

Research Article

Customary Land Tenure, Mining, and the Development Question: Insights From a Transitional State

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This study explores the interplay between mining activities, communal land tenure, and their collective impact on development in the Uzumba Maramba Pfungwe (UMP) district, Zimbabwe. With a specific focus on households affected by gold and black granite mining, the research investigates the diverse landscape of both large-scale (formal) and Artisanal and Small-Scale Mining (ASM). The primary emphasis is on state-promoted and capitalized large-scale mining, aligning with Zimbabwe's neoliberal development agenda. UMP's agroecological diversity, featuring hilly terrains and varied wet and dry areas, provides a contextual backdrop for understanding the nuanced consequences of mining practices on local communities. Employing a *durée* perspective, the study reveals the evolution of land practices in contrast to static mining and tenure laws, often rooted in colonial legacies. The research methodology integrates observations and insights from existing studies, employing a comprehensive desk research approach. This involves an extensive literature search, encompassing academic and non-academic documents, such as unpublished papers, journal articles, reports, and case studies. The study contributes valuable insights into the dynamic relationship between customary land tenure, mining, and development within the context of a transitional state in rural Zimbabwe.

Introduction

The development question has always haunted post-colonial states. Unsure how to proceed on this steep terrain, states have often turned to extractivism, mining in particular as one avenue to kick-start the much-needed transformation. After independence, most African governments took control of the mining sector as a way of controlling resources (Odergaard and Andia, 2019) such as gold,

diamond, iron, and copper. As a result, there was a rise in rentier states that rely solely on mining rents. These states consolidated power on a dictatorial basis (Jensen and Wantchekon, 2004). The extractive sector (mining and capitalist agriculture) in colonial times used native people in the extraction process as sources of cheap labour (Yeros, 2002). Mining and colonial landowners all suppressed the indigenous people (Moore, 2001). In essence, the state stalled the accumulation of the indigenous people. Tracing the development of farming in colonial Zimbabwe, farming took centre stage in 1923 as the British South Africa Company (BSAC) recognized farming as a key economic activity (Madimu et al., 2018). The struggles for justice by farmers can be traced to the 1900s with the 1912 struggle against taxes as one of the key struggles for justice concerning resource distribution (Madimu et al., 2018). The struggles were worsened by the fact that settlers expropriated land and sold it to mining and land companies. The colonial BSAC set up the legislative framework for the exploitation of the land for minerals (Muchemwa, 2009). The role of mining in colonial times was to ensure a steady supply of raw materials for the centre and some local industries. The post-colonial government plays a key role in defining land rights and mining rights as well. In essence, concerning customary land tenure, the state in alliance with local elites defines what the custom is and how it should be adhered to (Kojo, 2008). To this day some of the effects of this system are still noticeable such as interracial conflicts and long-standing disputes between farmers and miners. For example, the treatment of farmers as trespassers on mining land is still persistent (Muchemwa, 2009). To understand how customary land tenure mining and development are interwoven this study addresses the following questions:

- i. How do mining activities relate to land tenure in the countryside?
- ii. In what ways do mining activities influence rural communities and the development processes?

Customary tenure has not been static at the same time. There has been an increase in chieftain power as land value increases due to migration and the emergence of multiple institutions involved in customary tenure and legal pluralism (Ubink and Kojo, 2009). Chimhowu (2019) notes that customary tenure is shifting and changing from the land that was under traditional authority to one that is integrated into more formalised systems and with recognition of the customary tenure under forms of property law. Similar tendencies of shifting customary tenure are also noted by Samir Amin (2010) as hybrid forms of customary land tenure. Broadly, customary tenure is recognized as land that falls under traditional leadership and is governed by rules and norms both written and unwritten. In

Zimbabwe, customary land falls under the jurisdiction of traditional leaders and it is communally owned.

In colonial times, mining was dependent on reserves for labour (Wolpe 1972). Some of these reserves are present-day communal areas. Thus showing the early influence of mining on customary land tenure. Some scholars reveal that mining and agriculture have been interwoven since the colonial invasion of 1890 (Mberi et al., 2022) resulting in conflicts. Land conflicts remain latent even after independence (Tambo, 2013). Debates on customary tenure have been intense and key studies note that some governments push forward the titling of customary land with the view that this can unlock the potential of the land for investments (Chitonge et al 2017; Deininger and Binswanger, 1999). Central to these debates is the fact that more than 60% of Africa's population resides in the countryside and relies on agriculture, therefore some of the perceived titling processes are capable of leading to distressed land sales.

Zimbabwe is endowed with many minerals with 60 known minerals (Masimbiti, 2014). The rise of the gold rush can be attributed to several factors (Mkodzongi and Spiegel, 2019). Some include poverty, economic crisis, and a neoliberalising government sector. This economic crisis has had a huge impact on human development. It is noted that a broad array of crises from the economic, social, and political are in play all decimating livelihoods (Mushongah and Scoones, 2012). Although the state instituted a land reform policy to deal with some of the crises of the Economic Structural Adjustment Programme (ESAP), the policy was not sufficient for development (Moyo, 2004). Economic Structural Adjustment Programme (ESAP) played a pivotal role in shaping land policies and mining activities in Zimbabwe. The economic challenges associated with ESAP prompted the state to implement land reforms, aiming to address some of the crises triggered by the program. However, the land reform's inadequacy for comprehensive development underscores the interconnectedness of ESAP, land policies, and mining impacts on communities. The neoliberal aspects of ESAP and subsequent policies influenced the dynamics of mining; often resulting in limited community participation and unequal development outcomes. As such, the generality of the population's lives did not alter as capitalism remained in direct and indirect control of the labor process (Moyo, 2004). In this extroverted development trajectory, there is limited community participation and top-down approaches (Tagarirofa and Chazovachii, 2014). At times such lack of transparency is attributed to the effects of ESAP that curtailed citizen participation in projects (Tagarirofa and Chazovachii, 2014). Concomitant to this 'local development' there is the preaching of participation that never happens (Tagarirofa and

Chazovachii, 2014). About the treatment of local leaders, these are recognized in principle but not as equal development partners.

After independence to show that the country was set on an autarkic development path, the District Development Fund was established with other projects such as the Rural Electrification Program (Dzvimbo et al., 2017). However, these have been playing a peripheral role as the state took a neoliberal turn. With poor economic performance, there was a massive opening up to artisanal mining. Simultaneously reports indicate that in Southern Africa around 10 million people are employed in artisanal mining (Dzvimbo et al., 2017). Artisanal and Small-scale Miners (ASM) are the source of agrarian finance in a post-war context e.g. Sierra Leone (Maconachie, 2011). On the other hand, there is a massive push for the urgent need to decriminalize ASM (Kassa, 2022). Due to a spiraling rise in large-scale globalization, there is inspired extractivism (Kassa and Nyirongo, 2022) that is hinged on limited consultation and transformation of peoples' livelihoods (ibid). As a result, there have been large-scale conflicts in Congo, and Sierra Leone (Mabhena, 2012). Within the global South above, 100 million people face displacement due to urban expansion, mining, and development projects (CCMT, 2014).

The Zimbabwean state has been using political and legal maneuvers to pursue extractivist resource extraction and full capital penetration in the countryside and thwart artisanal mining (Mawowa, 2013). In post-independent Zimbabwe, the state's rentism and the tensions between ordinary citizens widened and deepened with increased economic problems. This increased the use of the mining sector as a major leverage for political patronage (Saunders, 2008). To achieve the expansion of the mining sector, several cases of peasantry displacement have been recorded. On a large scale, land evictions gathered momentum around 2008 when vast diamond mineral deposits were discovered at Chiadzwa in Manicaland Province leading to the displacement of over a thousand households. Now, the Centre for Natural Resource Governance (CNRG) estimates that more than 30,000 rural dwellers from different provinces face evictions due to mining operations. After the Fast Track Land Reform, the state re-embarked on an extractivist trajectory as it took the neoliberal path as the envisioned road to development (Mazwi et al., 2018). This trajectory resulted in the state providing unbridled support for 'big' capitalized mining projects in the countryside (communal and resettlement areas). As a result, the state has been disenfranchising agriculture production and illegalizing community artisanal mineral resource extraction to pave the way for capitalized mining. The state fully wages its preservation of violence against artisanal miners through operations such as *chikorokoza chapera*

(Spiegel, 2014). Studies note that around 2006, there was violence leading to 25000 arrests of traders and miners (Spiegel, 2014). This operation was conducted between the police and the central bank.

Poor rural communities suffer from several problems such as poverty, no skills, lack of skills, limited access to capital, and the hazardous nature of artisanal mining (Spiegel, 2014). Globally there are fights against over compensation in light of the prevailing push for policies that allow for farming to be done on mining land (Taabazuing et al., 2012) when compared with instances of capitalised mining and related arrests. This contextualizes the broader struggles and tensions around land use, capital access, and legal ramifications, shedding light on the multifaceted issues affecting these communities.

In the eastern regions of Zimbabwe, particularly Uzumba, black granite mining is a significant economic activity, offering local opportunities (Bhatasara, 2013). However, about 95% of the granite is exported to international markets like Japan, Italy, Singapore, and Malaysia, leaving only a small fraction for local consumption (Bhatasara, 2013). This export-oriented approach contributes to environmental degradation, with mining causing visual intrusions and disrupting the cultural significance of granite mountains for the local people (Bhatasara, 2013). The adverse effects of artisanal and small-scale mining (ASM) are condemned for health and environmental destruction (Hilson, 2002), posing a complex challenge that intertwines economic prospects, cultural values, and environmental concerns.

Zimbabwe's regulatory framework with regards to land and mining is mainly based on the Mineral and Mining Act Chapter 21:05 promulgated in 1961 with few amendments in the late 1990s; Communal Land Act 20:04 of 2004; Statutory Instrument 53 of 2014; ZLC ACT 20:29; and the Constitution of Zimbabwe, 2013. To curb the effects on the environment, organisations such as the Environmental Management Agency and Forest Commission were established (Bhatasara, 2013).

In Zimbabwe, in the countryside, political participation is crucial for development interventions. Yet, political participation and democracy, in general, remain stunted (Nsingo and Kuye, 2005; Grindle, 2007). Local development interventions are most deliberated through platforms such as political parties, village meetings, and ward meetings. Nevertheless, these forms of the organization including the Village Development Committees (VIDCOs) it is argued that they are parochial associations that further the ideology of the centre (Moyo, 1993). The local governance system is divided into three, the national, provincial, and local governments (Chatiza and Makanza, 2017). Furthermore, it is divided into 92 councils, 60 rural and 32 urban councils traditional; leaders' village heads, chiefs, headmen,

272 chiefs, 7 women only 484 headmen and 30 000 village heads, 1596 wards (Chatiza and Makanza, 2017; ZEC 2008). This local government is not fully functional. A functional government system is supposed to spearhead local development through economic growth, and local economic development and increase the chances of transferring power from central to local elites (Zhang et al., 2002; Ribot, 2004:41).

The Conceptual Framework

In the Uzumba Maramba Pfungwe (UMP) district of Zimbabwe, the study uses the Sustainable Livelihoods Framework (SLF) to analyse the complex dynamics of customary land tenure, mining, and the development question. The SLF, which was first presented by the Department for International Development (DFID) in the late 1990s, is a theoretical instrument that helps to clarify the difficulties of poverty and development by emphasizing the various assets and variables that support people's livelihoods. The SLF emphasises empowering individuals and communities via the reinforcement of assets and competencies for sustainable livelihoods and is widely applied in development studies, poverty reduction, and community-based projects (UNDP, 2017).

The SLF, which is closely related to Robert Chambers, represents an epistemological position that values local knowledge and gives community perspectives priority. It is not a method, although it does favour some approaches based on Participatory Learning and Action (PLA) and Rapid Rural Appraisal (RRA). The SLF, which originated from Sen's Capabilities Approach, has become a mainstay in academic and practical fieldwork because of its emphasis on people as the centre of development, especially in rural regions of the global South. Its village-centric methodology, however, falls short of capturing contemporary changes in rural lifestyles, such as industrialization, global integration, and environmental effects. As the Sustainable Livelihoods Approach gained hold in development organizations, it evolved into the Sustainable Livelihoods Framework, which now serves as a framework for interventions, shapes scholarly discourse, and justifies substantial international support (Scoones, 2009; Taylor, 2015)

As the research progresses, the SLF will play a pivotal role in scrutinizing the multifarious resources and proficiencies that households employ to surmount the obstacles presented by extensive mining, specifically the state-backed initiatives that are in line with neoliberal development objectives. Within the transitional state of UMP, the SLF provides a sophisticated understanding of how mining activities change livelihoods and influence broader developmental trajectories by concentrating on human,

social, natural, physical, and financial capital. In addition, the SLF's focus on community perspectives and local knowledge fits in perfectly with the study's goal of examining how communal land practices have changed over time in contrast to the often stagnant mining and tenure rules that have their roots in colonial legacies. This conceptual framework allows for a holistic examination of the lived experiences and adaptive strategies employed by the UMP community in response to the evolving dynamics of land tenure and mining practices

The SLF will be instrumental in dissecting how mining activities intersect with communal land tenure, influencing the UMP community's livelihoods and overall development dynamics. The framework's multidimensional approach will provide insights into the impacts on human, social, natural, physical, and financial capital, as well as the adaptive strategies and outcomes within the transitional state of UMP (DFID, late 1990s; Scoones, 2009; 2015).

Literature Review

Land tenure, livelihoods, and Mining development under Neoliberalism

In mining areas, there are complex and diversified livelihoods (Maconachie, 2011). Despite the exclusion of women from mining, they still play some formidable roles in mining economies. In Sierra Leone, women miners purchase food from farmers and offer credit to peasant farmers and a guarantee of crop purchase after harvest time (Maconachie, 2011). Large-scale mining is not desirable due to the displacement of local people (Taabazuing et al 2012) and the destruction of resources such as forests, soil, minerals, and ecosystems. With the rise of mining-affiliated land dispossession, there is an increase in land transfers, social inequality, and contests for land resources (Peters, 2013). With the rise in extractivism, there is a skyrocket in corruption, contamination, violence, conflict, and resistance (Stoltenborg and Boelens, 2016). With such events, there is the rise of illegal land acquisitions and the setting of houses on fire in areas where families resist evictions for example in Mexico (Stoltenberg and Boelens, 2016). There have been tendencies to downplay this unequal resource distribution (Moyo, 2005). However, these unequal land and natural resources are likely to lead to a bigger social-political crisis (ibid). As a result, there is an increase in resource poaching as disadvantaged groups seek to leverage their access to limited resources.

The inability of states to steer the nation to broad-based development is linked to the land and national question (Moyo, 2005). The colonial authorities' role in the formation of customary land

tenure is also widely noted (Peters 2013). In this system, traditional Chiefs acted as trustees for colonial land. However, these had limited rights in terms of land allocation and administration. With the establishment of customary were territorial boundaries established (Peters, 2013). However, the rise in mobility and population growth has resulted in the land as a site for struggles and debates. These customary leaders also have variable roles and superintend over a variety of meanings of land and customs (Peters, 2013).

Mining-induced land dispossessions are accompanied by limited complementary infrastructure and more agitation as the majority of people expect development from their governments (Peters, 2013). During colonial rule, there was a huge impact on land ownership across the gender divide (Gudhlanga, 2016). As a result, today, women's association with men determines women's land access. But this has also been a result of the culture. In traditional Shona, the land belongs to the family (Gudhlanga, 2016). Within this framework, the woman had user rights despite not being allocated the land. With colonialism, white landowners forced Africans to work for no wage on their farms. In Mutoko, mining companies operating in the area for several years but have not developed tarmac roads. Good roads will ensure that the local people can have better access to markets for their horticultural products (Bhatasara, 2013). Thus, there is tokenism in terms of the development projects (ibid). Both smallholder farming and ASM are key pillars of Zimbabwe's economy (Mkodzongi and Spiegel, 2019). These two sectors are made up of actors from diverse backgrounds (ibid).

Concerning Zimbabwe's neoliberal turn, the challenges confronting Zimbabwe as argued by Mkandawire (2020) resemble a "Transition Overload". These are manifest in the black empowerment policies that do not succeed and the militarization of the state (ibid). Within this overloaded transition, there is tension along with ideology, generation, and ethnicity (Moore, 2014). And in most cases, there is the state's inability to accommodate diverse views (Berman et al., 2017). Some toe the line of resource nationalization, and others advocate the full-throttle liberalization of the economy. These varying dimensions in turn spur policy-induced social differentiation that ignites conflicts (Mkandawire, 2002). In the present case transitional state, denotes a state that has achieved political independence but is to achieve its economic independence.

The neoliberal trajectory has a particular tendency to be rooted in primary resource overexploitation in developing states. For example, in Peru, the transition to neoliberalism has intensified reliance on export-led mining (Bury, 2005). Related to this, are private mineral resource acquisitions, exploitation of mining claims, and investment guarantees for capital by the state. The key role of

foreign investors is emphasized but this must not derail us from analysing the role of central government agencies (Peters, 2013). On the other hand, there are massive efforts driven by the fight for survival. The abundance notion of natural resources and notions of scarcity causes conflicts (Purnomo et al., 2021). These conflicts are triggered by governments and mining firms due to environmental destruction and weak community participation in the projects (ibid). Mining is used as another way of complimenting precarious livelihoods (Purnomo et al., 2021). Development for the rural population is denoted by their children's access to books, improvements in roads, access to rural health facilities, and a better standard of living through job creation and functional economic systems. Thus, schools lacking textbooks and resources for the rural populations are not an indicator of development (Dzvimbo et al., 2017). Whereas NGOs intervene in development, they do not always have lasting impacts in terms of their projects (Dzvimbo et al., 2017).

Methodology

To ensure the depth and accuracy of research findings, a comprehensive methodology was employed, integrating diverse sources, including documents and statements emerging from the field. The study primarily relied on desk research, amalgamating personal observation with the review of relevant competing theories. Additionally, insights were drawn from existing studies globally, creating a robust foundation for the investigation. The desk research methodology involved a meticulous literature search, reviewing academic and non-academic documents, such as unpublished papers, journal articles, reports, and case studies. The selection of documents for the literature review was thorough, utilizing various international publishers' websites to ensure a comprehensive and representative collection of materials. This approach facilitated the identification of key themes, trends, and perspectives related to customary land tenure, mining, and development. A significant aspect of the methodology included extensive and detailed document analysis, allowing for a systematic examination and interpretation of the identified documents. This process provided a robust framework for analyzing key issues addressed in the study and extracting meaningful insights for a nuanced understanding of the subject matter in Zimbabwe.

The study's focal point is the Uzumba Maramba Pfungwe (UMP) district, situated 260km northeast of Zimbabwe's Mashonaland East Province. In-depth interviews were conducted with 88 households and key informants from government departments, local authorities, and mining company representatives, purposively selected for their relevance to the study's objectives. Respondents

addressed questions regarding how mining processes shaped land practices and broad tenure relations. The data collection period spanned from 2018 to March 2022, focusing on households directly affected by mining activities, particularly gold and granite mining. The study concentrated on large-scale, capitalized mining promoted by the state within the UMP district, aligning with the state's neoliberal development vision. The agroecological context of UMP, featuring both dry and wet areas, provides a backdrop for understanding the diverse impacts of mining on local communities

Research Findings

The institutional framework

The current Mines and Minerals Act (chapter 21:05) enacted in 1961 has spanned more than 20 years without a slight amendment. This in turn means that there have not been any progressive written policy or legislation in the mining sector to the detriment of land occupiers especially in the communal areas amidst changing the land tenure system. The mining law has always given more rights to the private landholder and issues of compensation only accrue to such tenure. In Zimbabwe, there are very few privately owned farms. Although rural communities have a moral claim that they have exclusive rights to the land and this is supported by tradition and customs the land belongs to the state, and the Rural District Councils administer this for the state, while traditional leaders also play a critical role in its day-to-day land allocation and management. Hence, it is arguable that as much as the Zimbabwe government has not formalised/ titled customary land in Zimbabwe, the fact that they provide the title to the land to miners is another way of titling. This is akin to the De Soto (2001) unlocking of “dead capital”. Such prescriptions of land titling arise from a neoliberal framing that the land’s value has to be unlocked through titling.

Under the current Mines and Minerals Act, communal societies have no right to compensation in terms of mining activities intruding on communally occupied land. In terms of Section 188 of the Mines and Minerals Act, the government is supposed to gazette a tariff on the annual compensation to be paid to the landowner, albeit freehold landowner only. Thus in the absence of recognition of the communal land system by the Mines and Minerals Act, compensation is only for the benefit of freehold landholders. Section 31 of the same Act protects the communal lands to the extent that consent should be sought from them before mining takes place because generally most communal lands are parcelled out in small pieces that are never beyond 100 hectares. However, the same section

allows the Minister to proceed and issue the mining license if s/he feels that consent is being unreasonably withheld. Thus, the rights of the communal landholders are still left at the mercy of the executive, and the mere fact that compensation is not a right in terms of the mining act, but discretionary for purposes of managing backlash from communities and stakeholders. This takes away the communal land occupiers' negotiating power for better compensation.

The Constitution of Zimbabwe does not make it any better as the issue of compensation for loss of agricultural land cannot be taken to court for determination. The sole power to decide the quantum of compensation has been left solely to the Executive arm of government and this leaves everyone at their mercy. Section 72 of the same Constitution provides for compensation for loss of property including land and even an interest over the said land. Thus, it matters not whether the property is privately owned or not, thus making it possible for the communal land occupiers to approach the courts for compensation despite the provisions of the Mines and Minerals Act. The recently enacted Land Commission Act does not assist in any way in trying to address the land use conflict, especially the farmer-miner conflict. The expectation was that this was a neutral body that would make it ideal to address some of these issues, especially when the lawmakers were alive to all these dynamics at the material time of enacting this act. The Constitution provides the Zimbabwe Land Commission the power to make recommendations about the land administration and tenure issues but to date; none of any such recommendations has been brought to the attention of the public or any improvement thereof.

Thus, the communal land occupiers continue to be at the mercy of the executive who is gradually losing the battle as most of the rural land is now being commodified. It is interesting to note that the current mining act prohibits mining completely in towns and cities due to the residential setup, but does not recognize that communal areas as residential places in their own right and that normal people also consider those places as home and thus should be awarded the same protection.

There is an urgent need for policy and legislative promulgation to address this conflict holistically. The communal communities are suffering greatly because some of their grazing lands have been taken over by mining and thus their livestock have reduced pasture and are at risk of falling into pits, as most of these miners do not fence off their mining activities. This complacency by miners is a result of a lack of monitoring by the relevant authorities and no consented efforts by both responsible Ministries as government departments continue to use a silo mentality and fail to integrate their activities for a common cause. Much of the mining activities being conducted is surface mining as

such conflicts are inevitable with the farmers or land occupiers. If more advanced technology could be used in the extraction of these minerals certainly, the farmer and the miner could co-exist. In the study area, some interviewees revealed that having a general understanding of how mining licenses are acquired through this process is still marred with many distortions. This makes the idea of acquiring mining rights by residents more fictitious, as other people from different cities or foreigners tend to apply and engage in mining activities.

Farmers' limited knowledge is used as an advantage by intermediaries, usurers, and speculators who then quickly acquire a license (Taabazuing et al., 2012). Zimbabwe appended the Internally Displaced People and is a Zimbabwe member of the Kampala Convention (Vhiriri, 2021). Under these conventions, there is the protection of IDPs in mining communities. In the absence of an act of parliament to protect IDPs, miners are mandated to seek consent before mining from the landowner (Mines and Mineral Act Section 31). At the same time, the same act gives the mining minister the chance to give consent even without the participation of the community. The present mining legislation was enacted in 1961. In terms of any perceived relocation, Statutory Instrument 53 of 2014 sections 19 and 20, provide 90 days for an objection to a government-initiated reallocation at the same time final say in the matter rests with the minister.

Tenure, Mining, and Development in UMP

The struggle over land in Uzumba is also racial with different effects on tenure based on one's race. There are about 12 Chinese mining companies in UMP. Some local millers have done some Corporate Social Responsibility (CSR) in the Dinde area such as building a clinic, *"and now there is electricity at the school and clinic and a borehole, and this is being done by local license holders"*. The local license holders are local people. On the other hand, some respondents noted, *"Chinese are not cooperating. The Chinese get water from a local school for their mining companies"*. Hence, it is foreseeable that companies that practice CSR are deemed not detrimental to customary land tenure. The Community Share Ownership Trust (CSOT) program that was operated from 2010 up to late 2018 meant that the benefit of the community is left to the discretion of the mining firms. The Mining Act does not specify that mines must do CSR (Bhatasara, 2013). One of the community leaders noted, *"Clearly Community ownership trust is no longer there and never seems to have worked and now reliance is placed on social cooperate responsibility that is a privilege. Social corporate responsibility being a privilege, people cannot make a claim but wait at the mercy of mining company"*.

In terms of development, the community expects that the opening of new mines will result in employment for the locals. However, this has not been the case as there is the employment of villagers from other communities. This proved to be a *“very topical issue and is not acceptable by this community”*. For instance, in the Kaseke area, the Chinese are mining in areas of family households, making it difficult for people without alternative homes to evacuate. The Chinese worked with inside men (locals) to acquire the land. This was detrimental to the local people because their homes are their ancestral homes and there are family graveyards situated within these homesteads. The people are attached to the land so they resist relocating. There were issues of graves being dug up in Ward 8 to pave the way for mining activities. This was the catalyst for the community not to welcome new players, locals believe that their customs should be respected and there is a natural desire to remain connected with the buried loved ones.

Before the coming of the Chinese, the women in the community used to benefit from VIDCO and Ward Development Committee (WADCO) but during the interviews, they demonstrated to be disheartened by the fact these platforms had ceased operating. These avenues would assist them in terms of getting information and empowerment programs. There is a general sense of mistrust and misgiving against a set of foreign investors in other wards as the community has been holding on to unfulfilled promises by previous Chinese investors as such the community was not happy with the idea of new investors. Further, beyond the community’s misgivings, truckloads of black granite are seen leaving the area for onward transportation to Italy but the said companies are remitting little taxes to the government and neither are the companies developing the communities around them. Communities now believe that Joint Ventures could work as a viable solution because people do not want to be removed from their areas rather a 50/50 setup of joint ventures would work and benefit all parties. Thus, it is foreseeable that customary land is viewed to be affected in situations where the community does not benefit. In a situation where benefits are received, issues of displacement and environmental damage are seldom discussed.

Concerning relocation, the community noted that even if the community is amenable to the relocation, the land they will be reallocated to might not be suitable for their usual agro-business activities that sustain their livelihood, which makes relocation undesirable. Sustainability is key to rural development (Dzvimbo et al., 2017). Thus, the fact that mining does not pay attention to the ecological concerns of the communities defeats the notion of development. Reports were also made of pollution on some of the rivers, destruction of roads, and destruction of grazing lands. These have

been ongoing since some of the granite mining started more than 10 years ago. Sustainability is a key issue that must be placed at the centre stage in mining discussions (Bhatasara, 2013).

Large mining scale similar to artisanal mining leads to the destruction of land for gardens and pastures (Bhatasara, 2013). In addition, in turn, perpetuates pressure for land in the communal lands, especially in the Pfungwe sites where the area is much dryer. Thus, the concept of communal grazing is challenged as communities are forced to go to other neighbouring communities thus spurring more boundary conflicts among communal land users. Although boundary conflicts existed in customary land tenure in rural Zimbabwe, these were on a reduced scale but with more mining activities, these are becoming more pronounced. Some conflicts that emerge are over the employment of 'outside' youth from other villages (Bhatasara, 2013). This similar view was also echoed, as there were strong views against some companies especially the Chinese for bringing their labour even for non-skilled jobs. The locals reported that this was unjust and against their aspirations of development through employment creation. The presence of unskilled labour is higher in this community given the fact that there is a low number of people who make it to tertiary education due to the marginalization of these communities.

Ye (2012) notes that in the Chinese countryside women, children, and the elderly are left in the countryside as the able-bodied move to cities to search for jobs. Hence the concept of being left behind. Mining booms and migration precipitate divisions across ethnicity, gender, and age (Berman et al., 2017). One woman respondent from UMP indicated that her husband could neither get a job in the mining sector within the community nor any other industry within the communal areas and they could not engage in productive crop production due to damage to some of their land. Faced with such a reproductive squeeze the husband had to migrate to the city in search of employment.¹ She falls into the category of the left-behind population and struggles to assert her land rights in that area as she enjoys the right to occupation through marriage. Land in communal areas is allocated according to lineage, if she decides to leave the village she also forfeits her right to land both in her current village and in her parents' home. Furthermore, relocating to other villages is not ideal, it is not easy for a new person to be granted occupational rights from a different lineage.

Some interviewees from Nhakiwa Business Centre reported the abundance of gold in the Pfungwe, Nyamhunga area and further noted that some women are carrying out gold panning whilst most earn a living by selling various goods to the gold miners. Interviews revealed that very few women participated in the actual mining as women tend to shy away from such activities and culturally that

area is regarded as a preserve for men. Some respondents also noted that women shied away from such activities, as there was a high risk of being in trouble with law enforcement agents. However, indications are that many women benefited from the downstream activities that supported the mining activities such as selling food and clothing for the gold panners. In Nyamhunga areas, there were no complaints of land invasions. It is noticeable that claims of land invasions are not shared in situations where the community benefits. The Nyamhunga area is close to the Mazowe River and some of the mining takes place on the river. Here and there the gold panners also poach for minerals in the nearby Mpfurutse National Park.

In cases where rural inhabitants are forced due to 'development projects' they sometimes resist such overtures. For example, Mbole peasants in Congo resisted forced labour in public projects and levies (Likaka, 1994). In the UMP communal area, a large corporation with the support of the local leadership, more specifically the local chief, the district administrator's office, and some ruling party leadership cleared a vast piece of land in 2018 to construct a gold milling plant and a cyanidation gold recovery plant. The local leaders assisted this mining corporation in acquiring the necessary legal clearance. The peasantry and some local business owners realized and resisted this development on the basis that the gold plant was likely to affect their water sources and access to the roads and livestock grazing land. The extractive mines were described as 'earth rippers' denoting the harm they do to the environment. As such, the local communities started to resist, as a way of defending their livelihoods (see Bebbington et al, 2007).

In as much as the Environmental Management Agency (EMA) is aimed at protecting the environment in the study area, EMA assessments went through the relevant offices and certification with minimum involvement of the community, particularly in Ward 14. The process of environmental assessments largely involves the village head. In this way, the process is largely exclusionary and can be subjected to abuse by the elites with devastating effects on the community's wide tenure rights. In the same area, another case in Ward 14 involved a Chinese firm. In this case, local business people pegged a granite mine of more than 100 ha and duly registered it. After the registration, these owners then sold off the mine to some Chinese investors. In their process of formalising the mine, the local people were getting support from one of the local leaders. Then another local elite interested in the same mine started to mobilize the local community to resist the investments by the Chinese. The registered miner is alleged to have entered into an MOU with the affected individuals and local leadership that addressed the issue of relocation and compensation for the local people. What is common in the ward

is that there is a huge political hand that controls and regulates both settlement and mining activities above administrative structures, to the extent that the only force that could put an end to the uprising that ensued in Ward 14 was a political decree. The Presidium then visited UMP in December 2020 for a memorial for a late former army general. During this event, the president noted that land dispossession in the area was to be halted and the local people were to be consulted first. Eventually, the granite mine operation was put on hold but the case was not finalised. At the same time, one could be forgiven for noting the use of land for electrical politics, especially during President Robert Mugabe's tenure when various tracts of land were given to youths towards elections.). For the record, UMP is the largest electoral base for the ruling party ZANU- PF.

Thus, the rural communities listen and act according to political leadership dictates. Unfortunately, some political leaders are personally benefitting from the lack of development by the Chinese companies and still retain the power to quench any form of resistance by communities. Such claims of corruption against local leaders hinder the process of accountability. Accountability is about the ability of the citizens to use their votes to reward or punish local government officials (Grindle, 2011). Although the Traditional Leaders Act Chapter 29:17 provides that the Minister of local government has the mandate to remove an underperforming traditional leader, this is barely practiced.

Conclusions and Recommendations

Zimbabwe's customary land tenure remains firmly rooted in the yesteryear traditional leaders' act but land practices have quickly changed with the transitions in the broader political-economic environment. The UMP case study reveals changing tenure relations due to mining. Mining transforms land tenure institutions, land value, and land patterns. For instance, people's perceptions have also changed to the point where land dispossession is recognized if the locals are disenfranchised from the ongoing mining activities. Similarly, ecological destruction to the land is recognized to the limitation that no locals are involved. Contemporary developing countries have a rapid shift in customary land tenure with actual land dispossession being rampant and shifting relations in terms of land ownership. The concept of communal land ownership is cast aside as individual households enter into joint ventures. Territorial boundaries are also put aside as shrinking grazing land forces people to seek other pieces of land.

Although existing studies point out that individualization, registration, and titling are key in ensuring the penetration of investments into the countryside (Shivji, 2022); the UMP case has demonstrated

that in some contexts tenure relations are altered by mining practices even in the absence of the land titling process. Thus, customary relations are an outcome of socioeconomic changes and are borne out of the interaction of local power systems and the state (Kojo, 2008). At the same time, rural development in the countryside remains firmly rooted in land access, whether such development will come through employment in the new mines or community share ownership trust, local people's ownership, access, and control of customary land is the spinal cord and most identified avenue to the people's desired development. Thus, an urgent call is in place for the state to transform colonial inherited mining and land policies and laws into inclusive and progressive instructions that place the countryside and the land question as central points in the development agenda. At present, existing laws regard customary land areas as sources of labour, a view spanning from colonial times. A view that the post-independent nations have a clear and urgent task to reverse.

Footnotes

¹ On reproductive squeeze see Bernstein, H. (1979). African peasantries: a theoretical framework. *The Journal of Peasant Studies*, 6(4), 421-443.

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