*Peer Reviewed

Evolution and the future of compensation for expropriation in Zimbabwe: A historical review

Partson Paradza[1]; Joseph Awoamim Yacim[2]; and Benita G. Zulch[3]

[1] The University of Pretoria, Department of Construction Economics, cnr Lynnwood Road and Roper Street Hatfield, South Africa (u13099770@tuks.ac.za)
[2] The University of Pretoria, Department of Construction Economics, cnr Lynnwood Road and Roper Street Hatfield, South Africa, (joseph.yacim@gmail.com)
[3]The University of Pretoria, Department of Construction Economics, cnr Lynnwood Road and Roper Street Hatfield, South Africa (benita.zulch@up.ac.za)

Abstract

Zimbabwe has a rich history of compulsory land acquisition, dating to the origins of colonial rule in 1890. This history is documented in policy documents, print and social media, and academic publications. However, to the researchers' knowledge for a complete history of the trajectory followed by the laws guiding expropriation and compensation from 1890 to 2022, multiple sources must be consulted. Currently, limited work (if any) does not provide a complete picture of the genesis/evolution of statutory compulsory land acquisition laws covering the entire period. Thus, the purpose of this study was to provide a complete history of compensation for expropriation in Zimbabwe while pointing out issues relative to equity and natural justice that occurred during the period under review. This paper was based on desktop research from 2018 to 2023. Documents which included statutes and government policies were obtained online from the official websites of government institutions. Systematic content analysis was adopted, and data coding was done manually based on themes derived from the data. The findings of this study supported the view that compensation for expropriation in Zimbabwe is complex and the international community can help to bring closure to the issue.

Keywords: Compensation, Evolution, Expropriation, Properties, Zimbabwe

Introduction

A lot of ink was invested in trying to answer the question: are expropriation laws in Zimbabwe fair? This question is also related to another question, is expropriation without compensation for land fair? These questions are complex, and the subject is emotional, hence unravelling it objectively is a daunting task. It is important to note that in as much as there exists a vast literature on compensation for expropriation the world over and the same subject has been extensively documented in Zimbabwe (Madhuku, 2004; Mlambo, 2005; Nmoma, 2008; Magaisa, 2010; Paradza, et al, 2021, Zulch, et al, 2022; Yacim, et al, 2022), there is no single document that provides a compendium of the evolution of compensation for expropriation in Zimbabwe. As such, one is forced to read several sources to get a complete picture. This study seeks to give a complete history of compensation in Zimbabwe from 1890 to 2023 to unravel the complexity of the subject and suggest a way forward. Specific objectives of this paper are to (1) identify statutory provisions guiding compensation for expropriated properties in Zimbabwe, (2) describe how the statutory provisions evolved from 1890 to 2023 and (3) explain the significance of the history of statutory provisions guiding compulsory acquisition and compensation on the current compensation dispute in Zimbabwe. The meaning of words differs with place and time; hence it is imperative to define key terms. Expropriation which is also known as compulsory land acquisition is used in this paper to mean the act of acquiring private land by the government without the owners' consent. The dictionary definition of compensation was adopted which is "something, typically money, awarded to someone in recognition of loss, suffering, or injury". In this case, compensation for expropriation means a monetary or nonmonetary award that is offered for the loss of land

and/or land rights. Lastly, the evolution of expropriation means the gradual development of expropriation over the history of Zimbabwe.

Literature Review

The government is empowered to limit private property rights for the common good (benefit) of the public. Expropriation, also known as compulsory land acquisition, is using the 'visible hand' (government powers) to correct some of the limitations of the market economy (invisible hand) in the land market. Many scholars agree that compulsory land acquisition is on the rise due to industrialization and urban development (Mteki, Murayama and Nishikizawa, 2017; Tagliarino, Bununu, Micheal, De Maria and Olusanmi, 2018; Cao and Zhang, 2018; Adam, 2018; Ahmed, Kuusaana and Gasparatos, 2018; Abate, 2019; Wang, Li, Xiong, Li and Wu, 2019; Daniel, Nkup, Samson and Wuyokwe, 2020; Williams, Brown, Agrawal and Guikema, 2021; Tuan, 2021a; 2021b; Kieti, 2021; Marewo, Ncube and Chitonge, 2021; Liu and Lo, 2022. An increase in expropriation has also seen a rise in the number of affected people, which explains why the subject has attracted the attention of policymakers and academics worldwide.

Studies have shown that affected people are affected negatively by expropriation projects due to under-compensation for expropriated properties in China (Tong, Zhu and Lo, 2019). However, there is also evidence to show that over-compensation impacts the entrepreneurship decisions of displaced people (Agegnehu and Mansberger, 2020) because it causes challenges like impulse spending and gambling (Bao, Dong, Jia, Peng and Li, 2020). In this case, one might be tempted to conclude that overcompensation can be a curse because it can bring behaviour that is anti-entrepreneurial and difficult to sustain and might result in other social ills like theft and prostitution in future. These findings also suggest that neither under-compensation nor over-compensation works well for people affected by compulsory land acquisition. Therefore, it is paramount for the expropriating authority to pay fair compensation to the displaced people.

Some studies on compensation for expropriation concluded that people who are displaced by expropriation are not satisfied if they are not consulted during the expropriation process (KhanYoshida, Katayanagi, Hotak, and Caro-Burnett, 2021) or when their livelihoods are eroded due to under compensation and/or delayed compensation (Tuan, 2021a; 2021b; Kebede, Tesfayand Emana, 2021). Obineme, Udobi, and Ifediora (2021) posit that if the expropriation process is delayed, affected people make more improvements that the expropriating authority disregards when calculating the compensation amount. One might be tempted to argue that it is fair for the expropriating authority to disregard any improvements done after the expropriation date. This argument can be if the expropriation process is finalized timeously. However, if there are delays in the process, this line of thinking might be challenged on the grounds that life does not stop simply because the government intends to take one's land. For example, in the Zimbabwean case where the whole expropriation process took two decades, households could have grown if affected people were not evicted, hence the requirement for new improvements. If this is the case, then why should one be punished for improving his/her property?

People affected by expropriation projects can also be dissatisfied if they are impacted by the negative externalities like pollution (air, water, land, noise) emanating from projects implemented on expropriated land (Lekgori, Paradza, and Chirisa, 2020; Prosper, 2021). Even though expropriation laws in many countries provide for compensation for injurious affection under heads

of claim, it might be easy to estimate where land value decreases. There might be complexities where there are negative externalities, but land values do not change, even though its compensation might be covered under other reasonable expenses, it might be difficult to quantify the loss. A recent study in Côte d'Ivoire by Effossou, Cho and Ramoelo (2022) cited conflicts between customary and modern (statutory) land tenure systems as one of the challenges faced during expropriation and compensation. Wang et al. (2019) concluded that expropriation has a negative impact on the health of affected people due to emotional and financial strain.

Furthermore, compensation deputes emanate from "… misunderstandings on the procedures used, expropriation speed, compensation rates used and the existence of substandard living conditions in the resettlement areas" (Ndjovu and Manirakiza (2013). The following are some of the effects of expropriation on affected people: "family disunity, congestion, dust evading rooms due to partial demolition of the habitable house, loss of business customers and profits, general insecurity and difficulty in renting new accommodation" (King and Sumbo, 2015). According to Ndjovu and Manirakiza (2013), failure to identify and address these issues causes disputes between the affected people and the expropriating authorities. In view of the foregoing discussion, it can be noted that compensation disputes can be attributed to issues ranging from under-compensation to bad governance, misunderstanding of the expropriation procedure, ambiguous laws, and negative externalities caused by the development projects.

Museleku (2021) pointed out that property valuers can also contribute to the under-compensation of affected people if they have a limited understanding of local and international laws guiding property valuation for compensation. The author went on to point out that, in some cases, valuers were leaving out certain assets in their valuation reports due to a narrow interpretation of the law. To add more, corruption by officials from the expropriating authority also plays a pivotal role in the under-compensation of affected people (Adigeh and Taffse, 2021). According to Paradza, Yacim and Zulch (2021) the compensation dispute in Zimbabwe was compounded by the fact that valuation for expropriation was a mammoth task since some of the improvements to be valued were vandalized during and after the violent fast-track land reform programme. Chimbetete (2016) is of the view that the complexity of valuation for compensation in Zimbabwe was made complex by the scarcity of data, which is scattered in different offices hence the property valuers relied on assumptions for some value-making variables.

Downing, Shi, Zaman, and Garcia-Downing (2021) and Khan et al. (2021), emphasise the need for post-relocation support to affected people to restore them to their previous livelihoods. This school of thought may resonate well with the principle of indemnity, which stipulates that affected people must be given compensation that restores them to where they were before the expropriation. Restoration of displaced people should include post-compensation support for affected people, especially through education about investment and entrepreneurship (Dires, Fentie, Hunie, Nega, Tenaw, Agegnehu and Mansberger, 2021).

It is important to note that the assessment of the satisfaction of affected people is not an event, but it should be a process to be done in three different stages. According to Cao and Zhang (2018), the first stage is to be done prior to the compulsory acquisition process, the second is to be done during the actual expropriation process and post-compensation is the last stage of assessment for satisfaction. Having reviewed literature related to the subject under study in this section, the next section discusses the methodology adopted for this study.

Theoretical framework

This paper is underpinned by the theory of equity and equivalence (also known as the principle of indemnity) which stipulates that people affected by expropriation projects are not supposed to suffer or benefit from the expropriation. In other words, the restitution paid expropriation-induced losses must be equivalent to the losses suffered as illustrated in Figure 1.

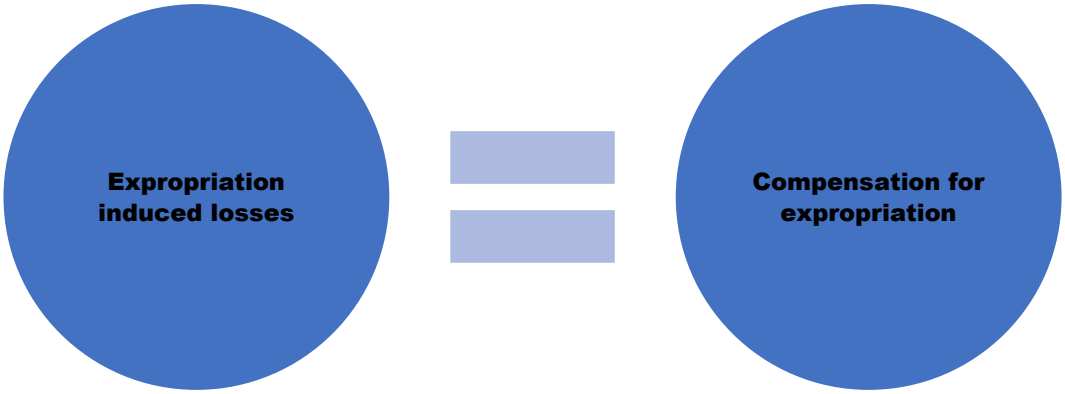

Figure 1: The concept of Equity and equivalence

As illustrated in Figure 1, the reasoning behind the theory of equity and equivalence is that private individuals whose land is expropriated for public interest must not carry the burden for such public benefit. Hence, they must be left where they were before their land was expropriated. At the same time, the public (government) must not pay more than what the affected person has lost in the form of overcompensation. Overcompensation will mean that the affected persons by the expropriation are benefiting from public resources at the expense of the public which is against the principle of indemnity.

Methods

This study seeks to answer the questions (1) How did the laws guiding compensation for expropriation evolve from 1890 to 2023? (2) Has the evolution of laws guiding compensation for land expropriation in Zimbabwe contributed to the current land compensation disputes?

An in-depth literature review was adopted, and documents were accessed and analyzed between 2018 and 2023. Documents which included statutes and government policies were obtained online from the official websites of government institutions. Furthermore, academic publications on policies and laws on compensation for expropriation in Rhodesia and in Zimbabwe were reviewed. Systematic content analysis was adopted, and data coding was done manually based on themes derived from the data.

Findings

This section is structured into 2, the first subsection reviews literature from 1889 to 1980 and the last subsection reviews literature from 1980 to 2023.

Policy and Legal Framework Guiding Expropriation and Compensation during the Colonial Era 1889 - 1980

According to Pazvakavambwa and Hungwe (2009) and Nyandoro (2012), expropriation without compensation in Zimbabwe started around 1889. Many scholars posit that the Royal Charter of Incorporation which was granted to the British South African Company (BSAC) in 1889 is the mother of expropriation without compensation (UN, 1975; Houser, 1977; De Villers, 2003; Madhuku, 2004; Pazvakavambwa and Hungwe, 2009; Ndulo, 2012) because it gave the BSAC powers to expropriate land from Africans for the benefit of white settlers (Madhuku, 2004). Bonarjee (2013) and De Villiers (2003) concurred that the settlers went on to expropriate three-quarters of the productive land from Africans between 1890 and 1902.

According to Madhuku (2004), World Bank (1986) and Stapleton (2016), when Zimbabwe was colonized in 1890, the colonizers passed laws that took away the rights of native people to have access to land and natural resources. Rorder (1964) posits that:

> "*…during the first decade after the occupation much African land was alienated to whites …whites were able to take any land they desired, regardless of its African population.*"

As compensation for their expropriated land, the natives were resettlement in inhabitable reserves which were remote, arid and tsetse infested (Moyana, 1975; World Bank, 1986; Mbiba, 2001; Mlambo, 2005; Hove and Gwiza, 2012; Gwekwerere, Mutasa and Chitofiri, 2017). According to Madhuku (2004), these Reserves were established on land which was owned by the BSAC and Africans only had use rights.

According to Madhuku (2004), Mlambo (2005), Nmoma (2008) as well as Magaisa (2010), the judgement of the Privy Council of 1918 on Zimbabwean land ownership has sown the seed of expropriation without compensation. The case in question was who owns the land in Southern Rhodesia (Zimbabwe) between the natives, the BSC, and the Crown (De Villiers, 2003; Magaisa, 2010; Moyo, 2016). The Privy Council ruled that the rightful owner of the disputed land was the Crown (Magaisa, 2010; Moyo, 2016). This disposal of land from natives was further buttressed by the provisions of Section 49 of the Southern Rhodesia Constitution Letters Patent of 1923 which assigned all African land under the ownership of the Crown which was to be administered by the Governor in Council (British Government, 1923; Mlambo, 2005; Nyambara, 2010; Nyandoro, 2019).
According to Worby (2001), and Thomas (2003) Expropriation in Southern Rhodesian was guided mainly by the Land Apportionment Act of the early 1930s, the Native Land Husbandry Act of 1951, and the Land Tenure Act of 1969. These laws were discriminatory in nature as productive land was allocated to whites while Africans were relegated to less productive areas (Utete, 2003, Pazvakakavambwa and Hungwe, 2009; Chivandi, Fushai and Masaka, 2010; Moyo, 2011; Nyandoro, 2012; Hove and Gwiza, 2012; Manjengwa, Hanlon and Smart, 2014; Tom and Mutswanga, 2015).

Multitudes of Africans were disposed of their prime customary land (Floyd, 1962; Ndulo, 2010; Musemwa and Mushunje, 2011; Basure, Nhodo, Dube and Kanyemba, 2011) when the Land Apportionment Act of 1930, the Native Land Husbandry Act of 1951 and the Land Tenure Act of 1969 (Houser, 1977; Madhuku, 2004; Mlambo, 2005; Nmoma, 2008; Hove and Gwiza, 2012; Masengwe and Dube, 2021) were passed as well as after World War 2 when the land was used to compensate the veterans of the same war under the Land Acquisition scheme of 1945 (Mataya, Gondo and Kowero, 2003; Mlambo, 2005; Musemwa and Mushunje, 2011; Nyandoro, 2019).

From the foregoing review, it can be noted that what was being referred to as white land was land that belonged to Africans, but it was taken away from them by their colonial masters. The land was grabbed from natives who were considered uncivilized nomads with no fixed boundaries (Rorder, 1964). Furthermore, Africans were forced to sell their animals at very low prices as guided by the provisions of the Native Land Husbandry Act of 1951 (Weinrich, 1977; Houser, 1977; Drinkwater, 1989; Madhuku, 2004; Njaya and Mazuru, 2010). It is therefore important to bear in mind the fact that any solution to the centuries-long compensation dispute in Zimbabwe goes beyond compensation for land. However, bringing in issues like under-compensated livestock compounds the complexity of the compensation issue since there are no records of what transpired during the whole expropriation process. The researchers tried to dig for any valuable data from Zimbabwe's National Archives and did not find anything valuable on the subject area.

Compensation for expropriated land has been a thorny issue that culminated into fifteen years (1964 – 1979) (UNDP, 2002) and was on top of the agenda during the Lancaster House Conference of 1979 negotiations which brought about the Zimbabwean independence (Manjengwa, Hanlon and Smart, 2014). Magaisa (2010) posits that no lasting solution has been found to resolve land contestation issues in Zimbabwe decades after independence. This situation has not changed thirteen years after this publication by Magaisa (2010) and it looks like a solution might not be found any time soon. In view of the foregoing review, it is evident that Africans were victims of expropriation without compensation or under-compensation during the colonial era. The government of Zimbabwe attempted to cure this colonial-induced illness, but its prescribed medication partially cured the ailment and has side effects that require treatment as shall be discussed in the next section.

Policy and Legal Framework Guiding Expropriation and Compensation after Independence: 1980 to 2023

According to UNDP (2002), Shaw (2003), and Pilossof (2012), when it inherited the country from its former colonial masters, the Government of Zimbabwe was faced with a mammoth task of repealing and replacing all discriminatory land laws. After independence in April 1980, the initial foundation of the legal framework guiding compulsory acquisition and compensation was laid by the first constitution of an independent Zimbabwe (popularly known as the *Lancaster House Constitution of 1980*). This constitution was a product of the *Lancaster House Agreement* (the agreement) of 1979 (Ndulo, 2010) that ended the fifteen years of the armed struggle between former colonial masters and the revolutionary armies.

One of the conditions of this agreement which was incorporated into Section 16 of the *Lancaster House Constitution* of 1980 was that prompt and adequate compensation was to be paid for expropriated properties based on market value (Palmer, 1990; Madhuku, 1999; UNDP, 2002; Moyo, 2006; Njaya and Mazuru, 2010; Moyo, 2011; Hove and Gwiza, 2012). The same section also allowed compensation to be paid in foreign currency (Mlambo, 2005) in an offshore account of the affected person's choice without any deductions (Madhuku, 1999). This law, based on a willing buyer willing seller principle (Nyandoro, 2019; Mutema, 2019), was problematic since landowners offered unproductive land at inflated values (UNDP, 2002; Pazvakavambwa and Hungwe, 2009). Magaisa (2010) argued that the willing buyer, willing seller model failed to work because it was based on the willingness of those with land to offer it and on the ability of the government to pay compensation at market value.

According to Palmer (1990), Madhuku (1999), and Magaisa (2010), Section 16 of the *Lancaster House Constitution* of 1980) was protected for the first ten years of independence. In 1982 the *Communal Land Act* (Chapter 20:04) was passed, renamed formerly tribal trust land into communal (Government of Zimbabwe, 1982) land as defined by Section 3 of the same statute. As discussed before, people occupying tribal trust lands lost their customary land without compensation during the colonial era. One would expect the Zimbabwean government as it was working to reverse the ills of colonial rule through land reform and resettlement to give people in formerly tribal trust lands. It is known where these people were displaced from and how they lost their ownership rights.

However, instead of addressing this issue through an Act of Parliament, the *Communal Land Act (Chapter 20:04)* did little to compensate people displaced during colonial rule. This is coupled with the fact that the post-independence land reform also did not bring restitution to occupants of communal land. Furthermore, no statute brings ownership rights to people who lost their ownership rights during the colonial period since communal land is vested in the President in terms of Section 4 of the *Communal Land Act (Chapter 20:04)* of 1982. It can be inferred that statutory provisions of the *Communal Land Act (Chapter 20:04)* of 1982 are similar to those of the *Tribal Trust Land* of 1979, where occupants have use rights without ownership rights. Any debate on fair compensation for compulsory land acquisition cannot be complete without addressing issues surrounding victims of the pre-independence displacements.

Yacim, Paradza and Zulch (2022) noted the death of statutory guidelines for valuing expropriated communal properties. Given the foregoing, one might argue that people who were disadvantaged by colonial statutes are still to receive restitution and, at the same time, do not have enough protection from existing laws when their properties are to be expropriated.

According to Chivandi, Fushai and Masaka (2010), in 1985, the *Land Acquisition Act (Chapter 20:10)* was passed, and its Section 29 was a replica of Section 16 of the *Lancaster House Constitution of 1980.* Madhuku (2004) postulated that before 1985, compensation for expropriation was guided by the Land Acquisition Act of 1979, passed during the short-lived Zimbabwe-Rhodesia. Section 29 of the *Land Acquisition Act* of 1985 stipulated that whenever land was to be expropriated, then prompt and adequate compensation was supposed to be paid on or before the expropriation date. Promptness can be interpreted to mean that the compensation was to be paid without delay. Based on this same definition then, when there were delays in payment of compensation, then interest and interest are to be paid to compensate for the time value of money. Adequate compensation stems from the principle of equity and equivalence, which states that people affected by an expropriation project must be compensated for exactly what they have lost, nothing more, nothing less. Said in other words, they are not supposed to gain or lose because their properties are expropriated for use that benefits the public. Of interest in these statutory provisions is the fact that during the time in question, the land was needed for the resettlement of Africans who were disposed of their land without compensation during the colonial era. Therefore, any yardstick used to measure fairness in the compensation process has to go beyond what the current affected people were losing and must be broad enough to include previous landowners who lost the same land without compensation.

Soon after the expiry of statutory provisions of Section 52 of the *Lancaster House Constitution* of 1980 in 1990, in the early 1990s, the Zimbabwean government amended Section 16 of the *Lancaster House Constitution* of 1980 and repealed the *Land Acquisition Act* of 1985 (Ng'ong'ola, 1992; Moyo, 2000; UNDP, 2002; Thomas, 2003; De Villiers, 2003; Chivandi, Fushai, and Masaka;

2010; Njaya and Mazuru, 2010; Gwekwerere, Mutasa and Chitofiri, 2018). According to De Villiers (2003), the overall aim was to simplify compulsory acquisition and speed up the resettlement process. However, some scholars criticized some legal provisions which denied affected people the right to challenge the expropriation and compensation in a court of law (Ng'ong'ola, 1992; Madhuku, 1999; Magaisa, 2010).

The Government of Zimbabwe expropriated commercial farms in early 2000 without following the legal process (Cliffe, Alexander, Cousins and Gaidzanwa, 2011) in a bid to accelerate the acquisition of vast pieces of land and distribute it to multitudes of the indigenous landless (UNDP, 2002; De Villiers, 2003; Moyo, 2006; Pazvakakavambwa and Hungwe, 2009; Moyo, 2016). Section 16 of the *Lancaster House Constitution of 1980* was amended in the early 1990s through the *Constitution of Zimbabwe Amendment Act (Number 11) Act number 30* of 1991 (Madhuku, 1999; UNDP, 2002; Magaisa, 2010). This amendment changed the wording of Section 16 of the *LHC of 1980* from prompt and adequate to fair compensation which is paid over a reasonable period (Madhuku, 1999; De Villiers, 2003; Magaisa, 2010).

Following the *Constitution of Zimbabwe Amendment Act (Number 11) Act number 30 of 1991*, the *Land Acquisition Act of 1985* was repealed (Moyo, 2000; Thomas, 2003; De Villiers, 2003, Moyo, 2006; Chivandi, Fushai and Masaka, 2010) and replaced by the *Land Acquisition Act of 1992* through the *Land Acquisition Act Amendment (number 3)* of 1992 (De Villiers, 2003; Moyo, 2006; Nmoma, 2008). According to De Villiers (2003) and Moyo (2006), the *Land Acquisition Act of 1992* was crafted in line with the *Constitution of Zimbabwe Amendment Act (Number 11) Act number 30 of 1991* which departed from market value and adopted fair value for compensation. Another notable change brought by Section 29 of the *1992 Land Acquisition Act (Chapter 20:10)* is that it gave the mandate of determining the compensation value to the Compensation Committee (De Villiers, 2003; Chivandi, Fushai and Masaka, 2010).

The *Constitution of Zimbabwe Amendment Act 5* of 2002 and the *Land Acquisition Act Amendment 15* of 2000 transferred the responsibility of compensation for agricultural land expropriated during the Land Reform Programme to the British Government while the Government of Zimbabwe remained with the mandate to pay restitution for improvements on the land (Villiers, 2003; Moyo, 2006; Pazvakakavambwa and Hungwe, 2009; Magaisa, 2010; Moyo, 2016). These amendments might be justified by the need to give back land to Africans who lost the same without compensation. Speeding up the land distribution process was necessary, and the government of Zimbabwe might be right to deny compensation for the land which was taken from its people without compensation. However, there is a problem with a blanket assumption that all foreign nationals who were owning land benefited from colonial rule. According to Pilossof (2012), there is ample evidence showing that some farmers who lost their land during the fast-track land reform programme bought their farms after independence. The question then is why should a farmer who bought her/his farm after independence and did not benefit from the farms expropriated during the colonial era not get her/his compensation from the government of Zimbabwe? At the same time the first question still stands, why should the government of Zimbabwe pay for the land that was taken from its people without compensation? Whether the current farmer bought the farm in the open market or note does not change the fact that when the land was taken no compensation was paid. This equation can only be solved if the architects of colonialism accept responsibility of compensation for the effects of what happened during the years of colonial rule.

In 2013, Zimbabwe replaced the *Lancaster House Constitution of 1980* with the *Constitution Amendment (number 20: Act 1)* of 2013. According to Moyo (2016), Sections 72 and 295 of the new constitution replicate the provisions of the *Constitution of Zimbabwe Amendment Act 5* of 2002 specifically on non-compensation of land when it is expropriated for land resettlement. The Constitution of Zimbabwe of 2013 is very clear that compensation of land is to be paid by former colonial masters referring to the British Government. However, the former colonial master is not committing himself to pay the compensation for the expropriated land. This has left affected people with nowhere to go for compensation of their lost land. Therefore, even if the Government of Zimbabwe is going to pay the agreed compensation in terms of the Compensation Deed of Agreement, it might not bring a closure to the compensation dispute.

Paradza, Yacim and Zulch (2022) noted ambiguities in the Land Commission (Gazetted Land) (Disposal in Lieu of Compensation) Regulations of 2020 that were meant to provide for indigenous and foreign persons (protected by investment agreements prior to the expropriation) to apply and regain the title of their former properties. They concluded that any compensation done in terms of the same regulations will result in under-compensation and hence might not achieve the intended purpose.

The Future of Compensation for Expropriation in Zimbabwe

A solution to the lingering expropriation of Zimbabwe needs the involvement of the British Government. The former colonial master benefited from colonial policies and hence master take responsibility when a solution is sought to reverse the ills of the same. Any lasting solution should go beyond compensation for former commercial farmers who lost their land during the fast-track land reform programme. It must go as far back as 1890 and all victims of expropriation without compensation must be identified and compensated. Even though the Government of Zimbabwe succeeded in acquiring farms from former commercial farmers and resettling multitudes of Aboriginals, some of the people who lost their land during the land reform programme did not benefit. This is compounded by the fact that there is no law that provides for natives who lost their land during the colonial period.

Unlike former commercial farmers whose compensation for land is said to be paid by the former colonial masters, the Zimbabwean constitution is silent on compensation for Aboriginals who lost their land in the same fashion as the former commercial farmers during the colonial period. One might say those who benefited from the land resettlement programme have already received their compensation. Even where they benefited from the resettlement programme, to say that they received full compensation is against the spirit of indemnity. These people have lost access to their land for centuries hence just returning the land cannot be considered as adequate compensation. What about the delay in returning the use rights and the loss of land written all this long? One is justified to argue that these people deserve to be compensated for that.

Conclusion

Two research questions guided this study (1) how do the laws guiding compensation for expropriation evolve? (2) Has Zimbabwe's expropriation and compensation laws contributed to the current land compensation disputes? Thus, the initial laws were a creation of the colonialist skewed

in their favour to the exclusion of the black Zimbabweans. Redressing these imbalances after independence led to more complex problems. Accordingly, victims of colonial laws are yet to be compensated, and regrettably, more victims were added to the existing list after independence. This study recommends that future research could be done to seek the views of people who lost their land before and after independence and come up with an acceptable compensation framework. Also, Zimbabwe and its former colonial master are important stakeholders when trying to digest the complexity of compensation for expropriation in Zimbabwe. Therefore, the international community has a role to play if an answer to this issue is to be found in the future. Given the matter's sensitivity, it will be a mammoth task, but it must be done soon because delays can result in more victims, and the issue will be further intertwined.

Disclosure Statement

No potential conflict of interest was reported by the authors.

ORCID

Author1 https://orcid.org/ 0000-0001-5289-3179
Author2 http://orcid.org/0000-0003-0651-3360
Author3 https://orcid.org/0000-000l-8777-2510

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