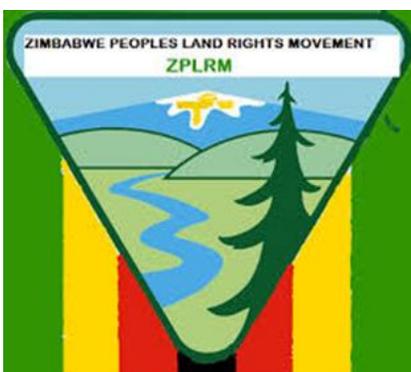




Assessing Impacts of Women's Dispossession from Land and Home

Zimbabwe Case Descriptions



**Zimbabwe Peoples
Land Rights
Movement**



**Housing and Land
Rights Network •
Habitat International
Coalition**

Introduction

The following are descriptions of illustrative cases that formed part of a national typology of instances that civil society partners produced in the Learning Workshop – Assessing Impacts of Women’s Dispossession from Land Home, at Coghlan Villa Guest Lodge, Harare, Zimbabwe, on 27–29 August 2020. They apply a method of diagnosis that explores violations of women’s human rights to adequate housing and land that represent strategic potential for further study to determine the values at stake for and with women affected.

These cases may be past, ongoing or anticipated future forced evictions, demolitions, damage, dispossession, unequal/inequitable inheritance, or other form of deprivation that have consequences for women’s wealth, habitat and wellbeing. These descriptions summarize according to a series of six elements, determining (1) the context as drawn from the typology of typical and actual social, institutional, legal, developmental or environmental determiners causing or enabling the violation; (2) the identification of the specific case, including its title (location or other distinguishing feature) and gender issues and/or values at stake; (3) the type of violation as a contravention of any of the codified elements of adequate housing and/or land; (4) the stage of potential intervention: before (pre-violation), during (ongoing) and/or after (post-violation); (5) identification of the duty holder and (6) form of remedy sought.

These case descriptions form the subject of a following exercise by which civic partners determine which one of the cases will be the subject of an in-depth application of the HLRN Violation Impact-assessment Tool, a method of capturing and documenting a complete inventory of issues and (material and nonmaterial) values through a field study. That main case should be the one that participants determine as most likely to meet three basic selection criteria:

1. The case is significant in the sense that it is representative of a priority issue of policy or practice in Zimbabwe;
2. The local community (purposeful sample) of women are willing and able to cooperate with a survey of their self-determined issues and values at stake;
3. A full inquiry into, and documentation of the affected women’s issues and quantification of their (material and nonmaterial) values at stake would contribute to the desired remedy.

These case descriptions will form the pool of cases to be considered in a consultative “triage” exercise to determine the main case for applying the VIAT and the finalization of the survey-research tool (questionnaire) as the basis for the in-depth study. The following cases are numbered (1–5) for identification purposes only. Their actual priority and selection will be determined by the merits of the cases as they corresponding to the selection criteria above.

Case 1

Context:	Land Reform: Gender-based politically driven land and property dispossession
Incident/Case:	Yorkshire Farm Gweru
Type of violation:	Dispossession, demolition and eviction
Phase of violation:	Ongoing
Duty bearer(s):	Mr. Eria Bonkwane, Government of Zimbabwe
Remedy sought:	Judicial and administrative: Reparations, enforcement of court order

Case Description

The case of widowed Mrs. Sibonisiwe Chipato might be one of those eye-opening cases of gender-based violations that might be rampant among the beneficiaries of the land reform in Zimbabwe. Due to the political nature of the reform, it is quite clear that many cases are going unreported, or, as in this case, no redress action can be taken due to fear of political reprisals or political muscle. The veterans of the liberation struggle, dominated by mostly men, were the initial beneficiaries of the land reform in Zimbabwe. Most of those veterans are now in their retirement, while also a fairly large number has passed on, usually leaving behind widows and families as beneficiaries, as illustrated by this case.

In Mrs. Chipato’s case, even the law cannot protect her. There could be thousands like her who have faced similar violations, and not found any way for recourse or remedy, because of the political nature of the land reform. These widows, divorcees, female veterans and their dependants are very vulnerable to forced evictions once the perceived (male) head of the family is no longer in the picture.

As a veteran of the liberation struggle, the late Mr. T. Chipato was allocated Plot number 14 of Yorkshire of Fife Scott Block and had a valid offer letter for the plot. Upon his death in 2002, the property was left in equal shares to his widow and three children. All this was in a written will. Sometime in 2008, Mrs. Chipato was seriously ill and in hospital when she was given the shocking news that her huts at the farm had been destroyed, one of her sons who was living at the farm had been forcibly evicted and their property and crops destroyed. One Eria Bonkwani had suddenly appeared with an offer letter and claimed ownership of the same farm and effected an illegal eviction, taking advantage of both her ill-health and gender. Having got better,

she challenged the offer letter and occupancy of her farm through both the land office and courts of which she, in both cases, was recognised as the rightful owner.

After that, she returned in 2014 to the farm, armed with a court order, letter of support from her neighbours on the farm and verified offer letter. She rebuilt her houses just next to the invader of her former homestead. Just after planting her crops once again in disregard to the court orders and offer letter Mr. Bonkwame sent men to destroy her huts and property, forcibly and illegally evicting Mrs. Chipato. Since then, she hasn't been able to get access to the farm, efforts to get remedies have been frustrated by political players, the uncertainty of security of tenure post-land reform and policy inconsistencies.

On 2 October 2020, Mrs. Chipato visited the local Lands Commission office where was referred to the High Court for review of judgment.

Selection criteria: The case of widowed Mrs. Sibonisiwe Chipato might be one of those eye-opening cases of gender-based violations that might be rampant among the beneficiaries of the land reform in Zimbabwe.

Case 2

Context: Infrastructure Development
Incident/Case: Batoka Gorge Township development (Kachechete, Chidobe and Jambezi Wards), Chief Shana- Hwange Rural District Council
Type of violation: Forced eviction and dispossession
Phase of violation: Pre-violation
Duty bearer(s): State Government of Zimbabwe
Remedy sought: Administrative reparations

Case Description

This case involves about 20 families who will be affected by forced eviction, while it is also not very clear of how reparations will be handled. Particular focus will be on how single parents, particularly the young and vulnerable, will be handled, as there is a tendency among communities of not considering divorced and single young parents.

Villagers in Batoka, Hwange, Matabeleland North province have been given four months to vacate their communal lands to pave way for the establishment of a new township, a replica of Kariba town.

Situated on the south bank of the Zambezi River and built on the twin hills of Boterekwa overlooking Kariba Gorge and Lake Kariba (one of the world's largest man-made lakes), the town was established in 1957 by the Federal Power Board to accommodate Kariba Dam construction staff as well as settlers.

Batoka Town will house workers and settlers at Batoka Hydro Power Plant, a joint venture between Zimbabwe and Zambia.

The 2,400-megawatt Batoka Gorge plant was mooted two decades ago by the two countries, both of which are struggling with electricity shortages after drought affected hydropower output.

The project experienced delays over colonial era debts and community resistance.

The project was mooted in 1992 and construction is expected to start this year.

Through Statutory Instrument (SI) 188 of 2020, Local Government Minister July Moyo said the villagers had up to December 31 to vacate the area, without giving them alternative land.

The SI, however, does not speak about any compensation for loss of land and improvements.

GE and Power China are in a consortium that was shortlisted to build the facility. The project involves construction of a dam, powerhouses, roads, transmission infrastructure and houses in both Zambia and Zimbabwe.

This comes at a time when scores of villagers in Hwange and Binga districts are facing eviction from their ancestral land to pave way for an influx of Chinese nationals eyeing fortunes from untapped mining fields.

"This notice may be cited as Communal Land (Setting Aside of Land) (Batoka Township) Notice 2020. The area of land specified in the schedule shall be set aside with effect from January 1, 2021 for the purposes of establishing a township," the Local Government minister said in the notice.

“Any person using or occupying the land specified in the Schedule, otherwise by virtue of a right held in terms of the Mines and Minerals Act (Chapter 21:05) is ordered to depart permanently with his or her property, from the said land by the 31st of December 2020 unless he or she acquires rights of use or occupation to the said land in terms of section 9(1) of the Communal Lands Act (Chapter 20:04).”

Source: <https://www.newsday.co.zw/2020/08/hwange-villagers-given-4-months-eviction-notice/>

Response to the above article:

The Government will compensate and assist people who will be displaced for the construction of new houses at Batoka township in Hwange District, it has been learnt.

The Minister of Local Government and Public Works, Cde July Moyo, published a Statutory Instrument 188 of 2020 giving notice of the establishment of Batoka township and subsequent displacement of villagers. The township will be supported by the 2 300-megawatt project that is being built between Zimbabwe and Zambia.

“This notice may be cited as Communal Land (Setting Aside of Land) (Batoka Township) Notice 2020. The area of land specified in the Schedule shall be set aside with effect from 1st of January, 2021 for the purposes of establishing a township.

“Any person using or occupying the land specified in the Schedule, otherwise by virtue of a right held in terms of the Mines and Minerals Act (Chapter 21:05) is ordered to depart permanently with his or her property, from the said land by the 31st of December 2020 unless he or she acquires rights of use or occupation to the said land in terms of section 9 (1) of the Communal Lands Act (Chapter 20:04),” reads part of the notice.

The SI, however, does not mention anything to do with compensation for losses of their land or alternative land prompting concerns and criticism over the development. However, the Minister of State for Matabeleland North Provincial Affairs, Cde Richard Moyo, said the Government would relocate the affected families and support them through compensation.

“About 20 families are going to be affected by the project and will be relocated to other places to make way for the township. Government is going to assist with building of houses where they are going to be resettled. Government is going to support the whole process of relocation and yes there will be compensation. Whenever there is such a project that results in the displacement of people compensation is automatic,” said Cde Moyo.

He said those willing to be integrated into the township would be allowed to do so with Government paying for the construction of their houses.

“We are working with Hwange Rural District Council to ensure that the affected households are integrated into the township or those seeking to be relocated with their livestock will be assisted to do so,” said Cde Moyo.

It is understood the project will affect communities in Jembwe, Kasikili, Kanywambizi and Jabula, which are Kachechete, Chidobe and Jambezi wards. Chief Shana under whose area the project is going to be developed said he has been assured that the affected households would be compensated.

“I’m yet to get in touch with the authorities but I was assured that no one would be evicted but they would use space not occupied in the communal area that had been identified. The issue of eviction is new to me, however, in any case affected families would need to be compensated since livelihoods would be affected. So, Government will have to carry the burden of ensuring that these people are taken care of.”

Meanwhile, Hwange Residents Trust said although the move was a welcome development, the Government has to compensate the affected households.

“Batoka Hydroelectric Power Project is a welcome development. All we are concerned is whether the Government will compensate and provide alternative resettlements,” said Mr. Fidelis Chima, the organisation’s coordinator.

HRDC chief executive officer Mr. Phindile Ncube said contrary to reports that communities had not been consulted, council had engaged them especially on the possibility of displacement.

“Communities that are going to be affected by the construction of the dam and township were engaged and the issue of displacement was also discussed. Projects of this magnitude have been known to have their fair share of implications as was witnessed during the construction of the Tokwe-Mukosi Dam in Masvingo. A lot of people were displaced and had to be resettled. The same is likely to happen in our case, there is nothing new in the creation of urban land in a communal area,” he said.

Source: <https://www.sundaynews.co.zw/batoka-new-project-govt-to-compensate-displaced-villagers/>

Selection criteria: This case offers an opportunity to track the systems of government reparations in real-time for the affected community and also quantify the losses raising from these evictions.

Case 3

Context: Land Reform
Incident/Case: Innezdale of Sokis Farm (Mhondoro Ngezi Kadoma)
Type of violation: Forced eviction, dispossession, demolition
Phase of violation: Post-violation, Ongoing and pre-violation
Duty bearer(s): Government of Zimbabwe, Silverton Engineering
Remedy sought: Administrative and judicial: Reparations for those whose housing and land rights have been violated and security of tenure for the entire community

Case Description

Land reform in Zimbabwe came with a number of improvements to livelihoods, rural economies and access to long-locked natural resources, among other benefits to the common Zimbabwean. Despite these benefits, the chaotic nature of the inception of the program continues to haunt it. It began with the bloody land invasions in the late 90s, followed by the equally chaotic Fast Track Land Reform Program and presently the Land Reform Program. Though efforts are being made to find lasting solutions to the issue of security of tenure and title, current policies are providing holding rights and not ownership, which has left quite a large number of beneficiaries of the land reform program vulnerable to forced eviction and other gross human rights violations. Considering Zimbabwe's population of over 52% being women and with women providing 70% of the labour in the agricultural sector, it is quite evident that the most affected in such cases are women and children.

Sometime during the land invasion between 2000 and 2005, about 222 families invaded Innezdale Farm and, in 2005, the Government of Zimbabwe compulsorily acquired the farm. After that, the settled families applied through the District Lands Office for offer letters, and where assured that their settlement was in order. These families have since been living on the farm, have built permanent structures and acquired property and livestock for the past 20 years, of these families over 50 families are female headed.

In 2018, without their offer being validly cancelled or withdrawn, the District Lands officer Mr. Clever Kunonga notified the residents of Innezdale that the same farm they had been living on for about two decades had been offered to Silverton Engineering (PVT) LTD. A totally new entity, which has three female directors (Daisy Chiyaka, Yvonne Sigauke and Gladys Chivere), the company has a physical address located in Bulawayo. In 2005, the same Lands officer Mr. Clever Kunonga had been paid USD\$ 4,400 as "processing fee" for the offer letters and "fuel" for travel, with each household paying USD\$20. The offer letter for Silverton was challenged both in court and through the Lands Office and, in early 2019, the company's lawyer, the police and the Lands officer arrived at the farm with eviction notices from the Land Office and immediately destroyed the homes and property of over 50 families before being halted after interventions from various stakeholders. All this was done despite the fact that courts do not have jurisdiction over agricultural land disputes, as all such disputes are to be handled by the Land Commission and, most importantly, Section 74 of the Constitution of Zimbabwe guarantees that "No person may be evicted from their home, or have their home demolished, without an order of Court made after considering all relevant circumstances."

A provisional order was sought in March 2019 barring Silverton from harassing the residents, pending finalisation of the issue through the relevant government department. All this has not worked, as the company is continually threatening the residents with evictions and demolitions. The families are also yet to receive offer letters and, therefore, cannot proceed with their day-to-day chores, including farming, which is their main source of livelihoods, as they do not have secure tenure and are living in constant fear of repeated violations. In the past two years, these families have not been able to prepare their land as they are constantly in and out of the courts. Once again this year, drawing nearer to the farming seasons, the Innezdale community is yet again not able to fully utilise their land due to the insecure tenure and constant threats of forced eviction.

Case 4

Context: Political corruption
Incident/Case: Land barons
Type of violation: Forced evictions, demolitions and destruction of property
Phase of violation: Ongoing
Duty bearer(s): Local government: Harare City and other urban councils
Remedy sought: Administrative reparations for those already affected, laws that ensure that such schemes are abolished, enforcement of that laws enforced and other guarantees of non-repetition

Case Description

Since the launch of Operation Murambatsvina on Africa day in 2005, which forcibly evicted about 200,000 families in almost all the urban councils of the country, most urban councils have become a hot bed of illegal land dealings by politically linked land barons. These barons are involved in illegal residential land sales usually backed by Councillors and other politicians.

Over the years, thousands of houses have been demolished and families forcibly evicted since the end of Operation Murambatsvina in 2005, and this scourge seems to be going unmonitored as, year in and year out, thousands across Zimbabwe's urban councils have their homes demolished with little or no notification or redress from the authorities. In most cases, politically connected land barons have illegally sold people state land in and around towns. After they have built on those lands, the same authorities demolish the houses, citing a number of reasons, from building in wetlands, undesignated land use and various other reasons. Most cases happen toward elections and, usually, one or two [days, weeks, months?] after the elections, the homes are destroyed, as most of these schemes are run during election time or during the tenure of an incumbent councillor or MP of parliament. In most cases, there is no redress at all, as blame is usually shifted to the so-called land barons, who most of the time are immune to prosecution as they will be working in cahoots with politicians. This practice where land barons primitively accumulate peri-urban land has led to an artificial shortage of housing land in most urban councils and made housing land unaffordable to the ordinary person.

This is a recurrent problem to which authorities turn a blind eye and only react when it is convenient to save their jobs at the expense of the innocent victims who are fleeced of their hard-earned money and livelihoods.

Selection criteria:

Case 5

Context:	Land Reform /Privatisation/Mineral exploration (extractivism)
Incident/Case:	Selukwe Peak Farm Shurugwi
Type of violation:	Destruction and dispossession
Phase of violation:	Ongoing
Duty bearer(s):	Nkululeko and Publo companies
Remedy sought:	Administrative

Case Description

Two mining companies Nkululeko and Publo have left huge prospecting pits in the fields of four families. No reclamation or restoration has been done, leaving the four families with no fields for their farming activities. The mining companies just came without notices and dug huge pits in their fields and left.

Selection criteria: