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HOMELESS, LANDLESS, AND DESTITUTE

The Plight of Zimbabwe's Tokwe-Mukorsi Flood Victims





Homeless, Landless, and Destitute

The Plight of Zimbabwe's Tokwe-Mukorsi Flood Victims

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List of Abbreviations and Acronyms

| | |
|----------------|---|
| ARVs | Anti-retroviral drugs |
| AU | African Union |
| CPU | Civil Protection Unit |
| DA | District Administrator |
| DTZ | Development Trust of Zimbabwe |
| ECD | Early Childhood Development |
| IDP | Internally Displaced Persons |
| IOM | International Organization for Migration |
| SADC | Southern African Development Community |
| UNOCHA | United Nations Office for the Coordination of Humanitarian Assistance |
| WFP | World Food Programme |
| ZANU PF | Zimbabwe African National Union-Patriotic Front |
| ZBE | Zimbabwe Bio-Energy Company |
| ZBC | Zimbabwe Broadcasting Corporation |
| ZHRC | Zimbabwe Human Rights Commission |
| ZINWA | Zimbabwe National Water Authority |

Summary

We are now homeless, landless, and destitute.... I see no reason to live.

I lost everything.

—Retired soldier and flood victim, Kenneth Hlavano, Chingwizi resettlement,
Section C, June 12, 2014

In February 2014, Zimbabwe's immense Tokwe-Mukorsi Dam basin flooded following heavy rains. Under construction since 1998, the 1.8 million cubic liter dam is intended to provide irrigation and electricity to communities in the semi-arid southern Masvingo province. It is currently slated for completion by the end of 2015.

President Robert Mugabe immediately declared the floods a national disaster and appealed to the international community for US\$20 million to help relocate and provide humanitarian assistance to those affected. Shortly after the flooding, the Zimbabwe army and the Civil Protection Unit (CPU) relocated over 20,000 people (around 3,300 families) from the flooded Tokwe-Mukorsi Dam basin to Chingwizi camp on Nuanetsi Ranch in Masvingo's Mwenezi district. The government shut down the camp in August in an attempt to permanently relocate the families on a different part of Nuanetsi Ranch where each family was allocated a one-hectare plot of land. The families would now have significantly less land than they previously owned when they were in Masvingo.

Masvingo Provincial Affairs Minister Kudakwashe Bhasikiti, said the families, in their new Nuanetsi location, would only grow sugar cane for a planned government-owned ethanol project. The reasoning behind families being asked to grow sugar cane was that it would help the project achieve profitability quicker than if families were given option to grow other crops. Bhasikiti said that because the Tokwe-Mukorsi dam is still under construction, it would take about seven years for the ethanol project – a sugar cane irrigation scheme – to be established, during which time, flood victims say, they will have no source of livelihood. Bhasikiti said the families were resettled there to enable them to benefit from the sugar cane irrigation scheme when it eventually becomes operational.

Today, a year after the disaster, these 3,300 families are completely dependent on aid for food and shelter on Nuanetsi Ranch, and are unable to build permanent homes as ownership of the land is in dispute.

This report is based research conducted between March and August 2014 in Chingwizi camp, Masvingo, and in Harare with flood victims, a government minister, local authorities, lawyers, human rights activists, representatives of five nongovernmental organizations that provided services at the camp between February and August when government shut down the camp. In addition, Human Rights Watch interviewed national journalists and representatives of United Nations agencies in Zimbabwe.

The report documents human rights issues related to the dam project, conditions at Chingwizi camp to which the flood victims were initially relocated, abuses related to the resettlement of the flood victims, including the government's failure to compensate many of them and to grant them the right to have a say in the decision regarding their residence. The report also explores the government's misuse of humanitarian aid to coerce flood victims to accept official resettlement plans and documents the resettlement of the flood victims on Nuanetsi Ranch where they are unable to build homes or grow crops of their choice as the title of the land is in dispute.

The report found that from the outset, the dam project was fraught with human rights problems, which have multiplied since the floods and the relocation of those in the waters' path. Before construction, the government did not adequately consult local residents about their needs, or the effect the dam would have on their lives. After the floods, Zimbabwe's government failed to protect flood victims' rights, or honor promises regarding compensation and resettlement.

Furthermore, both the Masvingo provincial government and the central government have coerced the displaced to accept the one-hectare sites (instead of the five-hectare sites initially promised) with violence, harassment, and in some cases restricting access to water, food, and other essentials. "Food assistance will only be given to those families who agree to move to their permanent plots, because we need to decongest Chingwizi temporary camp," Minister for Local Government Ignatious Chombo said in early April. Between May 20 and 23, for example, armed soldiers demolished food storage warehouses at Chingwizi camp and relocated them to the site of the one-hectare plots in

Bongo and Nyoni, 20 kilometers away within Nuanetsi Ranch. Other steps taken to coerce flood victims, said Chingwizi camp leaders, include government officials directing groups working at Chingwizi camp to demolish camp toilets, close down the camp school and shut down its only clinic in early August 2014. Minister Bhasikiti said the government decided to shut down Chingwizi camp because resettlement plots were ready for the flood victims to occupy and that the government had initially set up the camp as a temporary emergency measure following the floods.

Minister Bhasikiti told Human Rights Watch that all the families agreed to resettle voluntarily, and were grateful to the government for the opportunity to be part of a commercial sugar cane farming scheme. He maintained that a small group of people effectively held other flood victims hostage at Chingwizi camp and prevented them from accepting government resettlement. However, during visits to Chingwizi camp on three occasions, Human Rights Watch found no evidence that a small group was coercing people not to resettle. The government used armed anti-riot police to forcibly move the flood victims from Chingwizi camp into resettlement on Nuanetsi ranch.

At issue for many flood victims is the lack of government compensation and the new, smaller plots that they said limits their ability to grow enough crops to feed their families. The flood victims contend that until the irrigation scheme becomes fully operational, they will not have a sustainable source of livelihood.

In effect, the flood victims have been internally displaced and the government of Zimbabwe is failing to fulfill its obligation to assist and protect IDPs in the country. In addition, the government is coercing the displaced into resettlement in violation of its domestic and international obligations. These obligations include the United Nations Guiding Principles on Internal Displacement, which provide an authoritative restatement of existing international law as it relates to the protection of internally displaced persons, including those affected by natural or human-made disasters.

Under international standards, displaced persons have the right to an adequate standard of living; access to essential food and potable water, basic housing, clothing, and essential medical services and sanitation. Those living in camps have the right to freely seek opportunities for employment and to participate in economic activities; displaced children have the right to education; all humanitarian assistance must be provided without

discrimination and should not be diverted for political reasons; and authorities must provide displaced persons with objective, accurate information, and include them in the decision-making process that lead to their voluntary return or resettlement, or to remaining in the place where they sought refuge. In addition, governments should ensure that those evicted have the right to adequate compensation for any property affected; while all feasible alternatives to evictions must be explored in consultation with affected persons, with a view to avoiding, or at least minimizing use of force.

The treatment of those displaced by the Tokwe-Mukorsi dam also contravenes every standard for dealing with internal displacement related to development projects. The UN, the African Union (AU), the World Bank, and many other donors and humanitarian organizations, have stressed that basic human rights must be respected at every stage of displacement and resettlement. UN agencies involved in humanitarian response in Zimbabwe have failed to publicly criticize the government for its failure to provide a long-term solution for IDPs.

Human Rights Watch calls on Zimbabwe's government, in accordance with its domestic and international obligations, to ensure protection of the rights of Tokwe-Mukorsi flood victims. The government should immediately ensure they received adequate food, shelter, safe drinking water, access to sanitation and other basic aid, and should stop misusing humanitarian assistance and conditioning survival aid—an unconditional right—on resettlement. The government should compensate flood victims and allow them to choose their site of residence, according to the United Nations Guiding Principles on Internal Displacement.

MAP OF TOKWE-MUKORSI DAM AND NUANETSI RANCH, ZIMBABWE

Blocks designated by Development Trust of Zimbabwe

MASVINGO DISTRICT

Tokwe-Mukorsi Dam

February 2014: Heavy rain floods the dam basin. Over 20,000 people are relocated to Chingwizi IDP camp.

CHIVI DISTRICT

Proposed canal

Block A

Block B

Block D

Block C

CHIREDDI DISTRICT

Triangle

Chingwizi IDP Camp

August 2014: The government shuts down the camp in an effort to permanently relocate IDPs on a different part of Nuanetsi Ranch.

Current Resettlement Site

All flood victims are relocated to one-hectare plots in the Bongo and Nyoni sections of Nuanetsi Ranch.

Block E

Block F

MWENEZI DISTRICT



Recommendations

To the Government of Zimbabwe

- Refer to the Zimbabwe Human Rights Commission to investigate the circumstances leading to the floods at the Tokwe-Mukorsi dam. If it is found that they could have been prevented with reasonable care, hold those responsible to account by charging them to a court and trying them in a fair manner;
- Until the flood victims have sustainable sources of livelihoods, ensure the distribution of regular food assistance and other forms of support to the flood victims, with particular focus on ensuring access to marginalized or vulnerable groups, including women, children and persons with disabilities. This includes providing access to sufficient clean, safe, and potable water, access to sanitation and other basic services at the area of resettlement on Nuanetsi Ranch;
- Provide effective remedies to the flood victims, including access to justice and appropriate forms of compensation in accordance with domestic laws and relevant regional and international instruments, including the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which Zimbabwe ratified;
- Ensure that going forward there is adequate compensation, full participation, and consultation in arriving at a durable solution for the flood victims, taking steps to ensure participation of women and marginalized or vulnerable groups in the community;
- Facilitate the displaced in finding a durable resettlement solution and ensure they are provided with documentation for secure land tenure and sufficient resources, including access to water for domestic use and livelihoods, to constitute adequate standards of living, in safety and with dignity;
- Waive school fees for all children affected by the Tokwe-Mukorsi flood until their parents and guardians have regained a sustainable livelihood, and ensure all children have access to at least full primary education; and
- Put in place mechanisms to ensure transparency and accountability for all humanitarian aid so that it reaches the intended beneficiaries. Humanitarian

assistance should not be used to coerce people to accept government resettlement plans or to reward those viewed as compliant.

To the African Union (AU)

- Press Zimbabwe to ensure full protection of the rights of the displaced in accordance with its legal obligations under the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa; and
- Call on the government of Zimbabwe to take urgent measures to provide assistance and protection to Tokwe-Mukorsi flood victims, and to allow unimpeded international assistance.

To United Nations Agencies, the European Union (EU), and International Donors

- Conduct direct monitoring of the situation of Tokwe-Mukorsi flood victims to ensure that humanitarian assistance is not diverted or used to coerce the displaced to accept inadequate resettlement options;
- Urge the Government of Zimbabwe to ensure that all humanitarian assistance is monitored to ensure it reaches intended beneficiaries;
- Install mechanisms to ensure transparency and accountability for all humanitarian aid so that it reaches the intended beneficiaries; and
- Engage in active and assertive advocacy with the authorities, including enlisting the support of senior and appropriate EU and UN officials, for a durable solution for the displaced and protection of the rights of the flood victims.

Methodology

This report is based on research conducted by a Human Rights Watch researcher and a local consultant at Chingwizi camp, Nuanetsi Ranch, in Zimbabwe's Masvingo province, and in Harare between March and August 2014. Human Rights Watch interviewed over 60 flood victims, a government minister, legislators, representatives of United Nations agencies and other donors supporting the flood victims, dam construction workers, an engineer, lawyers representing flood victims, rights activists, and national journalists.

Human Rights Watch chose to conduct this research because of numerous reports in the local media highlighting human rights problems after the floods and the government's failure to adequately protect the rights of the flood victims. The report focuses on Chingwizi camp for various reasons, including lack of compensation, access to official financial assistance, and other human rights problems that only affected the flood victims relocated to Chingwizi camp.

Between August and October 2014, Human Rights Watch conducted additional interviews by telephone, in addition to reviewing various relevant documents, including Zimbabwe's new constitution and the African Union Convention on the Protection on Internally Displaced Persons, domestic laws, legal documents and regulations, reports by local human rights organizations, and newspaper articles.

In August 2014, Human Rights Watch wrote to the government of Zimbabwe, nongovernmental organizations that provide aid to the flood victims, and two companies claiming ownership of Nuanetsi ranch, summarizing our findings and requesting an official response. The NGOs are the International Organization for Migration (IOM), Shelter Box, Oxfam International, Zimbabwe Red Cross Society; the two companies are the Nuanetsi Ranch Private Limited and Zimbabwe Bio Energy Company (ZBE). Some of the NGOs and both companies responded to our letter. The United Nations resident coordinator in Zimbabwe responded (on behalf of the UN agencies) providing aid to the flood victims as well as IOM and Shelter Box. The UN agencies are the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), the United Nations Children's Fund (UNICEF), and the United Nations World Food Programme (WFP). The responses of the UN

agencies and the two companies are included as appendices to this report. Oxfam International and Zimbabwe Red Cross Society are yet to respond at time of writing.

Human Rights Watch met with Masvingo Provincial Affairs Minister Kudakwashe Bhasikiti, at his request, on August 14, 2014, in Masvingo. The minister made reference to a number of documents during the meeting, but did not, however, give Human Rights Watch any copies of relevant documents, plans, or records we requested at the meeting.¹

For security reasons, some details about individuals and locations of interviews have been changed or withheld when such information could place a person at risk. All interviews were conducted in English and Shona. All interviewees freely gave their consent to be interviewed and were informed that they could end or withdraw from the interview at any point. No inducement was offered to, or solicited by, the interviewees.

Minister Bhasikiti in May 2014 banned civil society and media from accessing the camp, thus limiting the ability of Human Rights Watch to access to some of the flood victims. Some of the victims were unable to freely talk about their conditions because of fear of government reprisals, especially after Bhasikiti announced the ban. Interviews were conducted in Chingwizi camp, Chingwizi resettlement area, Chiredzi, Masvingo and Harare. Local partners assisted in identifying interviewees.

¹ Human Rights Watch interview with Masvingo Provincial Minister Kudakwashe Bhasikiti, Masvingo, August 14, 2014.

I. Background

Dam Construction, Changing Resettlement Plans

Tokwe-Mukorsi is slated to be the largest inland dam in Zimbabwe.² Located at the confluence of the Tokwe and Mukorsi rivers in Masvingo province, it aims to provide irrigation water and hydro-electricity to the Lowveld sugar cane estates and surrounding communal farmers.³

An Italian contracting company, Salini Impregilo JVC, began construction of Tokwe-Mukorsi dam in 1998 but stopped several times due to funding challenges. When construction resumed in April 2011, it was estimated that the project would be completed within 31 months at a cost of US\$133.8 million.⁴ It is currently slated to be finished at the end of 2015 at the cost of \$298.7 million.⁵

At the outset of construction, the government assessed that 6,393 families living around Tokwe-Mukorsi would need to be relocated. It designated three relocation sites, with the following amenities:

- Chisase in Masvingo district, 50 kilometers from the dam (126 families; one school, one clinic, 42 boreholes);
- Masangula in Mwenezi district, 150 kilometers from the dam (485 families; three schools, two clinics; 42 boreholes); and
- Chingwizi in Mwenezi district, 150 kilometers from the dam (5782 families; five schools; two clinics; 63 boreholes).⁶

In 2011, the government promised that each displaced family would receive a 17-hectare plot of land and each household would be compensated based solely on property

² Zimbabwe National Water Authority (ZINWA), <http://www.zinwa.co.zw/projects/tokwe-mukorsi-dam/> (accessed July 9, 2014).

³ Zimbabwe National Water Authority (ZINWA), <http://www.zinwa.co.zw/projects/tokwe-mukorsi-dam/> (accessed July 9, 2014).

⁴ <http://www.salini-impregilo.com/en/projects/in-progress/dams-hydroelectric-plants-hydraulic-works/tokwe-mukorsi-dam.html> (accessed July 9, 2014).

⁵ The 2014 mid-year fiscal policy review statement, Government of Zimbabwe, presented by the Finance and Economic Development Minister Patrick Chinamasa to Parliament, September 11, 2014.

⁶ Minister of Local Government and National Housing Ignatious Chombo's address to the Senate House, Parliament of Zimbabwe, February 13, 2014, <http://www.bulawayo24.com/sitemap/index-id-news-sc-national-byo-42886.html> (accessed July 10, 2014).

evaluation that was done before the floods.⁷ Amounts due to families based solely on property evaluation, Human Rights Watch learned, ranged from as little as \$217 to as much as \$10,000.

However, between 2012 and 2013, when the families were eventually relocated to Chisase, Masangula, and parts of Chingwizi, they only received four-hectare plots per family for building dwellings and planting crops under dry-land farming.⁸ Several people told Human Rights Watch that the authorities promised and in some cases gave an additional one-hectare plot for each family for irrigation, making a total of five hectares.⁹ By January 2014, partly due to resistance from families who wanted to be compensated before relocation, the government had relocated just 712 out of 6,393 families.¹⁰ The families who voluntarily resettled in Chisase and Masangula prior to the floods are able to grow crops to feed their families, and were not affected by government's new plans that targeted flood victims at Chingwizi camp. Lack of compensation, access to aid and other human rights problems only affected the flood victims at Chingwizi camp.

After the flood, the government further scaled down the size of the plots on offer. In March 2014 it announced the new Chingwizi Resettlement Master Plan, which shrunk plot size to one hectare: 0.5 hectares for building a home and 0.5 hectares for domestic food production under irrigation. The new plan did not affect the Masangula and Chisase resettlement sites. About 4,900 hectares are slated for exclusive commercial sugar cane production under irrigation developed as a cluster model with the same families who received one-hectare plots for building dwellings being required to participate in the commercial scheme.¹¹

Minister Bhasikiti explained that because sugar cane farming will be a commercial irrigation venture, and because the Tokwe-Mukorsi flood victims are too poor to set up such a project on their own, the government and private investors would develop the

⁷ Joint Statement by eleven representatives of Tokwe-Mukorsi flood victims, 16 July 2014. Copy on file with Human Rights Watch.

⁸ Joint Petition Statement by eleven representatives of Tokwe-Mukorsi flood victims, July 16, 2014.

⁹ Human Rights Watch interviews with Tokwe-Mukorsi flood victims, Chingwizi camp, April, June and August 2014. See also, Zimbabwe Peace Project Statement on Chingwizi, August 6, 2014.

¹⁰ Minister of Local Government and National Housing Ignatious Chombo's address to the Senate House, Parliament of Zimbabwe, February 13, 2014.

¹¹ Human Rights Watch interview with Minister Bhasikiti, Masvingo, August 14, 2014.

project, grow the sugar cane for the families, and recoup expenses and costs after harvesting and selling the cane. They would then hand the remaining profit to resettled families participating in the project. To make the project commercially viable, he said, the government had to grow one crop.¹²

Displaced families—the majority of which had not yet been financially compensated following property evaluations by the government prior to the floods¹³—were told the government would only financially compensate them based on property evaluations “as soon as resources are available,” at an undetermined time.¹⁴ According to Minister Bhasikiti, the government was prepared to sign a document acknowledging the promised compensation, but families demanded payment up front. In an address to Parliament on September 11, 2014, Finance and Economic Development Minister Patrick Chinamasa announced that government required \$12 million to compensate 3,324 displaced families and had so far managed to compensate 1,423 families at the cost of \$5,8 million, leaving a balance of \$7 million for 1,901 families.¹⁵

The Flooding and Forced Evictions

Authorities, including Masvingo Provincial Affairs Minister Bhasikiti, maintain the floods were a natural disaster resulting from climate change which resulted in record rainfalls in the country.¹⁶ Bhasikiti said the amount of rainfall that Masvingo province received between December 2013 and February 2014 surpassed a 40-year record resulting in floods.¹⁷

¹² Human Rights Watch interview with Minister Bhasikiti, Masvingo, August 14, 2014.

¹³ When the dam flooded, the government had compensated less than one in six families (896 out the 6,393 families) affected by its construction.

¹⁴ Human Rights Watch interview with Minister Bhasikiti, Masvingo, August 14, 2014.

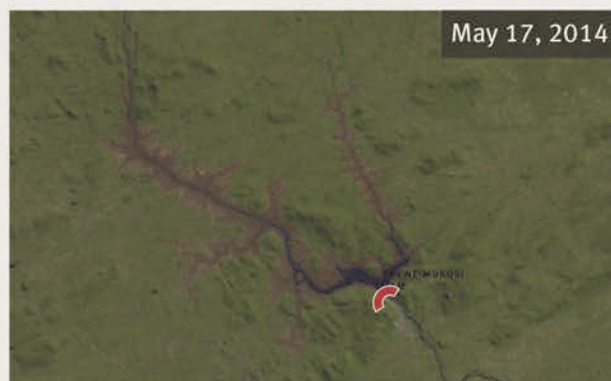
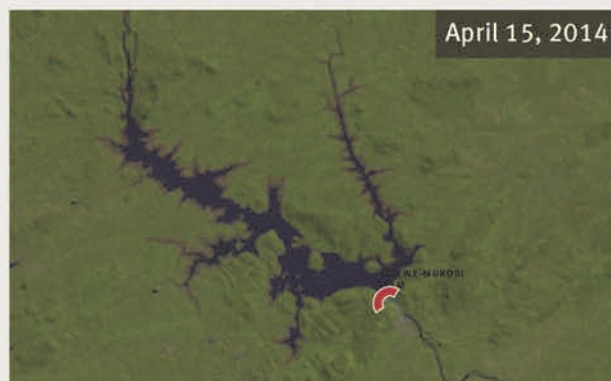
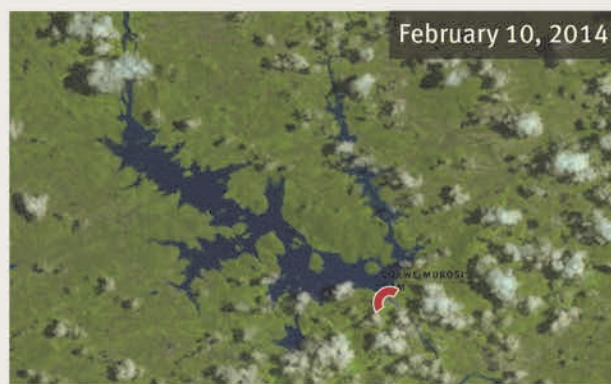
¹⁵ The 2014 mid-year fiscal policy review statement, Government of Zimbabwe, presented by the Finance and Economic Development Minister Patrick Chinamasa to Parliament, September 11, 2014.

¹⁶ Human Rights Watch interview with Masvingo provincial affairs minister Kudakwashe Bhasikiti, Masvingo, August 14, 2014.

¹⁷ Human Rights Watch interview with Masvingo provincial affairs minister Kudakwashe Bhasikiti, Masvingo, August 14, 2014.

TOKWE-MUKORSI DAM FLOODING EVENT

Time Series



Many people who spoke to Human Rights Watch, including flood victims, dam project workers and an engineer familiar with the construction of Tokwe-Mukorsi dam, contend that the floods could have been prevented through letting out water downstream of the dam through water regulation tunnels in the dam wall. According to the engineer, as Tokwe-Mukorsi dam is still under construction, a decision to keep water in the dam should have been taken only after people living in the dam basin had been safely relocated.¹⁸ Satellite images of the floods taken between December 2013 and May 2014, and analyzed by Human Rights Watch, revealed the sudden flooding of the reservoir and then the gradual, controlled reduction in water levels between April and May 2014. Since the water levels were stable at least until March 30, this strongly suggests that there were no efforts to reduce water levels at all or minimize flooding at least until early April 2014.

A man, one of those evicted from Tokwe-Mukorsi told Human Rights Watch:

When armed soldiers came to evict us at the end of January 2014, we pleaded with them to open the tunnels in the dam wall and allow water to flow downstream of the dam but they refused. The leader of the soldiers who

¹⁸ Human Rights Watch interview with Engineer familiar with the construction of Tokwe-Mukorsi dam, Masvingo, August 14, 2014.

addressed us said, “President Mugabe directed that this dam should be constructed so that it contains water in it, and you ask us to let the water out? No. It is time for you to leave now. You will receive your compensation later, when [the] government gets the money.”¹⁹

Some of those evicted said they should not have been moved because they were far from the flood areas. Three men at Chingwizi camp, who were from an area unaffected by the floods such as Museva, Chewuka and Rarangwe villages, told Human Rights Watch:

Armed soldiers ordered us to pack our belongings and leave the place immediately, telling us that the area within a 50-kilometer radius around the dam will be turned into a game park—hence the eviction order. They said the government did not have money for compensation but that was not going to stop the evictions.²⁰

Disputed Resettlement Land Ownership

Disputes over ownership, land use, and control of the areas slated as relocation sites have introduced another layer of complication to the issues surrounding the relocation of over 3,000 families. Two of the designated relocation sites for permanent resettlement, Masangula and Chingwizi in Mwenezi district, are located on Nuanetsi Ranch, some 150 kilometers from Tokwe-Mukorsi dam.

Ownership of the ranch is disputed, with Minister Bhasikiti claiming the land was purchased in 1989 by DTZ, which he said is a government-owned not-for-profit company.

²¹ President Robert Mugabe is the DTZ patron.²² The DTZ deed of trust says the presidency controlling the trust refers to ‘the president of a political party known as ZANU-PF in consultation with the two vice presidents of such party,’ strongly suggesting

¹⁹ Human Rights Watch interview with flood victim, Chingwizi camp, June 12, 2014.

²⁰ Human Rights Watch interview with flood victim, Chingwizi camp, June 12, 2014.

²¹ Human Rights Watch interview with Minister Bhasikiti, Masvingo, August 14, 2014; Official government of Zimbabwe website, 23 November 2012, <http://www.zim.gov.zw/index.php/component/content/article/113-november/6183-tokwe-mukosi-dam-construction-relocations-resume-> (accessed June 20, 2014).

²² Human Rights Watch interview with Minister Bhasikiti, Masvingo, August 14, 2014.

it is not a government company, but a company under the control of the ZANU-PF presidency led by Mugabe.²³

Bhasikiti's claim that the ranch is government-owned is disputed by Charles Madonko who told Human Rights Watch that the ranch is owned by two companies, Nuanetsi Ranch Private Limited, and Zimbabwe Bio Energy Limited (ZBE). ZBE is a joint venture company between Nuanetsi Ranch and private investors, to develop a project at the ranch consisting of different components, including safari, cattle, leather, crocodiles, sugar cane, and ethanol production.²⁴ Madonko, a director of the two companies, said the people being resettled on the ranch are merely tenants, and that Nuanetsi Ranch Private Limited holds the title to the land.²⁵ Chingwizi camp committee leaders (including chiefs and village heads representing the flood victims) said Madonko told them in a meeting on June 4, 2014, that flood victims could not be permanently resettled on Nuanetsi Ranch without the explicit approval of Nuanetsi Ranch Private Limited and ZBE, the owners of the farm.²⁶

Human Rights Watch is not in a position to determine the ownership claims to Nuanetsi Ranch. The dispute, however, does raise questions about whether the displaced at Nuanetsi ranch will enjoy secure land tenure rights or whether they remain in danger of further displacement should claims of land ownership by private companies succeed. The government of Zimbabwe should urgently clarify and resolve the question of the ownership of Nuanetsi Ranch before offering resettlement of the displaced on it.

In a letter to Human Rights Watch, Madonko said that Nuanetsi Ranch Limited and ZBE had in 2008 set aside 56,000 hectares in the northeast of the ranch to accommodate people displaced by the dam. He said that in July 2012 Local Government and National Housing Minister Chombo had written to ZBE requesting an additional 68,000 hectares of land for relocated families, and that Nuanetsi Ranch and ZBE subsequently increased the settlement area to 111, 201 hectares with the proviso that squatters illegally occupying

²³ The Development Trust of Zimbabwe Deed of Trust, copy on file with Human Rights Watch.

²⁴ Nuanetsi Ranch Limited and Zimbabwe Bio Energy (ZBE) response to Human Rights Watch on the situation of Tokwe-Mukorsi flood victims, letter by Charles Madonko, Nuanetsi Ranch Limited, August 15, 2014, see appendix A.

²⁵ "President appoints DTZ Board of Trustees," *The Herald*, July 23, 2014 <http://www.herald.co.zw/president-appoints-dtz-board-of-trustees/> (accessed July 24, 2014).

²⁶ Human Rights Watch interview with five Chingwizi Camp Committee Leaders, Chingwizi, June 13, 2014.

land. Those who invaded parts of the ranch in the 2000's during the height of farm invasions across the country should make way for those displaced from Tokwe-Mukorsi.²⁷

Madonko further said that when providing the land, ZBE had made clear that in order to make its sugar cane and ethanol project viable, the joint venture reserved the right to retain the Chingwizi section of land due to its proximity to the Runde river, although it did not oppose the area being used to “temporarily accommodate” those displaced. Despite this, he said, Minister Bhasikiti “chose to ignore such instruction” and moved the displaced onto the Chingwizi section “without our consent.”²⁸

Madonko said although ZBE intends to grow sufficient sugar cane itself, in light of the hardships faced by Tokwe-Mukorsi flood victims, it intended to offer an out-grower scheme where willing participants would be trained to grow sugar cane that they could choose to sell to ZBE or other mills.²⁹



An elderly couple walks past tents in the Chingwizi transit camp which the government set up on Nuanetsi Ranch in Mwenzezi district in February 2014, for 20, 000 people displaced as a result of the flooded Tokwe-Mukorsi Dam. The government shut down the camp in August 2014. © 2014 Davison Mudzingwa

²⁷ Nuanetsi Ranch Limited and Zimbabwe Bio Energy (ZBE) response to Human Rights Watch on the situation of Tokwe-Mukorsi flood victims, letter by Charles Madonko, Nuanetsi Ranch Limited, August 15, 2014, see appendix A.

²⁸ Nuanetsi Ranch Limited and Zimbabwe Bio Energy (ZBE) response to Human Rights Watch on the situation of Tokwe-Mukorsi flood victims, letter by Charles Madonko, Nuanetsi Ranch Limited, August 15, 2014, see appendix A.

²⁹ Nuanetsi Ranch Limited and Zimbabwe Bio Energy (ZBE) response to Human Rights Watch on the situation of Tokwe-Mukorsi flood victims, letter by Charles Madonko, Nuanetsi Ranch Limited, August 15, 2014, see appendix A.

II. Human Rights Problems after the Floods

From the outset, the dam project and the relocation of those in the waters' path was fraught with human rights problems. Local residents were not adequately consulted on their needs or on the effect that the dam would have on their lives. The actual displacement took place during an emergency that some believe could have been avoided through efforts to prevent or minimize the floods. The result was that those displaced lost much moveable property for which they have not been compensated. Rather than being compensated fairly for the land they lost and allowed freedom of movement, families were impoverished and offered a stark choice: accept comparably tiny plots and become farmworkers on a sugar cane plantation or lose even the inadequate aid on offer from the government. And even should they take the government's deal, it is unclear whether they could hope to derive a sustainable living, or even steady tenure over this farmland, because of the dispute over the title ownership of the land.

This situation contravenes every standard for dealing with internal displacement that has been put forward in the last 15 years. The UN, the African Union, the World Bank, the European Union, and many other donors and humanitarian organizations have stressed that basic human rights must be respected at every stage of displacement and resettlement. Instead, those rights have been consistently violated, and the over 3,000 families displaced as a result of the dam's flooding are now living in precarious conditions where they struggle to meet their basic need—on plots of land from which they may conceivably be expelled.

Inadequate Food, Shelter, Sanitation

Since the closure of Chingwizi camp and the resettlement of all flood victims onto one-hectare plots at Nuanetsi Ranch, the 3,000 families have not been getting adequate food, shelter, and other basic aid. The families last received food aid from the World Food Programme (WFP) at the end of September 2014.³⁰ Four resettled women told Human Rights Watch that they continue to live in tents and the government has directed all resettled people not to build any permanent structures on the plots they were allocated on

³⁰ Human Rights Watch telephone interviews with four resettled people (T.M., N.M., B.M., and M.M.), Johannesburg, November 23, 2014.

the ranch.³¹ Minister Bhasikiti told Human Rights Watch that government and donors had constructed 36 boreholes at Bongo and Nyoni sections to ensure that no family walks more than one kilometer to fetch water.³² However, several people told Human Rights Watch that most of the boreholes were dry, and that the few that were not dry produced saline water that is unsuitable for drinking. As a result, people must walk up to 20 kilometers in search of potable water.³³ Four of the resettled persons told Human Rights Watch that the flood victims were exposed to malaria, but had no access to adequate supplies of anti-malarial drugs.³⁴

Resettled families said they fear further displacement and continue to rely on humanitarian assistance as their crops were destroyed by the floods, but fear that aid agencies may discontinue support believing that a long-term solution has been found through “permanent resettlement.”

From June to September 2014, the WFP provided food aid to the flood victims each month, allocating each person 10 kilograms of maize-meal, 2 kilograms of beans or peas and 0.75 liters of vegetable oil.³⁵ WFP Zimbabwe Spokesperson Tomson Phiri told Human Rights Watch that WFP aid to Tokwe-Mukorsi flood victims ended in September 2014 because the \$773,000 WFP received from the United Nations Central Emergency Response Fund (CERF) was enough to provide aid only for four months.³⁶ Added Phiri:

WFP assistance to the flood victims was an emergency response for four months only. The termination of our assistance might mean an unfortunate reduction in support but it is our hope that government and other actors might be able to assist the flood victims going forward as there is a clear need to support the resettled people who lost their crops during the floods.³⁷

³¹ Human Rights Watch telephone interviews with four resettled women, Johannesburg, October 4 and 5, 2014.

³² Human Rights Watch interview with Minister Bhasikiti, Masvingo, August 14, 2014.

³³ Human Rights Watch interviews with T.C., L.M., L.P., M. Mateveke, C. Chikosi, C. Mutume, K. Hlavano, W. Muzenda, M. Mudyanembwa, and J. Mukova, Chingwizi camp, June 12, 2014.

³⁴ Human Rights Watch telephone interviews with four resettled women, Johannesburg, October 4 and 5, 2014.

³⁵ Human Rights Watch telephone interview with World Food Programme Zimbabwe Spokesperson Tomson Phiri, Johannesburg, October 3, 2014.

³⁶ Ibid.

³⁷ Human Rights Watch telephone interview with World Food Programme Zimbabwe Spokesperson Tomson Phiri, Johannesburg, October 3, 2014.



A man tends his livestock at Chingwizi transit camp, March 2014. © 2014 Davison Mudzingwa

On September 24, 2014, Minister Bhasikiti told civil society leaders and the journalists in Masvingo that from October 2014 the central government would take over the provision of aid to the flood victims and is appealing for \$3 million from donors to buy enough food to last eight months.³⁸

According to Chingwizi camp committee leaders and several flood victims, in the lead up to the closure of Chingwizi camp in August 2014, the government conditioned survival aid on flood victims' acceptance of resettlement plans.³⁹

³⁸ Human Rights Watch telephone interviews with three civil society leaders present at the meeting, T.C., B.B. and M.T., Johannesburg, October 4, 2014.

³⁹ Human Rights Watch interviews with M. Mateveke, C. Chikosi, C. Mutume, K. Hlavano, W. Muzenda, M. Mudyanembwa, and J. Mukova, Chingwizi camp, June 12, 2014; and Human Rights Watch interviews with seven Chingwizi camp committee leaders, Harare, August 25, 2014.

The degree of peoples' reliance on aid is accentuated by the fact many flood victims lost or were forced to leave behind livestock when they were moved, and by the fact that land at Chingwizi—they say—is not amenable to farming.

A school for the displaced, called Mulale, which was relocated from Chingwizi to Nyoni section, charges \$55 per term school fees.⁴⁰ The sum is beyond the reach of most parents or guardians affected by the floods, who are solely dependent on aid. As a result, hundreds of children are at risk of being unable to continue their education as there are no other schools for the displaced.

Lack of Compensation, Right to Choose Residence

As of February 2014, the government had compensated just 896 out of 6,393 families since work began on the dam 16 years earlier, according to local government Minister Ignatious Chombo.⁴¹ People should be able to be compensated and choose their residence and the government denied these rights. The circumstances under which people came to be suddenly displaced are suspicious, and they lost property as a result of the emergency and the great distance to which they were removed. There was little consultation even prior to the flood about whether it was beneficial to undertake the development and uproot people this distance.

As flood victims were being moved to Chingwizi camp in early February 2014, Masvingo Provincial Administrator Felix Chikovo, who chairs the Tokwe-Mukorsi relocation committee, reiterated that all families would be compensated prior to being resettled on five hectares of land.⁴² Later, at the end of February, Vice President Joyce Mujuru reportedly told flood victims at Chingwizi camp they would not leave the camp without compensation and promised to arrange for compensation to be paid out within a week.⁴³

⁴⁰ Human Rights Watch interview with seven Chingwizi camp leaders, Harare, August 25, 2014.

⁴¹ Minister of Local Government and National Housing Ignatious Chombo statement to Senate House, Parliament of Zimbabwe, February 13, 2014.

⁴² Human Rights Watch interview with a Tokwe-Mukorsi Trust representative, Ngundu, June 9, 2014.

⁴³ Human Rights Watch interviews with M. Mateveke, C. Chikosi, C. Mutume, K. Hlavano, W. Muzenda, M. Mudyanebwa, and J. Mukova, Chingwizi camp, June 12, 2014.

However, several people present at a camp meeting that Minister Bhasikiti addressed on March 19, 2014, said Bhasikiti told them that resettlement plans had changed: under the new Chingwizi Resettlement Master Plan, each family would now be resettled on one-hectare plots and take part in commercial sugar cane farming.⁴⁴ According to those present, Bhasikiti added that the government would take back land from all those already resettled on four-hectare plots in Chingwizi, who would now be given one-hectare plots instead. Compensation, he said, would be paid when money became available, at an unspecified time.⁴⁵

Anyone who resisted relocation to the one-hectare plots on Nuanetsi Ranch some 20 kilometers away from Chingwizi camp, Bhasikiti warned, would be moved with force.⁴⁶

Seven Chingwizi camp committee leaders said that when some flood victims refused to accept the relocation proposal and demanded compensation and relocation to five-hectare



An elderly man displaced as a result of the flooded Tokwe-Mukorsi Dam weaves a reed mat to sell at Chingwizi transit camp, March 2014. © 2014 Davison Mudzingwa

⁴⁴ Ibid.; Chingwizi Camp Committee minutes of Minister Bhasikiti's address, on file with Human Rights Watch; and Human Rights Watch interview with Admire Mashenjere, Field Officer, Tokwe-Mukorsi Community Trust, June 9, 2014.

⁴⁵ Human Rights Watch interviews with M. Mateveke, C. Chikosi, C. Mutume, K. Hlavano, W. Muzenda, M. Mudyambwa, and J. Mukova, Chingwizi camp, June 12, 2014. Minister Bhasikiti later confirmed this in an interview with Human Rights Watch in Masvingo, August 14, 2014.

⁴⁶ Human Rights Watch interview with W. Muzenda, A. Mashenjere, M. Mushonga, and K. Chabva, Chingwizi Section D resettlement area, June 12, 2014.

plots per family—self-owned sites where they could grow crops of their choice to feed their families—Minister Bhasikiti branded them rebels and enemies of the state.⁴⁷

A former soldier and flood victim told Human Rights Watch:

We are now homeless, landless, and destitute.... I served in the Zimbabwe National Army as a presidential guard for 21 years, and now this is the treatment I get in my own country?... I see no reason to live. I lost everything.⁴⁸

One village head, T.C., said:

Instead of creating a temporary camp a reasonable distance from the dam, we were driven some 150 kilometers away to Nuanetsi Ranch in Mwenezi district, where we are now being forced to be sugar cane farmers. We have no previous experience in sugar cane farming; neither do we have an interest in it. The government should simply pay us adequate compensation and provide us land, the five hectares per family it promised, and allow us to farm crops of our choice for us to feed our families and send our children to school.⁴⁹

An elderly man, B.M., told Human Rights Watch:

We have not been paid compensation to enable us build new homes if government honors its promise to relocate us on five-hectare plots per family. Several of my cattle remained in Tokwe-Mukorsi. I am now unable to travel the more than 150 kilometers back to go and look for them.⁵⁰

⁴⁷ Human Rights Watch interviews with seven Chingwizi camp committee leaders, Harare, August 25, 2014.

⁴⁸ Human Rights Watch interview with Kenneth Hlavano, Chingwizi resettlement section C, June 12, 2014.

⁴⁹ Human Rights Watch interview with village head, T.C., Chingwizi camp, June 9, 2014.

⁵⁰ Human Rights Watch interview with elderly flood victim, Chingwizi camp, June 12, 2014.

Lack of Durable Resettlement Conditions

In August 2014 the police forcibly moved many people who refused to resettle voluntarily because, they say, the one-hectare plots per family offered do not provide enough land for sustenance, adding that government's plan to compensate them only after other costs are paid does not work for them because the irrigation scheme is estimated to take seven years to set up, during which time they would be unable to sustain themselves.⁵¹ They also complained that the planned irrigation system would be unsuitable for anything other than sugar cane farming; and settlement might be insecure because it is unclear whether they would have a long-term right to the land.

Minister Bhasikiti, however, told Human Rights Watch that those resettled on Nuanetsi Ranch would enjoy the same land tenure rights (99-year lease agreements) as other resettled farmers on the A1 model across Zimbabwe.⁵² The government introduced A1 model resettlements in 2000 under which title and ownership of land belongs to the state with inhabitants retaining use rights over the land for 99 years under lease agreements.⁵³ Chingwizi camp leaders present at the meeting on June 4, 2014, said Charles Madonko told flood victims that only those willing to be part of the commercial sugar cane farming irrigation scheme—to be established by his companies—could stay on Nuanetsi Ranch.⁵⁴

Flood victims do not want, and say they never agreed, to venture into commercial sugar cane farming. Minister Bhasikiti told Human Rights Watch that the government would initially bring in investors to develop a state of the art irrigation scheme for resettled families⁵⁵—an investment that both parties would then recoup before allocating remaining profits to the families. To be commercially viable, he said, each family would have to grow the same crop.⁵⁶ Bhasikiti said it would take about seven years for the irrigation scheme to be established—during which time, flood victims say, they will have no access to a source of livelihood.⁵⁷

⁵¹ Human Rights Watch interview with Minister Bhasikiti, Masvingo, August 14, 2014.

⁵² Ibid.

⁵³ Framework for the Resettlement of Internally Displaced Persons (IDPs) in Zimbabwe, January 2011.

⁵⁴ Human Rights Watch interview with Admire Mashenjere, Kenneth Hlavano, and John Mukova, Chingwizi camp, June 12, 2014.

⁵⁵ Human Rights Watch interview with Minister Bhasikiti, Masvingo, August 14, 2014.

⁵⁶ Ibid.

⁵⁷ Human Rights Watch interviews with M. Mateveke, C. Chikosi, C. Mutume, K. Hlavano, W. Muzenda, M. Mudyambwa, and J. Mukova, Chingwizi camp, June 12, 2014.

Government Misuse of Humanitarian Aid

Several flood victims said they believed authorities at Chingwizi camp misused humanitarian aid by coercing them to accept the government's resettlement plan.

Before the government forcibly shut down the camp in mid-August 2014, United Nations agencies, international donors, and local groups provided humanitarian aid including shelter, food, clothing, potable water, health, and sanitary facilities. The Minister Bhasikiti issued a directive that all donations should be presented to his office for onward distribution to beneficiaries; donors were prohibited from directly giving out their donations.⁵⁸ He said the directive would enable government to exercise greater control over the distribution of the aid.⁵⁹

Some aid was apparently diverted to the neighboring towns of Triangle and Chiredzi where it was sold on the open markets for profit. In one instance, some Shelter Box tents donated through the International Organization for Migration (IOM) wrongly allocated to government officials and their relatives were only recovered after IOM intervention.⁶⁰ A mother of five children, whose youngest child was born at the camp in March 2014, said:

The police here are corrupt, distributing food unfairly, and often diverting donated food.... International donor agencies and other well-wishers are not allowed to distribute food, clothes, blankets, or other donated items directly to us. They are required to hand over all donations to the office of the provincial government of Masvingo. From there, much of the donations simply vanish.⁶¹

Human Rights Watch researchers who visited Chiredzi and Triangle and, based on the NGO labels on bags of food, confirmed that goods meant for the displaced at Chingwizi were being sold in the two towns.

⁵⁸ Human Rights Watch interview with Minister Bhasikiti, Masvingo, August 14, 2014.

⁵⁹ Ibid.

⁶⁰ Human Rights Watch interviews with seven Chingwizi camp leaders, June 12, 2014. When Human Rights Watch contacted Shelter Box, a senior official confirmed the incident.

⁶¹ Human Rights Watch interview with woman, Chingwizi camp, June 12, 2014.

When Human Rights Watch asked Minister Bhasikiti about the allegations of theft of donations, he said his officials had conducted three audits of all donations and everything was accounted for.⁶² However, when Chingwizi camp leaders requested to nominate representatives from among themselves to oversee food distribution and ensure transparency and accountability, Minister Bhasikiti refused.⁶³

He said:

Are they [flood victims] government officials to want to monitor the distribution of donations? If they are not government officials then the distribution of donations and accountability thereof is none of their business. My officials do the distributions and the audits and they tell me that with three audits done so far everything is fine.⁶⁴

The minister added that victims may have sold their donations.

A man at Chingwizi camp told Human Rights Watch:

They [government authorities] are now using food aid as a weapon to force me to occupy a one-hectare plot. They are not giving us food. If we complain they tell us to occupy the one-hectare plots in order to get food. The Assistant District Administrator ... is the one telling us to move to one-hectare plots in order to get food.⁶⁵

Responding on behalf of government employees working at Chingwizi camp, Minister Bhasikiti told Human Rights Watch that government saw that the only way to ensure resettlement was to withdraw aid as the flood victims had become “too comfortable” at Chingwizi camp and no longer wanted to be resettled.⁶⁶

⁶² Human Rights Watch interview with Masvingo Minister Bhasikiti, August 14, 2014.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Human Rights Watch interview with Simon Tongodero Musingawani, Chingwizi camp, June 12, 2014.

⁶⁶ Human Rights Watch interview with Minister Bhasikiti, August 14, 2014.

The UN agencies said, despite limited resources, their response to the flood victims has been guided by humanitarian principles premised on accountability to beneficiaries by providing humanitarian response in a humane, impartial, neutral, and independent manner.⁶⁷

Human Rights Watch raised with Minister Bhasikiti the possibility of the government investigating allegations that donations were being diverted and sold on the market. He flatly rejected the allegations, saying they were false and required no investigation.

Coercion, Use of Force, Harassment, and Arrests

Flood victims said the government has subjected them to harassment, threats, physical violence, and used “cruel methods” to force them out of Chingwizi camp and onto one-hectare plots in Bongo and Nyoni sections of Nuanetsi Ranch.⁶⁸

According to a petition that flood victims submitted to the government on July 16, 2014,⁶⁹ the provincial administrator’s office had engaged in several practices in order to achieve this end, including: denying them food; limiting access to water; barring and diverting donations intended for their assistance; blocking toilets; and closing the satellite school and clinic near the camp.⁷⁰ The petition called on government to address the plight of the displaced by, among other things, compensating families and allocating them at least five-hectares for resettlement.⁷¹

Although the Minister of Local Government Ignatious Chombo undertook to follow up on issues raised in the petition,⁷² Masvingo provincial administration authorities shuttered the only clinic at Chingwizi camp on August 1, 2014. When camp residents protested,⁷³

⁶⁷ United Nations response to Human Rights Watch on Chingwizi flood-affected population, Harare, August 25, 2014.

⁶⁸ Petition from the people at Chingwizi camp to the Government of Zimbabwe, Parliament and ZANU-PF, July 16, 2014.

⁶⁹ The petition was presented to the Clerk of Parliament, to ZANU-PF Headquarters (to the office of the ZANU-PF National Chairperson, Simon Khaya Moyo, to Masvingo Provincial Affairs Minister Bhasikiti’s office, and Energy minister Dzikamai Mavhaire’s office) and to the ministry of local government Human Rights Watch interview with seven Chingwizi camp leaders, Harare, August 25, 2014.

⁷⁰ Petition from the people at Chingwizi camp to the Government of Zimbabwe, Parliament and ZANU-PF, July 16, 2014.

⁷¹ Ibid.

⁷² Letter from Ministry of Local Government to the Chingwizi Camp Committee, July 16, 2014. On file with Human Rights Watch.

⁷³ See “Zimbabwe: Protestors Beaten, Arrested,” Human Rights Watch news release, August 9, 2-14 <http://www.hrw.org/news/2014/08/09/zimbabwe-protesters-beaten-arrested>.

according to four eyewitnesses, about 30 police officers stationed at the camp attempted to quell the protests and then fled when violence broke out.⁷⁴ Two police vehicles were burned.⁷⁵

On August 3, 2014, over 200 anti-riot police indiscriminately beat and arrested close to 300 people, mostly men, according to four eyewitnesses who were interviewed separately by Human Rights Watch.⁷⁶ Most of those arrested were later released, except for 29 who were charged with public violence. On August 4, government officials relocated the camp clinic equipment and staff to Bongo and Nyoni sections. Lawyers representing those arrested alleged that police assaulted many of those whom they arrested—including chairperson of the Chingwizi camp committee, Mike Mudyanembwa. The government appears to have over-reacted to the protests and cracked down on some potentially innocent people.

On August 8, a magistrate granted bail to 25, but kept the remaining four, including Mudyanembwa, in custody pending trial. While 25 were later freed by the court, the remaining four were convicted and sentenced to five years in prison on January 27, 2015.⁷⁷

NGOs working at the camp estimated on August 7, 2014, that possibly as many as half of the people living in the camp, most of them men, fled the camp and were in hiding, without access to food or aid.⁷⁸ A 65-year-old man hiding in the mountains told Human Rights Watch that he had been separated from his wife and children as they fled police violence. He did not know where they were and said he was afraid to return to the camp.

Instead of restoring health facilities at the camp and allowing for meaningful consultations regarding resettlement, government officials quickly moved to shut down the camp without plans to protect the displaced.

⁷⁴ Human Rights Watch interview with four eyewitnesses, Harare, August 25, 2014.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Information Alert on Chingwizi, Zimbabwe Lawyers for Human Rights, January 27, 2015.

⁷⁸ Human Rights Watch telephone interview with three representatives of groups working at Chingwizi camp, Johannesburg, August 7, 2014.

After the arrests and flight of the men, according to four women at the camp during the arrests, police forced all the women, including the sick and disabled, to sit in the sun without access to toilets for two consecutive days from 8 a.m. until 6 p.m. as punishment for being “rebellious” against government plans and for allegedly allowing some camp residents to burn the two police vehicles.⁷⁹

The women were then ordered to put all their tents and belongings onto government trucks and move to the allocated one-hectare plots in Bongo and Nyoni sections. Camp leaders told Human Rights Watch that much household property was lost during the forced removal.⁸⁰ According to Minister Bhasikiti, government removed the last of the camp residents on August 14, 2014, when Chingwizi camp ceased to exist.⁸¹

Leaders of the Chingwizi community who are in hiding said they were living in fear after families members told them that police wanted to arrest them all on charges of leading a rebellion against government resettlement plans.⁸² In an interview with Human Rights Watch, Minister Bhasikiti blamed the Chingwizi camp committee leaders for frustrating government resettlement plans, which he said, “the majority” of flood victims wanted.⁸³

⁷⁹ Human Rights Watch interview with four eyewitnesses, Harare, August 25, 2014.

⁸⁰ Human Rights Watch interview with seven Chingwizi camp leaders, Harare, August 25, 2014.

⁸¹ Human Rights Watch interview with Minister Bhasikiti, Masvingo, August 14, 2014.

⁸² Human Rights Watch interview with seven Chingwizi camp leaders, Harare, August 25, 2014.

⁸³ Human Rights Watch interview with Minister Bhasikiti, Masvingo, August 14, 2014.



Zimbabwean police on patrol at the Chingwizi transit camp which the government set up on Nuanetsi Ranch in Mwenezi district in February 2014, for 20,000 people displaced as a result of the flooded Tokwe-Mukorsi Dam. The government shut down the camp in August 2014. © 2014 Davison Mudzingwa

III. United Nations Agencies' Response

On August 8, 2014, Human Rights Watch sent detailed questions to several aid agencies giving support to Tokwe-Mukorsi flood victims including Oxfam International, International Organization for Migration, Shelter Box, and the Zimbabwe Red Cross Society.

IOM and Shelter Box referred Human Rights Watch's questions to the United Nations Resident Coordinator. Oxfam International and Zimbabwe Red Cross had not responded at time of writing.

On August 25, 2014, the UN agencies issued a general response to questions that Human Rights Watch submitted, without addressing specific issues raised.

The UN said its agencies, in collaboration with partners, had supported government efforts to provide humanitarian assistance to the affected population when it established Chingwizi temporary camp for Tokwe-Mukorsi flood victims.⁸⁴ The UN said its support included providing basic health care from temporary clinics, food rations, temporary shelter materials, and hygiene kits; water supply through trucking and boreholes; emergency sanitation facilities; and psycho-social services. The UN added that, despite limited resources, its response was guided by humanitarian principles premised on accountability to beneficiaries by providing humanitarian response in a humane, impartial, neutral, and independent manner.⁸⁵

However, it neither explained how the humanitarian assistance was distributed, nor how it ensured that government officials distributing the aid themselves abided by humanitarian principles of accountability. It did not state whether aid agencies had free access to the flood victims or whether government restricted such access.

While the UN noted that affected households remained in Chingwizi camp until early August, when the government relocated all of them to a nearby permanent settlement at

⁸⁴ United Nations response to Human Rights Watch on Chingwizi flood-affected population, Harare, August 25, 2014.

⁸⁵ Ibid.

Nuanetsi Ranch, it failed to indicate how government had carried out the relocation and made no reference to the government's alleged use of force.

The UN noted that the delay for the resettlement was caused by disputes between affected families and the government on compensation and the relocation package, but does not say how the dispute was resolved to enable resettlement in August 2014. The UN said it has continuously engaged relevant government authorities and partners “not only in advocating for the affected families to receive humanitarian assistance but also on the need to find long-term solutions.”⁸⁶

⁸⁶ UN Letter to Human Rights Watch on Chigwizi Flood Affected Population, see Annex 5 of Human Rights Watch report, “Homeless, Landless and Destitute.”

IV. Legal Standards

National Standards

Zimbabwe's new constitution, which entered into force on August 22, 2013, enshrines rights of the displaced which government is obligated to ensure, fulfill, and protect, including the rights to health, shelter, food, and water.

The Framework for the Resettlement of Internally Displaced Persons (IDPs) in Zimbabwe, which was adopted in January 2011 by international aid agencies working in Zimbabwe, is based on the UN Guiding Principles on Internal Displacement and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. Although not legally binding, it draws on relevant legal standards to guide resettlement processes in Zimbabwe. The Resettlement Framework for Zimbabwe identifies the following among the most relevant minimum pre-conditions for undertaking resettlement in Zimbabwe:

- 1) The voluntariness of the decision of IDPs to resettle. Verification should be undertaken to ascertain the willingness of the IDPs and host community members to accept and participate in the solution that is being offered and ensure that they have full knowledge of both the place to which they are being resettled/integrated and the resources and documentation that will be available to them.
- 2) Support will be provided to resettle IDPs on land only where there is the full acquiescence of all parties, including the government and others actively claiming an interest in the land.
- 3) Prior to resettlement, IDPs are provided with the minimum land tenure and civil status documentation and resource requirements reflecting that the situation or proposed solution is indeed durable. This principle refers both to the need to provide IDPs with a legal basis for where they are to be resettled, such that they will not remain at risk of further displacement and secondly that they are provided with sufficient material resources to constitute an adequate standards of living, in safety and with dignity. This includes, and is particularly focused on, opportunities to engage in sustainable livelihood activities.⁸⁷

⁸⁷ Framework for the resettlement of internally displaced persons (IDPS) in Zimbabwe, January 2011.

In the case of the arbitrary resettlement of Tokwe-Mukorsi flood victims, the government has failed to satisfy all the four conditions above, nor has it assured health, shelter, food, and water to the displaced, in breach of its constitutional obligations.

International Standards

Article 9(2)(b) of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which Zimbabwe ratified, requires that states parties ensure that all displaced people have safe access to “food, water, shelter, medical care and other health services, sanitation, education, and any other necessary social services.”⁸⁸

The United Nations Guiding Principles on Internal Displacement provide an authoritative restatement of existing international law as it relates to the protection of internally displaced persons, including those affected by human-made disasters.⁸⁹ The Guiding Principles address all phases of displacement: providing protection against arbitrary displacement; ensuring protection and assistance during displacement; and the right to liberty of movement, including the right to move freely in and out of camps or other settlements. It stipulates that displaced children shall have the right to education.⁹⁰

Guiding principle 25 provides that all authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.⁹¹ Principle 30 of the Guiding Principles provides that national and local authorities should grant international humanitarian and development actors, in the exercise of their respective mandates, rapid and unimpeded access to assist IDPs in finding a durable solution.⁹²

All humanitarian assistance shall be provided without discrimination and should not be diverted for political reasons. The Guiding Principles emphasize that the authorities must

⁸⁸ African Union, African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), October 22, 2009, <http://au.int/en/content/african-union-convention-protection-and-assistance-internally-displaced-persons-africa>.

⁸⁹ The United Nations Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex), <http://www.ohchr.org/EN/Issues/IDPersons/Pages/Standards.aspx> (accessed October 6, 2014).

⁹⁰ *Ibid.*

⁹¹ *Ibid.*, principle 25.

⁹² The United Nations Guiding Principles on Internal Displacement.

provide displaced people with objective, accurate information and include them in the decision-making processes that lead to their voluntary return or resettlement, or to remaining in the place where they sought refuge.⁹³

Forced displacement without compensation, termed as forced evictions, is prohibited by international law. It includes forced relocations for participation in development projects. The UN Committee on Economic, Cultural, and Social Rights defined forced evictions as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.”⁹⁴

The committee urged governments to ensure that, prior to any evictions, particularly those involving large groups, all feasible alternatives are explored in consultation with affected people, with a view to avoiding, or at least minimizing, the use of force. Governments should also ensure that those evicted have a right to adequate compensation for any property affected.

As set out in principle 18 of the UN Guiding Principles on Internal Displacement, the national authorities have a responsibility to provide protection and humanitarian assistance to IDPs within their jurisdiction. That responsibility includes protection from discrimination and ensuring that IDPs have safe access to:

- Essential food and potable water;
- Basic shelter and housing;
- Appropriate clothing; and
- Essential medical services and sanitation.⁹⁵

⁹³ Ibid.

⁹⁴ Committee on Economic, Social and Cultural Rights, General Comment 7, Forced evictions, and the right to adequate housing (Sixteenth session, 1997), U.N. Doc. E/1998/22, annex IV at 113 (1997), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.6 at 45 (2003).

⁹⁵ The United Nations Guiding Principles on Internal Displacement.

The United Nations Human Rights Council Framework on Durable Solutions for Internally Displaced Persons provides national authorities and humanitarian actors need to work together to implement a rights-based process to support a durable solution for the displaced.⁹⁶ The rights-based process has the following components:

- a) Internally displaced persons are in a position to make an informed and voluntary decision on the durable solution they would like to pursue;
- b) They participate in the planning and management of the durable solution so that their needs and rights are considered in recovery and development strategies;
- c) They have safe, unimpeded, and timely access to all actors supporting the achievement of durable solutions including nongovernmental and international humanitarian and development actors; and,
- d) They have access to effective mechanisms that monitor the process and the conditions on the ground.⁹⁷

⁹⁶Framework on Durable Solutions for Internally Displaced Persons, United Nations Human Rights Council, February 9, 2010, http://www.brookings.edu/~media/research/files/reports/2010/3/05%20internal%20displacement/0305_internal_displacement.pdf (accessed October 6, 2014).

⁹⁷Ibid.

Acknowledgments

This report was researched and written by Dewa Mavhinga, senior researcher in the Africa Division.

The report was edited by Tiseke Kasambala, southern Africa director in the Africa division; Dinah PoKempner, general counsel, Danielle Haas, senior program editor; and Babatunde Olugboji, deputy program director.

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Human Rights Watch wishes to thank all individuals and institutions in Zimbabwe that contributed to the research of this report. Finally, we are grateful to the donors who have generously supported our work.

Annexes

Annex 1: Human Rights Watch Letter to the Managing Director of Development Trust of Zimbabwe, Nuanetsi Ranch Limited, and Zimbabwe Bio-Energy Company

Annex 2: Human Rights Watch Letter to Provincial Affairs Resident Minister for Masvingo

Annex 3: Human Rights Watch Letter to International Organization for Migration Country Director for Zimbabwe

Annex 4: Nuanetsi Ranch Limited and Zimbabwe Bio-Energy Company Response to Human Rights Watch

Annex 5: United Nations Response to Human Rights Watch on Chigwizi Flood Affected Population

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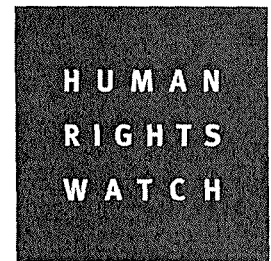
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August 8, 2014

The Managing Director
Nuanetsi Ranch Limited/Development Trust of Zimbabwe/ ZBE
Private Bag 2006,
Mwenezi,
Zimbabwe

RE: The Humanitarian situation of Tokwe-Mukorsi Flood Victims at Chingwizi Camp

Dear Mr Madonko

Human Rights Watch is an international organization conducting research and advocacy on human rights in over 80 countries worldwide. We are writing because we understand your company, Development Trust of Zimbabwe, owns Nuanetsi Ranch on which government established Chingwizi camp for internally displaced persons, and we would like to share our research findings and questions arising from our inquiry into conditions there. In the interests of accuracy and fairness, we are preparing publication on these matters and would welcome your response in order to ensure that our reporting is thorough and objective.

It is our understanding that approximately 20, 000 Tokwe-Mukorsi floods victims are temporarily housed in tents at the Chingwizi camp and have been there since February 2014 after the Zimbabwe army relocated over 3,000 families to Nuanetsi Ranch.

In regards to that situation, we would welcome your perspectives and answers to the following questions:

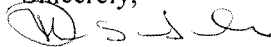
1. We understand that the Development Trust of Zimbabwe, (DTZ) is owned, and was established, by ZANU-PF leaders, president Mugabe, the late Vice Presidents Joshua Nkomo and Simon Muzenda. What is the precise relationship between DTZ and ZANU-PF/ or leaders of ZANU-PF?
2. We understand DTZ owns Nuanetsi Ranch but offered the government 68,000 hectares of land to resettle Tokwe-Mukorsi flood victims. Can you clarify whether DTZ owned ranch land at Nuanetsi, whether you sold it to the government, and if so, the precise terms of the agreement, if any, between DTZ and government with regards relocation of Tokwe-Mukorsi flood victims?
3. Can you comment on statements by Masvingo provincial Minister Bhasikiti questioning DTZ ownership of Nuanetsi Ranch.
4. Will Tokwe-Mukorsi flood victims resettled on Nuanetsi Ranch have ownership rights over the allocated land? If so, please describe the precise nature of the land rights.
5. We understand that there are allegations that government is withdrawing food assistance from Tokwe-Mukorsi flood victims in order to force them to relocate onto land (1 hectare per family) where they can only

grow sugar cane for an ethanol project as opposed to previously promised 5 hectares per family. Was DTZ aware of these activities, and if so, can you detail your perspectives on the matter, including details of any discussions you may have had with the government or those subject to relocation?

6. We understand that before change of plans, government relocated some Tokwe-Mukorsi flood victims onto 4-hectare plots within Chingwizi sections A, C, D and E. However, we understand that this relocation was permanent but now those people have been told that they cannot build permanent homes or cultivate their fields since they will be relocated again at the behest of the Nuanetsi Ranch. Can you provide any details about this situation and whether DTZ had a role in issuing that directive to relocate people? cial initially told them the relocation was permanent, they are now instructed not to build

We would appreciate your response to these questions within fourteen days, so that it can be reflected in our published report. We would also be happy to discuss these questions in person with you at your earliest convenience.

Sincerely,



Tiseke Kasambala,

Southern Africa Director, Africa Division, Human Rights Watch

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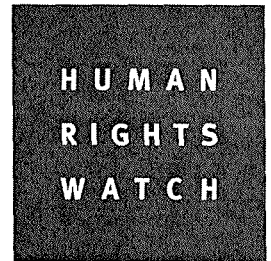
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August 8, 2014

Office of the Provincial Affairs Resident Minister for Masvingo,
Benjamin Burombo Building,
P.O. Box 595,
Masvingo, Zimbabwe

RE: The Humanitarian situation of Tokwe-Mukorsi Flood Victims at Chingwizi Camp

Dear Hon Kudakwashe Bhasikiti

Human Rights Watch is an international organization conducting research and advocacy on human rights in over 80 countries worldwide. We are writing because we understand your ministry is responsible for the welfare and relocation of internally displaced persons currently sheltered at Chingwizi camp in Mwenezi district, and we would like to share our research findings and questions arising from our inquiry into conditions there. In the interests of accuracy and fairness, we are preparing publication on these matters and would welcome your response in order to ensure that our reporting is thorough and objective.

It is our understanding that approximately 20, 000 Tokwe-Mukorsi floods victims are temporarily housed in tents at the Chingwizi camp and have been there since February 2014 after the Zimbabwe army relocated over 3,000 families to Nuanetsi Ranch.

In regards to that situation, we would welcome your perspectives and answers to the following questions:

1. Is there a comprehensive government plan for compensation and resettlement of the Tokwe-Mukorsi flood victims? If there is, are copies of the plan available and alternatively please give details of the plan and its implementation.
2. We understand government has committed itself to pay compensation to Tokwe-Mukorsi flood victims, could you please indicate a time-frame within which compensation payment will be made and the amount of such compensation?
3. What consultations, if any, took place between the displaced and government regarding resettlement and compensation and what was agreed upon?
4. What is your perspective on claims by Charles Madonko that Nuanetsi Ranch is private property owned by the Development Trust of Zimbabwe (DTZ).
5. Who owns Nuanetsi Ranch and on what basis are Tokwe-Mukorsi flood victims being resettled on the Ranch?

6. We understand that Tokwe-Mukorsi flood victims allege that government is reneging on initial promises to allocate each family 5-hectare plots on which they can grow crops of their choice and that the current offer is for resettlement onto 1-hectare plots meant for sugar cane growing only. Can you please clarify and give your perspective on this?
7. We understand that some 350 families already resettled onto 4-hectare plots in Chingwizi sections A, C, D and E, have been advised not to build permanent structures as they are now being moved again to 1-hectare plots where they can only grow sugar cane. Can you please give your perspective on this? Is government forcing the displaced Tokwe-Mukorsi flood victims into arbitrary relocation onto 1 hectare plots per family for sugar cane growing only?
8. We understand that there are allegations that some government officials are diverting some donated items and selling them in places like Ngundu, Triangle and Chivi. Can you please detail your perspective on this matter? What steps is government taking to prevent abuse of donations and to ensure that all donations are accounted for and reach intended beneficiaries?
9. We understand that government officials running Chingwizi camp refused to have representatives from among flood victims taking part in the oversight and distribution of all donations to ensure transparency and accountability. Can you please give your perspective on this?
10. We understand that at the end of May 2014 soldiers demolished food warehouses at Chingwizi camp and relocated them to Bongo, 20 kilometres away along Mbizi road at the site of proposed 1-hectare plots resettlements. Can you please give your perspective on this?
11. What concrete steps is the government taking to ensure the respect all the rights of displaced people at Chingwizi camp?
12. Does the government have any special programs to cater for the needs of more vulnerable groups at Chingwizi camp, including people living with HIV-AIDS, children, female-headed households and the elderly? If so, what are the programs?
13. We understand that Tokwe-Mukorsi flood victims are insisting, as per prior government promises, that they should receive full compensation first before leaving Chingwizi camp and that they should be resettled on 5-hectare plots each family in line with initial government promises. Can you please state the government position on this issue?
14. We understand that the District Administrator has refused to assist Tokwe-Mukorsi flood victims with transport to go back to Tokwe-Mukorsi to harvest and bring back their crops to Chingwizi. Can you please give government's perspective on this?
15. Do the displaced Tokwe-Mukorsi flood victims have any special water rights in regards to Tokwe-Mukorsi dam? If they have, please state the precise nature of those rights.

We would appreciate your response to these questions within fourteen days, so that we can reflect the responses in our published report. We would be happy to discuss these questions in person with you at your earliest convenience.

Sincerely,



Tiseke Kasambala
Southern Africa Director, Africa Division,
Human Rights Watch

Cc:

Minister of Local Government, Public Works and National Housing
Minister of Lands and Rural Resettlement

Minister Health and Child Care
Minister of Finance

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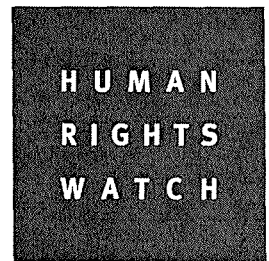
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August 8, 2014

The Country Director
International Organization for Migration, (IOM) Zimbabwe
142 King George Road, Avondale,
Harare, [REDACTED]

RE: The Humanitarian situation of Tokwe-Mukorsi Flood Victims at Chingwizi Camp

Dear K Mareyanadzo and Alf Evans (Shelter Box)

Human Rights Watch is an international organization conducting research and advocacy on human rights in over 80 countries worldwide. We are writing because we understand you are providing aid to internally displaced persons in Chingwizi camp, Mwenezi District, Masvingo province, and we would like to share our research findings and questions arising from our inquiry into conditions there. In the interests of accuracy and fairness, we are preparing publication on these matters and would welcome your response in order to ensure that our reporting is thorough and objective.

It is our understanding that approximately 20,000 Tokwe-Mukorsi flood victims are temporarily housed in tents at the Chingwizi camp and have been there since February 2014 after the Zimbabwe army relocated over 3,000 families to Nuanetsi Ranch.

In regards to that situation, we would welcome your perspectives and answers to the following questions:

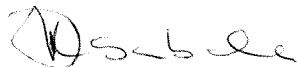
1. We understand that there are allegations that government is withdrawing food assistance from Tokwe-Mukorsi flood victims in order to force them to relocate onto land (1 hectare per family) where they can only grow sugar cane for an ethanol project as opposed to previously promised 5 hectares per family. Was IOM/ Shelter Box aware of these activities, and if so, can you detail your perspectives on the matter, including details of any discussions you may have had with the government or those subject to relocation?
2. We understand that there are allegations that government officials are diverting some donated items and selling them in places like Ngundu, Triangle and Chivi. For instance, we understand that some Shelter Box tents distributed through IOM wrongly allocated to government officials and their relatives were only recovered after your organizations intervened. Can you please detail your perspective on this matter?
3. Tokwe-Mukorsi flood victims allege that they do not have direct communication with donor agencies because the rule is that donor agencies cannot directly distribute their donations, but must instead

hand over their donations to provincial government officials for onward distribution. Is this accurate? Do donor agencies have in place mechanisms to monitor their donations to ensure that they reach intended beneficiaries without being diverted or abused?

4. Have you established any grievance mechanisms so that individuals can complain directly to donor agencies in addition to the government?
5. We understand that currently families at Chingwizi camp each receive once a month 10kg mealie-meal, 1kg cow peas and 1 (500ml) bottle of cooking oil regardless of the size of the family. Several flood victims told us that at the end of May 2014, each family received just 4kg of maize meal or 2kg of rice as the equivalent with no cow peas or cooking oil. Are there any guidelines in use by your agency for per capita or per family nutritional allocations? Do you coordinate relief with other humanitarian agencies?
6. Do donor agencies have any special programs to address the needs of more vulnerable groups at Chingwizi camp, including people living with HIV-AIDS, children, female-headed households and the elderly? If so, we would appreciate a description, as well as information on how such aid or accommodation is delivered and monitored to ensure it reaches the relevant population.
7. The flood victims at Chingwizi camp allege that at the end of May 2014 soldiers demolished food warehouses at Chingwizi camp and relocated them 20 kilometres away along Mbizi road at the site of proposed 1-hectare plots per family resettlements. Additionally, we have heard that no new tents will be allocated at Chingwizi camp with a directive that only those who accept arbitrary relocation at new site will receive allocations of additional tents. Can you give your perspective on this?
8. How big are the tents allocated to families at Chingwizi camp?
9. We understand some donor agencies have withdrawn their services to Chingwizi camp, does this apply to IOM and Shelter Box?

We would appreciate your response to these questions within fourteen days, so that it can be reflected in our published report. We would also be happy to discuss these questions in person with you at your earliest convenience.

Sincerely,



Tiseke Kasambala,
Southern Africa Director, Africa Division, Human Rights Watch

NUANETSI RANCH LIMITED

Nuanetsi Ranch, P. Bag 2000, Mwenzezi, Zimbabwe
Tel: +263 772516993

15 August 2014

Southern African Director
Human Rights Watch (African Division)
1st Floor Wilds View
Isle of Houghton
Boundary Road (at Carse O'Gowrie)
Parktown
2198
SOUTH AFRICA

ATTENTION: TISKE KASAMBALA

Dear Madam,

RE: THE HUMANITARIAN SITUATION OF TOKWE-MUKOSI FLOOD VICTIMS AT CHINGWIZI CAMP

I refer to the above-mentioned matter and to your letter dated the 8th of August 2014 and note that I, Charles Madonko, may only respond for and on behalf of both Nuanetsi Ranch Limited and our Joint Venture entity, Zimbabwe Bio-Energy (Private) Limited (hereinafter referred to as "ZBE") in my capacity as a Director of both companies. I do not have the capacity or authority to respond on behalf of the Development Trust of Zimbabwe (hereinafter referred to as the "DTZ"). That noted, I respond to your queries as follows:

Ad para 1

1. As highlighted above, I do not have the authority to answer the questions contained therein and as such suggest that you contact DTZ directly for a response thereto.

Ad para 2 & 3

2. The DTZ does not own Nuanetsi Ranch (hereinafter referred to as "the Ranch"). The Ranch is lawfully owned by Nuanetsi Ranch Limited, a private company (non-Government) duly registered in accordance with the laws of Zimbabwe. To this effect and for your convenience and perusal, I attach hereto, marked Annexure "A," a copy of the Title Deeds held by Nuanetsi Ranch Limited over the said Ranch. Such Title Deeds permit Nuanetsi Ranch limited to use the entire Ranch, inclusive of the Chingwizi Section, and as such we may not be arbitrarily alienated or evicted therefrom.
3. I believe it is pertinent to highlight that the Ranch was not acquired (under the Land Acquisition Act [Chapter 20:10]) by Government and that

Directors: C. Madonko, L. Mhlanga

It was on this basis that Nuanetsi Ranch Limited managed to secure an Investor (Cutstar Investments (Private) limited) and formed a Joint Venture (ZBE) for the development of the Ranch. The development was to include, among other things, a Safari (Hunting and Photographic), Cattle, Crocodile (leather), Sugar Cane and Ethanol Project. These projects were all designed towards uplifting both the local and national economy.

4. That noted, in anticipation that land would be required to accommodate the Displacees of the Tokwe-Mukosi Dam once finished, Nuanetsi Ranch Limited and ZBE, in 2008 (as part of its social corporate responsibility programme), set aside 56,000 hectares in the northern part of Nuanetsi Ranch covering the Ngundu, Tokwe and Mtirikwi Sections of the Ranch. This was identified as suitable resettlement land as it would have access to a reliable supply of water via the Tokwe River. We attach hereto, marked Annexure "B," for your understanding, a map detailing the envisaged projects and the 56,000 hectares of "Nuanetsi Outreach" area designated by us as the lawful owners for the Tokwe-Mukosi Displacees in 2008.
5. Despite the above, in July 2012, we received a letter from the Hon. Minister Chombo requesting an additional 68,000 hectares of land for the relocation of the Tokwe-Mukosi families (to this effect one could argue that Governments request evidences that it was, and is, cognizant of Nuanetsi Ranch Limited's ownership of the Ranch). This request for additional land was due to the fact that some parts of the original Nuanetsi Outreach area had been illegally settled upon. Nuanetsi Ranch and it's Joint Venture Partner subsequently agreed to extend the Outreach Area to include the Lundi Section and the remainder of the Tokwe and Mitirikwi Section, thus increasing the Nuanetsi Outreach Area from 56,000 hectares to 111,201 hectares on the proviso that those illegally occupying land should make way for legitimate Tokwe-Mukosi Displacees. Please see attached hereto our revised map detailing the envisaged projects in relation to the additional land set aside to accommodate the Tokwe-Mukosi Displacees marked Annexure "C."
6. The extended Outreach Area is significantly larger than the area displaced by the Tokwe-Mukosi Dam which stands at approximately 11,000 hectares and thus should be more than adequate to accommodate all of the Tokwe-Mukosi Displacees.
7. The 111,201 hectares was not sold but allocated by Nuanetsi Ranch to the Government as part of the Project's corporate social responsibility programme.
8. When we provided the additional land we also advised Government that in order to ensure the Joint Venture's Sugar Cane and Ethanol Project remains feasible, it was necessary for Nuanetsi Ranch Limited to withhold the Chingwizi Section due to its location and proximity to the Runde River as such project is dependent upon access to a reliable source of water. That said, whilst we do not oppose the use of the Chingwizi Section to temporarily accommodate the Displacees, we reserved our right to use the

Chingwizi Section for the purpose of developing the Joint Venture's Sugar Cane and Ethanol Project – Minister Bhasikiti was advised of this however chose to ignore such instruction and moved the Displacees onto the Chingwizi Section without our consent.

9. In light of the above, Nuanetsi Ranch Limited and ZBE have not only assisted Government through the allocation and donation of 111,201 hectares to accommodate the Displacees of the Tokwe-Mukosi Dam, but have also provided temporary accommodation, given Government US\$49,000 for pegging and land preparation and highlighted to Government other suitable State land available for resettlement of the Displacees adjacent to the Chingwizi Section (in the event that Government cannot accommodate the Displacees on the 111,201 hectares already set aside by Nuanetsi Ranch Limited) which will not affect the Sugar Cane and Ethanol Project but, at the same time ensure that they may benefit from the development thereof, should they *choose* to become either out growers or take up employ with the project.
10. The facts mentioned above have, on numerous occasions been communicated to Minister Bhasikiti and we are at a loss as to why he continues to question Nuanetsi Ranch Limited's ownership rights to Nuanetsi Ranch, and more particularly the Chingwizi section thereof. We have to this effect even provided him with a copy of the Title Deed that he has simply ignored. His insistence and continued attempts to permanently relocate the Tokwe-Mukosi Displacees within the Chingwizi Section is a violation of Nuanetsi Ranch Limited's registered property rights.

Ad para 4

11. As highlighted above, Nuanetsi Ranch has essentially allocated the Outreach area (not the Chingwizi Section) to Government for the resettlement of the Tokwe-Mukosi Displacees. It will therefore be Government's prerogative, not Nuanetsi Ranch Limited's, to determine what kind of rights it chooses to give the Displacees of the land we have allocated for resettlement purposes, taking into consideration Nuanetsi Ranch's rights.

Ad para 5

12. Neither Nuanetsi Ranch Limited or ZBE is aware of the alleged activities, other than through the press. That said, I can advise, we have merely provided the above-mentioned land to Government. We have nothing to do with the provision of food assistance nor the size of the plots to be allocated. These tasks are the responsibility of the Government. Further, as per our letter to your office dated the 19th day of May 2014, we have never, nor will ever, force anyone to grow sugar cane for the envisaged Ethanol project. We intend to grow sufficient sugar cane ourselves. Because of the hardships faced by not only the Displacees but also other people situated around the project area, we do however intend to offer an out-grower scheme where *willing participants* will be trained on how to grow sugar cane which they may *choose* to sell to the project or other mills, such as Triangle or Hippo Valley. This programme is aimed at the social and economic upliftment of the local community.

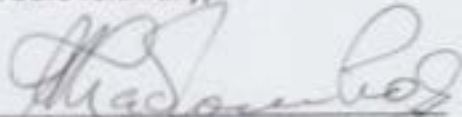
Ad para 6

13. Nuanetsi Ranch Limited, whilst not opposed to Government's use of the Chingwizi Section to house the Tokwe-Mukosi Displacees temporarily, has always maintained that the Chingwizi Section is designated for the Sugar Cane and Ethanol Project and as such has advised the Government (through Minister Bhasikiti's Office) that they should not build any permanent structures or homes thereon. We reiterate, the accommodation of the Tokwe-Mukosi Displacees within our Chingwizi section was done on a temporary basis for humanitarian reasons, pending their resettlement on to other suitable alternative land as highlighted above.

Finally, please be advised that the contents of this letter must also be read in conjunction with our Legal Practitioners' letter (Coghlan, Welsh and Guest) dated the 19th of May 2014, of which both the contents and demand made therein remain applicable to this submission.

Should you have any further questions or need clarification on any of the issues discussed herein my team would be happy to discuss them in person with you.

Yours faithfully,



CHARLES MADONKO

For and on behalf of

NUANETSI RANCH LIMITED

G.P. & S. 82473-T.

CERTIFICATE

I certify that the annexed is a true photostat copy of Deed of Transfer Number:

..... 1719/76 issued for information purposes only.

Date: 08-10-09

ISSUED FOR INFORMATIONAL PURPOSES ONLY

Stamp: RECEIVED
CERTIFICATE
(Stamp Duty and Fees)
Receipt No. 368747 Dated 07-10-09

[Signature]
REGISTRAR OF DEEDS

See Schedule within for properties transferred

CERTIFICATE

Stamp No. 506177 (Stamp Duty and Fees)
Date 17-5-76

1719/76

Subject to
Notarial deed of
sewage of unit
Passage
No. MA 773/90

Railways Shop 425/1976

TRANSFERRED

This 2nd day of Feb 19
76 to Rhodesia Railways
No. 568/78

TP 25/2001

Railways Shop 406 (10,276) kg

TRANSFERRED

This 2nd day of Feb 19 76
to Rhodesia Railways
No. 568/78

REGISTR

639/94
MORTGAGE
No. 1309/64
CANCELLED
X/32/8

ISSUED FOR INFORMATION ONLY

(RS.R.No 37 FU), 37 F(II), 37 F(III))

Water Rights (Manete Ranch A only) 4442, 4450.

Water Rights (Manete B) 4442, 4450 (2/0 22/78)

MORTGAGE No. 1309/64
MORTGAGE No. 1309/64
REGISTRAR

Prepared by me,
Conveyancer.

CERTIFICATE OF CONSOLIDATED TITLE

(Issued under the provisions of Section 38
of the Deeds Registries Act, Chapter 139)

6440/2001

KNOW ALL MEN WHOM IT CONCERN:
THAT BY DEEDS OF SECTION 105
OF THE LAND ACQUISITION ACT CHAPTER
20:10

CIA MORTGAGE
No. 1309/64
REGISTRAR

The within Manete Ranch Limited
has applied for the issue of a Certificate of
Consolidated Title under the provisions of Section 38 of
the Deeds Registries Act, Chapter 139

Consent: 13200/2004

AND WHEREAS

Date 08/10/2004

Signature
REGISTRAR

NUANETSI RANCH LIMITED

is the registered owner of :

1. CERTAIN PIECE OF LAND situate in the Districts of Chibi, Victoria and Nuanetsi; being REMAINDER OF NUANETSI RANCHE A;

MEASURING: Three hundred and eleven thousand and ninety-two comma nine four six six (311 092,9466) Hectares;

AS WILL MORE FULLY APPEAR from the Certificate of Consolidated Title thereof made in favour of Nuanetsi Ranch Limited on the 30th day of November 1955 (Reg. No. 5630/55)

2. CERTAIN PIECE OF LAND situate in the District of Victoria, being PORTION OF LOT 16 OF NUANETSI RANCHE A;

MEASURING: Thirty three comma five six three one (33,5631) Hectares.

HELD by NUANETSI RANCH LIMITED and subject of Transfer with diagram annexed which is to be registered in its own right.

WHICH ARE TO BE CONSOLIDATED into the land hereinafter described;

NOW THEREFORE in pursuance of the provisions of the said Act, I, the Registrar of Deeds, at Salisbury, do hereby certify that the said

NUANETSI RANCH LIMITED

its successors or assigns, is the registered owner of:

CERTAIN PIECE OF LAND situate in the Districts of Chibi, Victoria and Nuanetsi, being NUANETSI RANCHE B;

MEASURING: Three hundred and eleven thousand one hundred and twenty six comma five nought nine seven (311 126,5097) Hectares;

COMPRISING:

1. the figure -

A B a middle of Tokwe River b C D E F c middle
of Mtilikwe River s t u v N P Q R S T U V W X
Y Z A₁ B₁ C₁ D₁ E₁ F₁ G₁ H₁ J₁ K₁ L₁ M₁ N₁ P₁
Q₁ R₁ S₁ T₁ U₁ V₁ W₁ X₁ Y₁ R₁ A₂ B₂ C₂ D₂ E₂

C.W.

3-79

5-79

14-6-81

22-6-81

P₂ Q₂ H₂ J₂ K₂ L₂ N₂ O₂ P₂ Q₂ R₂ S₂ T₂ U₂ V₂ W₂
 X₂ Y₂ Z₂ A₃ B₃ C₃ D₃ E₃ F₃ G₃ H₃ J₃ K₃ L₃ M₃ N₃
 P₃ e middle of Nuanetsi River f g h i j k l m n
 middle of Nuanetsi River h i j k l m n o p q r s t u v w x y z
 A₄ B₄ C₄ D₄ E₄ F₄ G₄ H₄ J₄ K₄ L₄ M₄ N₄ O₄ P₄ Q₄ R₄ S₄ T₄
 middle of Babye River k l m n o p q r s t u v w x y z
 A₅ B₅ C₅ D₅ E₅ F₅ G₅ H₅ J₅ K₅ L₅ M₅ N₅ O₅ P₅ Q₅ R₅ S₅ T₅ U₅ V₅ W₅ X₅ Y₅ Z₅
 middle of Nuanetsi River m n o p q r s t u v w x y z
 A₆ B₆ C₆ D₆ E₆ F₆ G₆ H₆ J₆ K₆ L₆ M₆ N₆ O₆ P₆ Q₆ R₆ S₆ T₆ U₆ V₆ W₆ X₆ Y₆ Z₆
 middle of Landi River p q r s t u v w x y z
 A₇

representing Remainder of Nuanetsi Land A.

2. the figure - **ISSUED FOR INFORMATIONAL PURPOSES ONLY**

N v u t e middle of Mtilikwe River f g h i j k l m n
 representing Lot 1 of Lot 1 of Nuanetsi Land A.

AS WILL MORE FULLY APPEAR from the diagram S.O. No. 12/12 hereunto annexed;

SUBJECT to all such terms and conditions as are in the said Certificate of Consolidated Title and Deed of Transfer mentioned or referred to, and in respect of the land represented by the figure -

A B a middle of Tokwe River b C D E F c middle of Mtilikwe River e t u v N P Q R S T U V W X Y Z A₁
 B₁ C₁ D₁ E₁ F₁ G₁ H₁ J₁ K₁ L₁ M₁ N₁ O₁ P₁ Q₁ R₁ S₁ T₁
 U₁ V₁ W₁ X₁ Y₁ Z₁ A₂ B₂ C₂ D₂ E₂ F₂ G₂ H₂ J₂ K₂ L₂
 M₂ N₂ P₂ Q₂ R₂ S₂ T₂ U₂ V₂ W₂ X₂ Y₂ Z₂ A₃ B₃ C₃ D₃
 E₃ F₃ G₃ H₃ J₃ K₃ L₃ M₃ N₃ O₃ P₃ e middle of Nuanetsi River f g h i j k l m n
 middle of Nuanetsi River h i j k l m n o p q r s t u v w x y z
 A₄ B₄ C₄ D₄ E₄ F₄ G₄ H₄ J₄ K₄ L₄ M₄ N₄ O₄ P₄ Q₄ R₄ S₄ T₄ U₄ V₄ W₄ X₄ Y₄ Z₄
 middle of Babye River k l m n o p q r s t u v w x y z
 A₅

V₄ W₄ X₄ Y₄ Z₄ A₅ B₅ C₅ D₅ E₅ F₅ G₅ H₅ J₅ K₅ L₅ I
 middle of Nuanetsi River = M₅ N₅ P₅ Q₅ R₅ S₅ T₅ U₅
 V₅ W₅ X₅ Y₅ Z₅ A₆ B₆ C₆ D₆ E₆ F₆ in middle of Lundi
 River p q left Bank of Lundi River r H₆ J₆ K₆ A.

to the following conditions:-

1. Servitude of Abutment and Water Storage, more fully described in N.A. 346/74;
2. A Pipeline servitude, more fully described in N.A. 27/74; and
3. A Servitude of Abutment and Storage more fully described in N.A. 24/73;

and in respect of the land represented by the figure -

middle of Mankwe River d G H
 J K L M N,

ISSUED FOR INFORMATION PURPOSES ONLY

to the following conditions:-

1. No new access for vehicular traffic to the said piece of land shall be constructed from the main road or from the Road Council road without the written permission being first obtained from the Commissioner of Roads and Road Traffic and the relevant council respectively. Such accesses shall be constructed at the transferee's costs and to the specifications and approval in writing of the respective road authorities who shall also determine the siting of such accesses.
2. No building shall be erected within 46,19 metres of the main Fort Victoria - Hippo Pools road, the measurement being taken from the centre of the road.

AND FURTHER SUBJECT to the following Conditions imposed as conditions of subdivision and enforceable by the Minister as defined in the Town and Country Planning Act (Chapter 13):-

1. The said piece of land shall be used for agricultural purposes only.
2. No building other than boundary walls and fences shall be erected within 14 metres of the centre of the main Round/Triangle Road.

AND THAT by virtue of these presents the said

NUANETSI RANCH LIMITED

its Successors or assigns, now is, and henceforth shall

..../be

be entitled thereto, conformably to local custom, -
Government however reserving its rights.

IN WITNESS whereof I, the said Registrar, have subscribed
to these presents and have caused my Seal of Office to be
affixed hereto.

THUS DONE and executed at the Office of the
Registrar of Deeds at Salisbury on this the /

21st Day of the Month of *May*

in the Year of our Lord One Thousand Nine

Hundred and Seventy-six (1976).

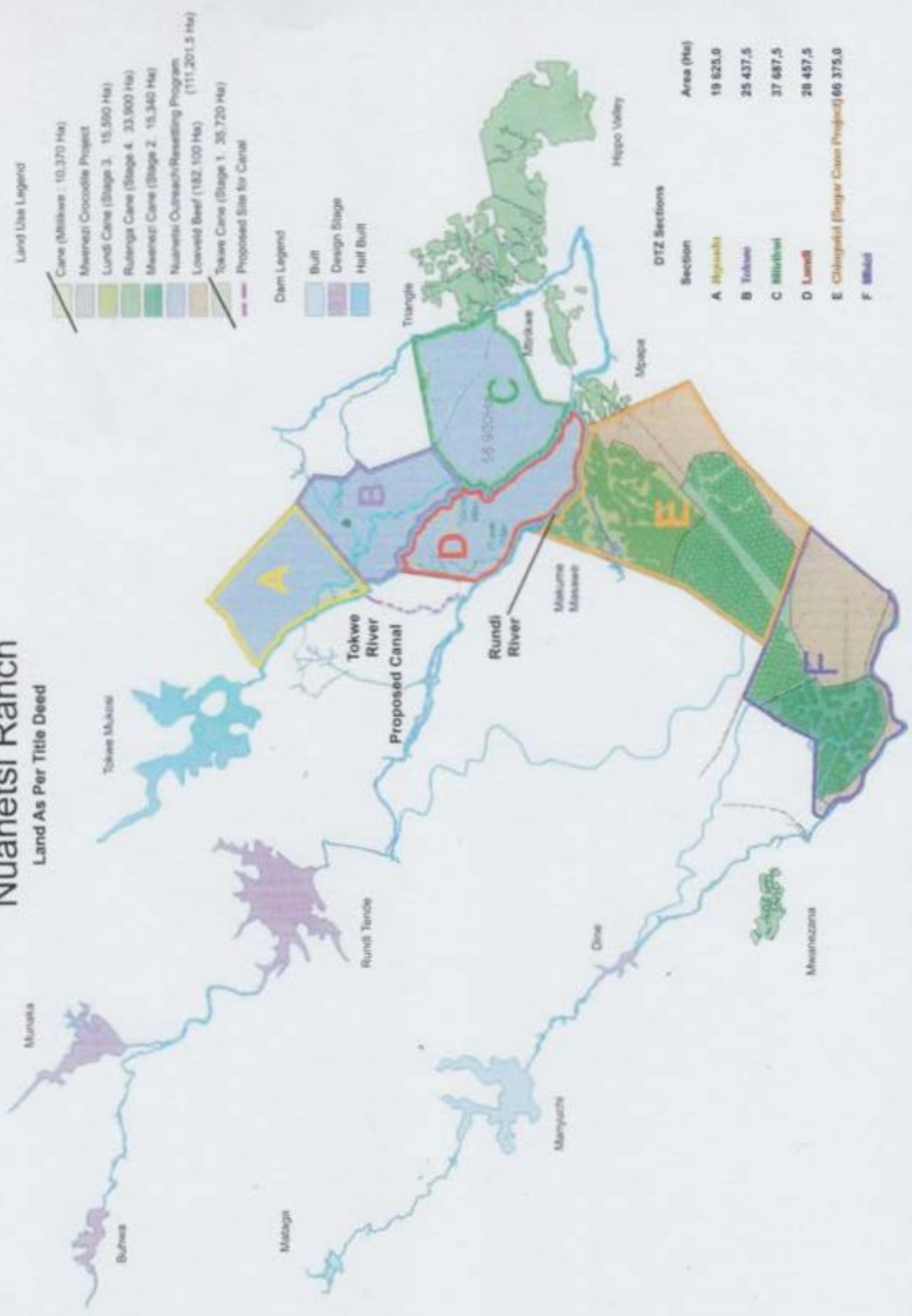
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SM

ISSUED FOR INFORMATION PURPOSES ONLY REGISTRAR.

Nuanetsi Ranch

Land As Per Title Deed



UN Response to Human Rights Watch on Chingwizi Flood Affected Population

Harare, 25 August 2014 – Following a threat to human lives, livestock and property caused by flooding, the Government of Zimbabwe declared a state of disaster for the Tokwe-Mukosi basin in Masvingo province, for three months starting 11 February 2014.

The Government, subsequently, launched an emergency appeal requesting USD 20 million from the international community to evacuate affected population to a temporary location and provide humanitarian assistance to the same. As such, over 3,000 households were relocated from the Tokwe-Mukosi basin to the Chingwizi temporary camp in March 2014.

The United Nations Agencies, in collaboration with partners, have since supported the Government of Zimbabwe in providing humanitarian assistance to this affected population both at Government coordinated transit points as well as in Chingwizi temporary camp.

The UN support included: providing basic health care from temporary clinics; providing food rations; temporary shelter materials and hygiene kits; water supply through trucking and boreholes; emergency sanitation facilities; as well as psycho-social services. Despite limited resources, the United Nations response has been guided by humanitarian principles premised on accountability to beneficiaries by providing humanitarian response in a humane, impartial, neutral, and independent manner.

While the declared state of national disaster ended in May 2014, the affected households remained in Chingwizi camp until early August when the Government relocated all of them to a nearby permanent settlement at Nuanetsi Ranch. The delay for the resettlement was caused by disputes between the affected families and the Government on compensation and relocation package.

UN has continuously engaged relevant Government authorities and partners not only in advocating for the affected families to receive humanitarian assistance but also on the need to find long-term solutions.

ENDS/



In February 2014, Zimbabwe's immense Tokwe-Mukorsi Dam basin flooded following heavy rains. President Robert Mugabe immediately declared the floods a national disaster and appealed to the international community for US\$20 million to help relocate and provide humanitarian assistance to the victims. The Zimbabwe army and the Civil Protection Unit relocated over 20,000 people from the flooded area to Chingwizi camp on Nuanetsi Ranch in Masvingo's Mwenenzi district.

Six months later, in August 2014, the government shut down the camp and coerced the displaced to accept one-hectare sites (much less than the five-hectare sites initially promised) in another part of the ranch through the use of violence, harassment, and, in some cases, restricting access to water, food, and other essentials. In their new location, the flood victims are even more destitute, unable to build homes or grow crops of their choice due to ongoing disputes about the title of the land.

Homeless, Landless, and Destitute documents the human rights issues related to the dam project. It describes conditions at Chingwizi camp to which the flood victims were initially relocated, abuses related to their resettlement, including the government's failure to compensate many of them and to deny them the right to have a say in the decision regarding their residence. The report also explores the government's misuse of humanitarian aid to coerce flood victims to accept official resettlement plans.

Human Rights Watch calls on Zimbabwe's government to ensure protection of the rights of Tokwe-Mukorsi flood victims by immediately allocating adequate food, shelter, and other basic needs. The government should also provide appropriate compensation and allow them to choose their site of residence, in accordance with the United Nations Guiding Principles on Internal Displacement.

(above) The Chingwizi transit camp which the government set up on Nuanetsi Ranch in Mwenenzi district in February 2014, for 20,000 people displaced as a result of the flooded Tokwe-Mukorsi Dam. The government shut down the camp in August 2014.

(front cover) A woman stands in front of a pile of her household property at Chingwizi transit camp, which the government forcibly shut down in August 2014. Hundreds of families lost their property left in the open during their relocation to the camp. March 2014.

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