisions.
- 3. There is also a need to amend other pieces of legislation which are being used in the displacement of communities around Zimbabwe. Such legislation includes the Communal Land Act, the Mines and Mineral Act, and the Rural Land Act among others. Amendments of such Acts should be initiated such that it becomes mandatory to engage and consult communities concerned before implementing any development project which displaces communities. Mechanisms should be included in the amendments to ensure meaningful consultation and that the views of the community concerned are taken into account before the commencement of any project with a potential to displace the community.
- 4. Government should make it mandatory either through law or policy that all public and private entities must carry out a socio-economic and environmental impact assessment of a proposed development project prior undertaking such a project. Such assessment should indicate the extent of socio-economic disruptions a project may pose to the community such that adequate alternatives and compensation may be made thereof. This also calls for experienced and independent analysts who should evaluate tangible and non-tangible community property.
- 5. It should be made a policy that no community or a group of people may be displaced more than once unless the second displacement is necessitated by security reasons. This is due to the fact that research has shown that some communities have suffered multiple displacements stretching back to the colonial era. This has largely affected the socio-economic rights and impoverished such communities.
- 6. Civil Society Organizations should keep on intervening in situations where vulnerable communities are at risk of displacement without proper and meaningful engagement by the government or companies concerned. They should not hesitate to litigate since there are now various case laws which may be used as precedents in court of law to stop arbitrary displacement.
- 7. Civil society should undertake massive awareness campaigns to educate citizens about their rights vis-à-vis internal displacement. Such campaigns should deliberately target rural communities especially those which have abundant natural resources. This is due to the fact that the past ten years have shown that rural communities endowed with natural resources and wildlife are more vulnerable to displacement than any other community in Zimbabwe.

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Therefore, the rural and communal inhabitants should be aware of their rights in relation to displacements and evictions.

8. Civil society should continue with lobbying, advocacy and strategic litigation so that government may budget in and implement recommendations 1-5. Without pressure from all angles, government may hesitate to implement any of the recommendations since the status quo is to its advantage. For instance, it is widely argued that the Communal Land Act which vests all the communal lands in the hands of the president is a "political tool" in the hands of the incumbent, hence there is little if any appetite to amend it. Therefore, this calls for maximum pressure from Civil Society to amend or repeal such a legislation.

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