

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

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Potential competing interests: No potential competing interests to declare.

Abstract

The abstract is clear in explanation, but the paper itself is not as explicit.

For instance, the abstract states that "*the study reveals the evolution of land practices in contrast to static mining and tenure laws, often rooted in colonial legacies*" - but this is not explicit in the body of the paper.

Furthermore, the abstract is generic on the methodology used for the paper. In addition, the abstract states that it used "*a comprehensive desk research approach*", but in the Methodology section, it says "*In-depth interviews were conducted with 88 households and key informants*" - was this a desk research or did it involve field work?

The abstract does not say anything on key findings.

Introduction

This section is full of accusations as opposed to first presenting the questions and objectives and then using evidence to substantiate the arguments. One would say the authors have a preconceived idea on the subject - taking a socialist/communist tone against the government's neoliberal approach.

Conceptual framework

The paper contends that it used the SLF for its conceptual framework. Apparently, that is the only section where the SLF is mentioned, precisely 9 times. How it was used in the rest of the paper is not explained or shown.

Literature review

This section is very scanty. It is difficult to reconcile the topic of this paper and this section on the literature review. This is so mainly because the paper focuses on arguing against neoliberalism, which has nothing to do with the topic. For instance, the link between land tenure, livelihoods, and mining is difficult to see.

Methodology

The paper asserts that it used desktop research, but elsewhere it contends that it carried out 88 interviews. The findings section, as discussed later, does not contain any of the data from interviews - how was this used? It is also not clear

whether the 88 were household surveys or in-depth interviews with key informants. The section seems to conflate the two. The way data is presented later does also not seem to help in clarifying this.

Findings

Statements such as *“mining law has always given more rights to the private landholders and issues of compensation only accrue to such tenure”* are not supported by any evidence in the paper. They are merely concluded from the first statement, which argues that the Mines and Minerals Act has not been amended in 20 years. The author then concludes that *“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 the miners is another way of titling”* - one wonders about the basis of this argument in the absence of any evidence.

In all its arguments, the paper fails to distinguish the various rights of different land users. For instance, it is not clear from the discussion whether Zimbabwean law distinguishes between surface land rights and mining rights. In many cases, mining rights are reserved to the state, whether it is on urban or state land. What rights do freehold tenure convey to holders? Does this include mining rights?

This section is written more as an opinion column and less as a scholarly paper. Verbatim quotes are simply spiced within the paragraph. For instance, under the heading “Tenure, Mining and Development in UMP,” pages 9-12, it is not clear whether this is being deduced from evidence collected or simply from the authors’ perspective. It is not even clear whether this is the interpretation of the findings by the authors; and yet this should be a key section in this paper.

For instance, as I read this section, I remain with questions such as: Were there any displacements in UMP due to Chinese firms invading the area? How many have been displaced? Were they compensated? Was compensation adequate? What are the sentiments of those displaced? What happened to them? How did this relocation impact their livelihood?

In the absence of all this information, the author then makes a bold statement that: *“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”*.

What do “foreseeable” and “viewed to be affected” really mean?

Reviewer’s Conclusion

My conclusion is that the topic is important to explore, but the paper fails to show by evidence what is actually happening in Zimbabwe on this subject. The paper needs a major revision with a deliberate eye on the link between “land tenure, livelihoods, and mining.”