



# Women, Land and Housing Rights Assessing the Impacts of Dispossession Ndola Rural Research Study Zambia, 2021

Conducted by:

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## EXECUTIVE SUMMARY

Since 2020, the Civic Forum on Housing and Habitat Zambia (CFHHZ) has been implementing a project, “Assessing the Impact of Women’s Dispossession from Land and Home,” in collaboration with the Housing and Land Rights Network of Habitat International Coalition (HIC-HLRN). In 2021, the project assessed the impact of women’s dispossession from land and home due to possible un-compensated displacements, a case of women in Chief Chiwala’s Chiefdom of Masaiti District, on the Copperbelt Province. The research team applied the Violation Impact Assessment Tool as the analytical method to measure human rights deprivation of a sample of women potentially affected due to the customary practices in the area.

Chiwala’s Chiefdom is one of the areas that have attracted a lot of investment, leading to displacement and loss of land for agricultural activities and local indigenous farmers’ access to natural resources such as water from naturally flowing streams, rivers and also forests that provided the community with firewood for cooking, energy and food security. The study focused on the households of farmers that were affected by Dangote Company, which established a cement manufacturing plant in 2013 within the chiefdom. This development informed the advocacy interventions of CFHHZ and Copperbelt Indigenous Peoples Land Rights Network (CIPLRN) for adequate compensation of the displaced families in 2013 premised on the low rates of compensation that the affected families were to be paid at the time.

The VIAT-based survey showed that dispossession of households from their homes mostly affected women in the area. A total of 160 households were engaged in this survey (70 males and 90 females). Despite the efforts to have the communities compensated based on market rates, and developments of the cement plant to adhere to the Environmental Impact Assessment (EIA) report and the Resettlement Action Plan (RAP), a number of violations of community members’ rights were noted. The VIAT-based survey showed that a stream which is a critical point of water access, was fenced off, and later contaminated with effluent from the plant. People in the newly settled area rely on man-made wells which have dried up and this has led to loss of access to water for gardening. This has contributed to reduced income among households that depended on gardening for their income. Other findings were that the intended beneficiaries of the housing units were not the actual occupants of the housing units built by Dangote and that the plant operations do not comply with the stipulations of the EIA, as the community is heavily polluted with dust from the plant. Additionally, consistent tremors from the blasting of the stone at the quarry pit has resulted into numerous cracks in community members’ homes and other buildings, therefore, threatening the life span of the structure as they were not built with structural specifications that would resist such extreme external pressure.

Within the scope of this study and its proposed remedies, the restitution of rights to wealth, wellbeing and habitat in case of violation remains a subject of continued advocacy intervention. The Government of Zambia like all governments should put in place guidelines that define liability and punitive measures against parties, including multinational corporations that violate the recommended procedures stipulated in the EIAs and the international human rights standards applicable in cases of eviction and displacement. This will enhance preservation of the environment and protection of the natural flora, fauna, soil quality, environment and human security for current and future generations. Such guidelines should stipulate full entitlements to reparations, foremost being restitution, but also setting compensation rates for losses, costs and damages to values that cannot be restored through restitution. These entitlements should comply with the reparation framework provided in international law and be provided proactively and retroactively to effected individuals, families and households.



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## ACRONYMS

ATM	Automated Teller Machine
CFHHZ	Civic Forum on Housing and Habitat Zambia
CIPLRN	Copperbelt Indigenous Peoples Land Rights Network
Ha	Hectare(s)
HH	Household
HIC	Habitat International Coalition
HLRN	Housing and Land Rights Network
HoH	Head of Household
EIA	Environmental Impact Assessment
ID	Identity Cards
KM	Kilometer(s)
NRC	National Registration Card
RAP	Resettlement Action Plan
VIAT	Violation Impact-Assessment Tool
ZEMA	Zambia Environmental Management Agency
ZMW	Rebased Zambian Kwacha <sup>1</sup>

<sup>1</sup> ZMW is equivalent to about €0.05, or ZMW 20 to €1.

## 1.0 Introduction

This report presents findings of the research study conducted by the Civic Forum on Housing and Habitat Zambia (CFHHZ) in collaboration with the Housing and Land Rights Network of Habitat International Coalition (HLRN-HIC). The study forms part of the joint “Assessing Impacts of Women’s Dispossession from Land and Home,” whose objective was to contribute to the body of knowledge that would enhance protection and promotion of land rights and the development of effective policies and implementation of strategies that would improve land administration in Zambia for *all*. Additionally, the assessment was conducted to protect land rights of marginalised and vulnerable groups, especially women.

Land in Zambia since time immemorial was under customary tenure till the 1960s when freehold and leasehold tenure systems were introduced. The total land mass of Zambia amounts to nearly 752,614 meter squared, with nearly over 80% being customary tenure. There are currently no statistics that show how much of customary land has been converted to statutory tenure. Customary tenure is an indigenous form of land ownership under the jurisdiction of traditional leaders and has a communal character. Leasehold tenure is usually held on land that is also known as state land. State land is assumed to be more secure compared to traditional land where landowners are entitled to the land based on use or inheritance and highly susceptible to displacements once land is sold off and the new owners acquire title for land under statutory tenure.

Zambia’s population is growing at 2.8% and urbanising at nearly 4% annually. These demographic dynamics have increased localised demand for land and challenges of land access and equity, especially among the marginalised groups. The legal framework that governs land administration in Zambia is characterised by inefficiencies arising mainly from a fragmented policy environment and a lack of sufficient coordination among the institutions dealing with land in Zambia.

Land is an essential means of production and national development, and its administration is reflected in the level and quality of development in any country. On 11 May 2021, the Zambian Government launched its land policy<sup>1</sup>, which seeks to enhance national development and improve land access among Zambians and for various development programmes, which include agriculture, industrial development and human settlements. The new policy, many years in the making, is seen as an advance for land rights of women, youth and persons with disabilities.<sup>2</sup>

It is against this backdrop that all economic activities should be supported by an effective and efficient land administration system, which ensures equity in land allocation and facilitates sustainable land use. A principal objective of sustainable land use and management is its preservation for use by future generations.

Zambia has experienced tremendous socio-economic transformation over the last four decades since independence, as evidenced by large-scale infrastructure development. The country has consistently recorded impressive improvement in social welfare and quality of livelihoods generally. However, such socio-economic transformation has not been entirely cost-free for the country especially in relation to the displacement of communities to make way for high-value projects. These developments have come in the context of global commitments, including the UN Guiding Principles on Internal Displacement<sup>3</sup> and UN Basic Principles and Guidelines on Development-based Evictions and Displacement.<sup>4</sup>

<sup>1</sup> Republic of Zambia, National Lands Policy, May 2021, <https://pmrczambia.com/national-lands-policy/>.

<sup>2</sup> Masuka Mutenda and Grace Chikumo-Mtonga, “Win for women’s right to land in Zambia,” *WeEffect* (22 June 2021), <https://weeffect.org/news/win-for-womens-right-to-land-in-zambia/>.

<sup>3</sup> UN Commission on Human Rights, Guiding Principles on Internal Displacement, E/CN.4/1998/53/Add.2, 11 February 1998, <https://undocs.org/E/CN.4/1998/53/Add.2>.

<sup>4</sup> UN Human Rights Council. The UN Basic Principles and Guidelines on Development-based Evictions and Displacement, Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, Miloon Kothari, Annex I, A/HRC/4/18, 5 February 2007, <https://undocs.org/A/HRC/4/18>.

These international norms are evidence of the increasing critical attention drawn toward such modes of development-induced displacement. The phenomenon and its social impacts certainly have intensified in recent years.<sup>5</sup>

Global concern converged to develop instruments to establish standards of behaviour that uphold African peoples' rights to land in the context of business activities has also intensified in the recent years. Most notable of these are the Nairobi Action Plan on Large-scale Land-based Investments in Africa (2011), adopted by the High-level Forum on Foreign Direct Investments in Land in Africa, representing African governments, Members of Parliament, traditional leaders, private sector, civil society and other stakeholders convened by the African Development Bank. The Action Plan aims at "minimising the potential negative impacts of large-scale land acquisitions, such as land dispossession and environmental degradation, in order to achieve an equitable and sustainable agricultural and economic transformation that will ensure food security and development."<sup>6</sup>

Other normative sources developed in the international sphere are The Guidelines on Business, Land Acquisition, and Land Use: A Human Rights Approach (2011), which proffer the Implementation of human rights to facilitate and adjust land appropriation.<sup>7</sup> The next year, the Food and Agriculture Organisation of the UN (FAO) adopted Guidelines on the Responsible Governance of Tenure,<sup>8</sup> which establish agreed-upon norms that seek to avoid violations and abuses against the most vulnerable and disadvantaged groups, while sustaining productive natural resources.

A challenge in upholding these standards, however, is their non-binding, voluntary nature, and the lack of monitoring mechanisms to ensure their effective application. Without sufficient monitoring, both prevention and remedy of abuse are made more difficult, not least by the absence of information about the full impacts of abuses, for which victims are entitled to remedy.

At the Africa regional level, the human right to adequate housing is elaborated in several binding core instruments, including the African Charter on Human and Peoples' Rights (1981), the African Youth Charter (2006), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol, 2003) and the Treaty for the Establishment of the East African Community (1999); the latter two of which address the particular rights of women to land and home. Another core instrument of note is the African Charter on Democracy, Elections and Governance (2007), which is perhaps more relevant to the specific issue of development-induced displacement in requiring that "State Parties shall institutionalise good economic and corporate governance, including through equitable allocation of the nation's wealth and natural resources" (Article 33).

Within international law, the right to adequate housing is enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Zambia ratified on 10 July 1984. (See **Annex 2: Zambia's Relevant Treaty Ratifications.**) More specifically, the Committee on Economic, Social and Cultural Rights (CESCR), which interprets the treaty and monitors its implementation, has clarified states' obligations in implementing the human right to adequate housing through two related General Comments Nos. 4 and 7 (The right to adequate housing, and the right to adequate housing: forced evictions, respectively).

<sup>5</sup> Michael M. Cernea, "Re-examining 'Displacement': A Redefinition of Concepts in Development and Conservation Policies," *Social Change*, Vol. 36, No. 1 (2006), pp. 8–35, <https://journals.sagepub.com/doi/10.1177/004908570603600102>; Prabir Kumar Pattnaik, "Development Induced Displacement and Resettlement: Analysis of Judicial Policy," *Journal of the Indian Law Institute*, Vol. 55, No. 3 (July–September 2013), pp. 346–60, <https://www.jstor.org/stable/43953674?seq=1>; Bogumil Terminski, *Development-Induced Displacement and Resettlement: Causes, Consequences, and Socio-Legal Context* (New York: Ibidem Press, 2015); Frank Vanclay, "Project-induced Displacement and Resettlement: From Impoverishment Risks to an Opportunity for Development?" *Impact Assessment and Project Appraisal*, Vol. 35, Issue 1 (2017), pp. 3–21, <https://www.tandfonline.com/doi/full/10.1080/14615517.2017.1278671>; Irge Satiroglu and Narae Choi, eds., *Development-Induced Displacement and Resettlement: New Perspectives on Persisting Problems* (New York: Routledge, 2017); World Bank, *Environmental & Social Framework for IPF Operations ESS5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement* (Washington: World Bank Group, 2018), <http://documents1.worldbank.org/curated/en/294331530217033360/ESF-Guidance-Note-5-Land-Acquisition-Restrictions-on-Land-Use-and-Involuntary-Resettlement-English.pdf>.

<sup>6</sup> Nairobi Action Plan on Large-scale Land-based Investments in Africa, High-level Forum on Foreign Direct Investments in Land in Africa, October 2011, <https://www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/Nairobi%20Action%20Plan%20Final%20English.pdf>.

<sup>7</sup> Institute for Human Rights and Business, *Guidelines on Business, Land Acquisition and Land Use: A Human Rights Approach*, Draft for Consultation, November 2011, [http://www.ihrb.org/pdf/Guidelines\\_on\\_Business\\_Land\\_Acquisition\\_and\\_Land\\_Use-Draft\\_for\\_Consultation.pdf](http://www.ihrb.org/pdf/Guidelines_on_Business_Land_Acquisition_and_Land_Use-Draft_for_Consultation.pdf).

<sup>8</sup> FAO, *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*, Officially Endorsed by the Committee on World Food Security on 11 May 2012, <http://www.fao.org/nr/tenure/voluntary-guidelines/en/>.

CESCR's General Comment No. 16 on the equal right of men and women to all economic, social and cultural rights further clarifies that the human rights of women are not lesser or secondary to those of men, including rights around land, housing and displacement. General Comment No. 7 explicitly prohibits "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." And it establishes the conditions for an eviction to be legal in states parties to the Covenant, namely; the state and its constituent organs concerned must ensure:

- a. An opportunity for genuine consultation with those affected;
- b. Adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- c. Information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
- d. Especially where groups of people are involved, government officials or their representatives to be present during an eviction;
- e. All persons carrying out the eviction to be properly identified;
- f. Evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
- g. Provision of legal remedies;
- h. Provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

Further, evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the state party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.<sup>9</sup>

It is important for policymakers, development partners and human rights defenders to keep in mind that the UN Commission on Human Rights has repeatedly affirmed that forced evictions not complying with the aforementioned conditions constitute "gross violations" of human rights, in particular, the human right to adequate housing.<sup>10</sup> As further resolved by the UN General Assembly, such gross violations invoke victims' entitlement to reparations, as defined in international law<sup>11</sup> (See **Annex 1** below).

With regard to women and land right, reviews of Zambia's performance of ICESCR, CESCR had observed that "the prevalence of customary law - certain traditions, customs and cultural practices - leads to substantial discrimination against girls and women, in particular widows, thereby preventing them from fully exercising their rights under the Covenant."<sup>12</sup> However, the Committee on the Elimination of All Forms of Discrimination against Women (CEDaW) also has commended the Republic of Zambia more recently, for its efforts to implement the Convention through various policies, programmes and initiatives such as the policy that reserves 30 per cent of titled land specifically for women, at a subsidised rate, as prescribed in the National Gender Policy (2000).<sup>13</sup>

It is this normative human rights framework and criteria of sustainable development that guide the present investigation into the housing and land rights conditions in the Chiwala Chiefdom. The project implementation has taken place in three phases: (1) a normative/learning workshop, (2) a technical workshop on the quantification of impacts, and (3) the field survey, the subject of the present report. To

<sup>9</sup> CESCR, General Comment No. 7: The Right to Adequate Housing (Art.11.1): Forced Evictions, 20 May 1997, Paras. 15–16, Contained in Document E/1998/22, annex IV, at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f6430&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f6430&Lang=en).

<sup>10</sup> Commission on Human Rights, "Forced Eviction," Resolution 1993/77, 10 March 1993, <http://www.hlrn.org/img/documents/ECN4199377%20en.pdf>; "Prohibition of Forced Evictions," Resolution 2004/28, 16 April 2004, para. 1, [http://www.hlrn.org/img/documents/E-CN\\_4-RES-2004-28.pdf](http://www.hlrn.org/img/documents/E-CN_4-RES-2004-28.pdf).

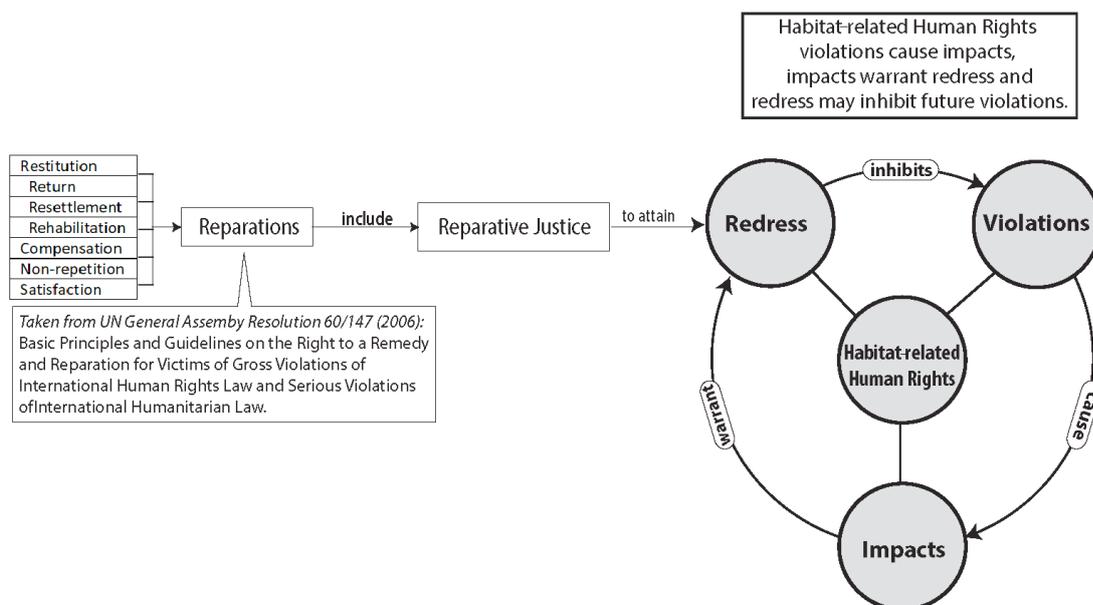
<sup>11</sup> Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147, 21 March 2006, <http://www2.ohchr.org/english/law/remedy.htm>.

<sup>12</sup> CESCR, Concluding Observations on the First Periodic Report: Zambia, E/C.12/1/Add.106, 23 June 2005, <https://undocs.org/sp/E/C.12/1/Add.106>.

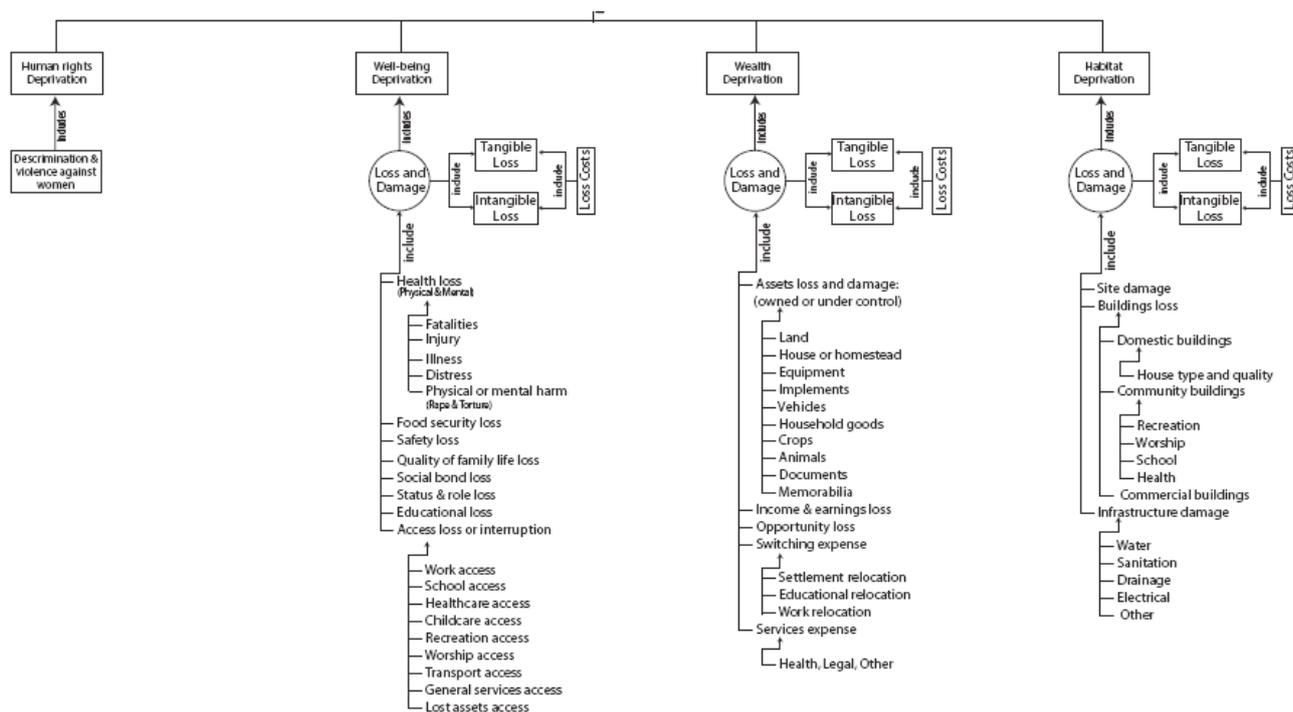
<sup>13</sup> CEDaW, Concluding Observations of the Committee on the Elimination of Discrimination against Women: Zambia, CEDAW/C/ZMB/CO/5-6, 19 September 2011, Para.5, <https://undocs.org/CEDAW/C/ZMB/CO/5-6>.

establish the common normative framework, groups from communities affected by pre, post and ongoing forced evictions, women’s land rights organisations, civil society organisations and government officials working on land and other habitat rights attended the hybrid (present and online) workshop hosted by HLRN (Cairo) and CFHHZ (Lusaka). The subsequent technical workshop focused on the questionnaire adopted from the HIC-HLRN Violation Impact-assessment Tool (VIAT) being applied to cases of forced evictions and reparations at various stages also in Uganda, Kenya, Zimbabwe and India.

The VIAT is based on the human rights and reparative justice approach to women’s land and habitat rights developed by HIC-HLRN and first implementation in Kenya by Mazingira Institute. Below is a graphic representation of the concept.



With the view of applying human rights criteria and the reparations framework of entitlements of victims with regard to the gross violation of forced eviction, the inquiry sought to determine the actual and potential impacts of evictions and displacement affecting the wellbeing, wealth and habitat of the effected population. The following graphic representation illustrates the values subject to the survey.



The present land study was launched in Chief Chiwala’s Chiefdom of Masaiti District in Ndola Rural, in the Copperbelt Province, on 18 April 2021.<sup>14</sup> The field survey was conducted over a period of four months amid COVID-19 pandemic restrictions, adding to the difficulty of execution. The CFHHZ research team had an initial meeting with Chief Chiwala and his subjects to inform them about the aforementioned research objectives. The research was conducted in four villages in the chiefdom to establish real and potential impacts of women’s dispossession from land and home arising from displacements, evictions or possible threatened evictions.

The 2021 study analysed the effects of investment on displaced families who had relocated from their original homes and those who had remained at their original homes despite losing their farming land and access to natural resources. This study sought to gather indispensable information on the real and potential losses, costs and damages to persons in the affected community, including their habitat, wealth, and wellbeing in light of displacements or potential displacements, forced evictions and threatened possible evictions and its impact on their economic and social welfare.



Figure 1: Administrative map of Zambia, showing Copperbelt Province (centre), Zambia’s copper-mining region, with Ndola as its capital, just 10 kilometres (6.2 mi) from the border with DR Congo. Source: Nations Online Project



Figure 2: Masaiti District of Copperbelt Province seen in red inset. Source: Wikipedia

Chiwala’s Chiefdom is located in a prime area that has attracted a lot of investment, leading to displacements and loss of land for agriculture and local indigenous farmers’ access to natural resources such as water from naturally flowing streams, rivers and forests that provided the community with firewood for cooking,

<sup>14</sup> Msaiti District and its neighbours Lufwanyama and Mpongwe Districts were known as “Ndola Rural” before administrative changes in 1997.

energy, and food security. The study focused on the households of farmers that were affected by Dangote Company, which established a cement manufacturing plant in 2013 within the chiefdom. It informs the advocacy of CFHHZ and the Copperbelt Indigenous Peoples Land Rights Network (CIPLRN) for adequate compensation of the displaced families in 2013.

### 1.1 Demographic and Socio-economic Summary

For this study, the demographic and social-economic data were collected by village, type of household, gender, age group, education level, and employment status. The following table summarises these findings.

**Table 1: Demographic and Social-economic Data**

	N	Min	Max	Mean	Std	Frequency	Percentage
<b>Village</b>	160	1	4	2.76	0.948		
Dangote						16	10
Chisoboya						47	29.4
Kalulu						56	35
Chingwere						41	25.6
<b>Type of Household</b>	160	1	2	1.9	0.301		
Displaced						16	10
Not displaced						144	90
<b>Gender</b>	160	1	2	1.56	0.498		
Male						70	43.8
Female						90	56.3
<b>Age Group</b>	160	2	7	3.7937	1.47983		
Between 17 and 25						34	21.3
Between 26 and 35						43	26.9
Between 36 and 45						43	26.9
Between 46 and 55						13	8.1
Between 56 and 65						16	10
Above 66						11	6.9
<b>Educational Level</b>	160	1	99	9.07	25.699		
Primary						60	37.5
Lower Secondary						66	41.3
Upper Secondary						17	10.6
Tertiary Education						5	3.1
Not Applicable						12	7.5
<b>Employment Status</b>	160	1	2	1.96	0.205		
Yes						7	4.4
No						153	95.6

## 1.2 The Villages

The study targeted 275 households (HHs) of four villages under Chief Chiwala's Chiefdom of which 160 were participants were captured. The remaining HHs were not captured as they were not present during the period of data collection of the study for various reasons. Some reasons included temporal relocation in search of opportunities in the city, long-term visits to other villages or towns, and relocation as some potential respondents relocated to their farming areas and would return after the harvest, or those who had gone for other economic activities and still had farming land would only return during farming season. As shown in Table 1 above, most of the respondents interviewed came from Kalulu village, where 56 HHs (35%) of the total study population; and Chisoboya village, with 47 HHs (29.4%). The lower representations came from Dangote village, with 16 HHs interviewed, representing 10%; and Chingwere village, with 41 HHs representing 25.6%. The village called Dangote is named after the cement company, as the village was meant to be the relocation site of the families who were evicted after the construction of the Dangote Cement plant.



*Figure 3: The original housing units built by community members.*

### 1.2.1 Type of Household

On the household type, Table 1 above shows that the evicted households were those in Dangote village whereas the un-displaced or not evicted are distributed among Chisoboya, Kalulu, and Chingwere villages. Initially, the houses that Dangote Company constructed for the evicted households were 57 housing units, but it was established that only 26 housing units were allocated to the displaced families. The other 31 houses constructed are occupied by tenants.

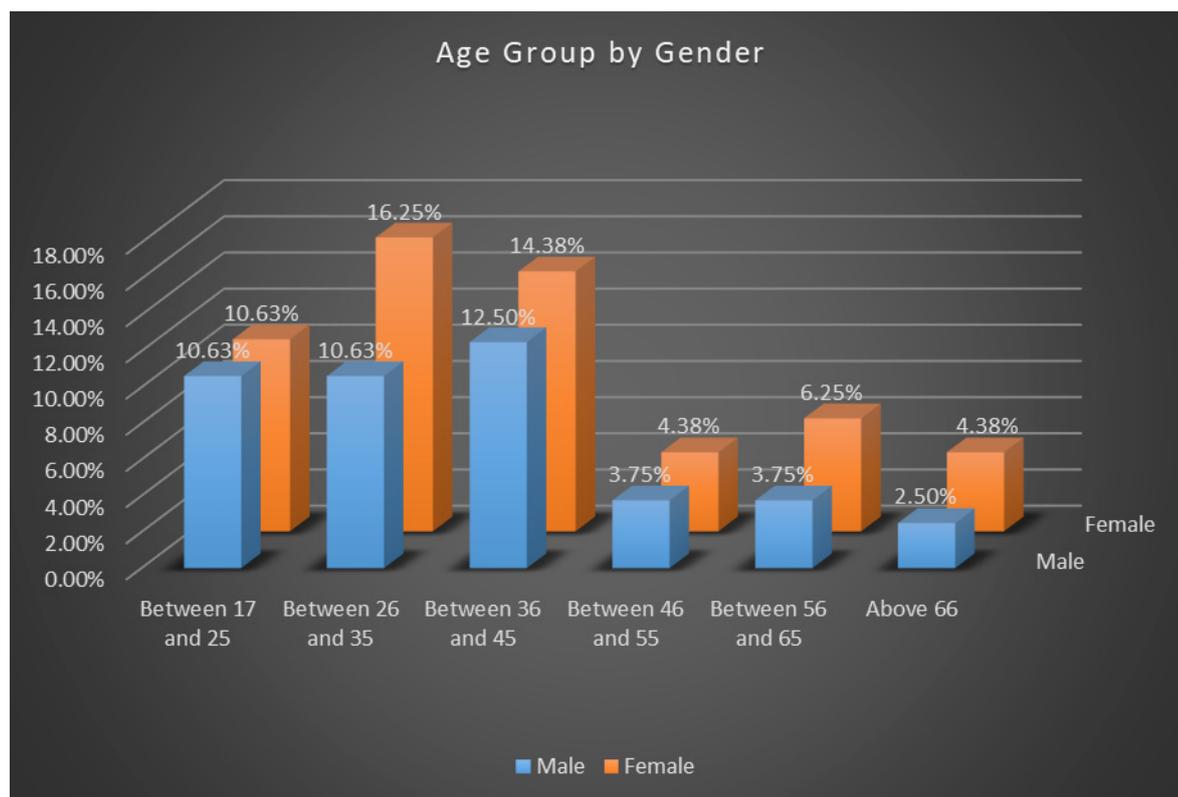


*Figure 4: Modern housing units built by Dangote Company*

The dynamics of having 54% of the housing units built for evicted families being rented to tenants prompted the research team to probe further and establish who was benefiting from the rentals paid by tenants, and this matter is viewed as a subject of further investigation. With regard to this study, out the 26 families occupying the newly constructed houses, only 16 were available for interviews, representing 10% of the total number of 160 respondents interviewed.

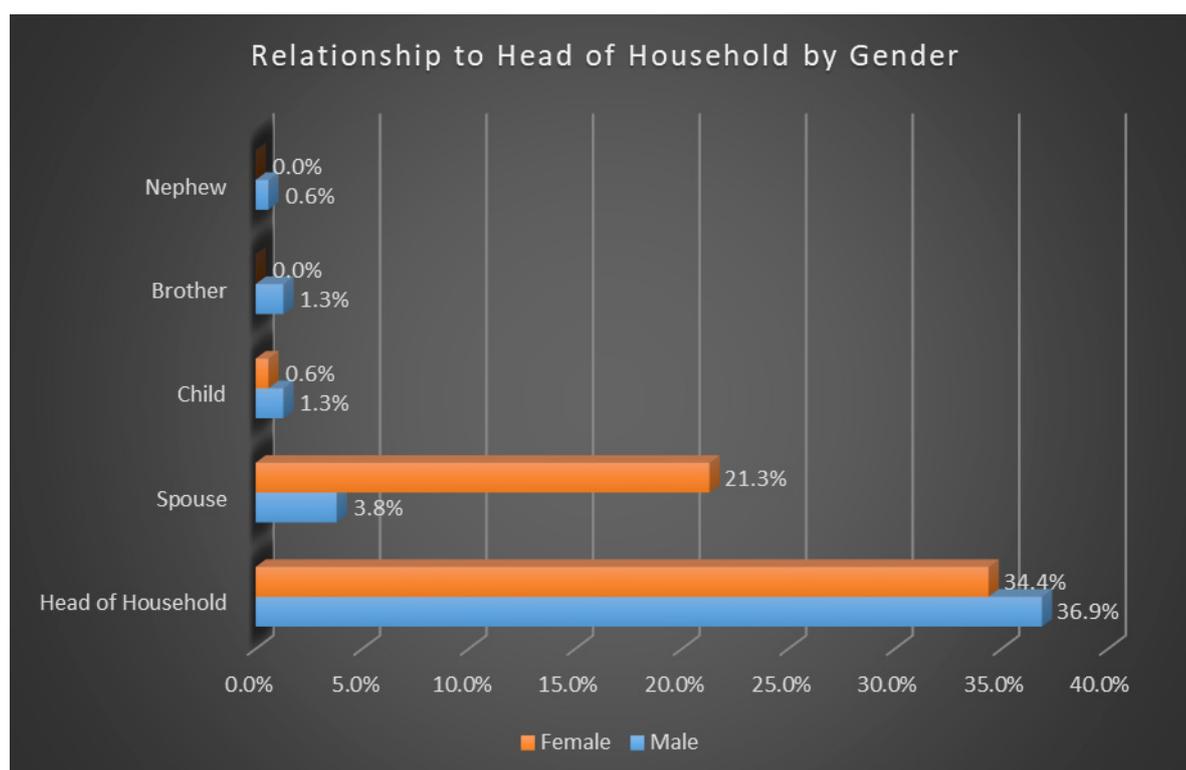
## 2.0 Gender

As shown in Table 1 above, out of the total 160 of respondents interviewed, 70 (43.8%) were male and 90 (56.3%) were female. The age group by gender is as follows:



## 2.1 Respondent’s Relation to Head of Household by Gender

A total of 114 respondents (71.3%) of the aggregate total reached during the study were the heads of households [59 males (36.9%) and 55 females (34.4%)], whereas 40 respondents, representing 25%, were the spouses [six male (3.8%) and 34 female (21.3%)], three (3) respondents which was 1.9% of the study population were child headed [two male (1.3%) and one (1) female (0.6%)], two (2) (1.3%) of the study population were a brother to the head of household and one (1) (0.6%) was a nephew to the head of household. This indicates that the majority of the respondents were heads of households.



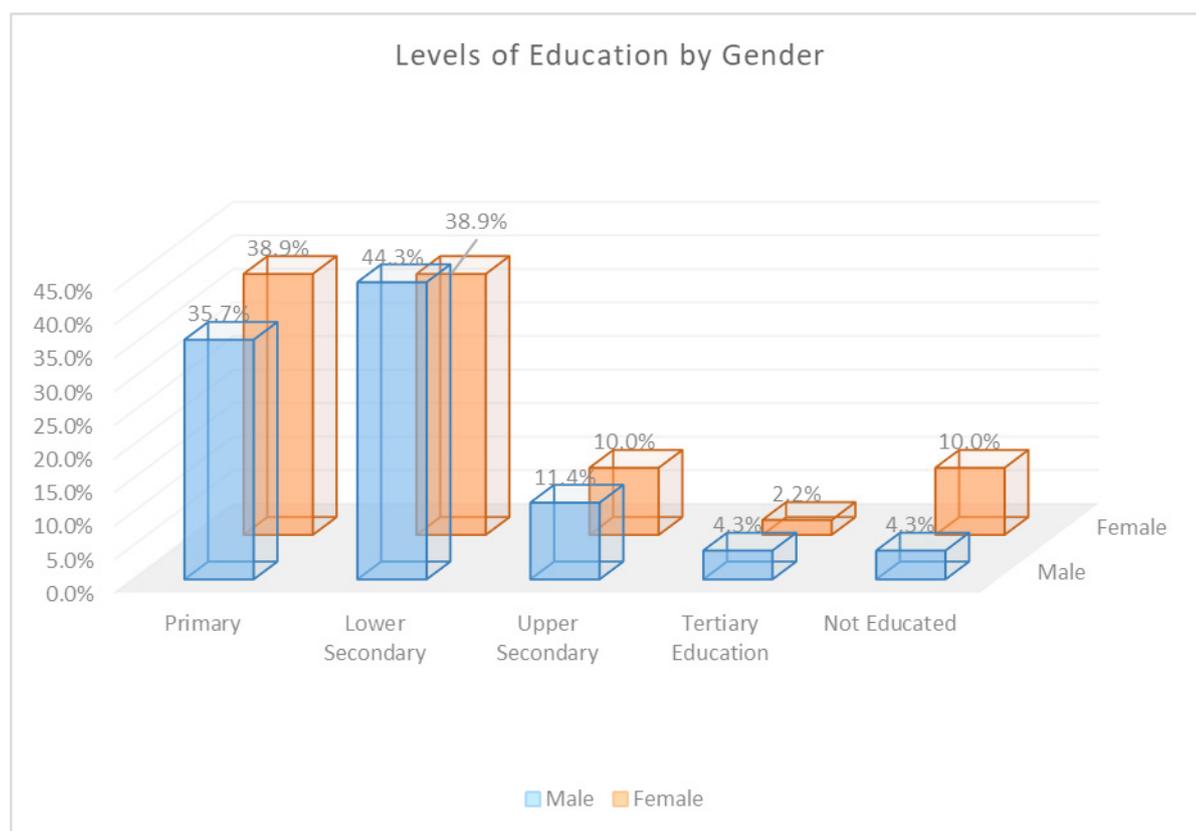
### 3.0 Average Number of Household Members

According to the findings, the minimum number of persons living in a household is one, and the maximum number of persons is 11. The total number of persons in the households captured is 676 and the average number of people per household is 4.2 persons which was the implied expected number for each household. The standard deviation implies that each household can have either minus persons or an addition of two persons above or below the average of four persons, based on the analysis.

Number of Household Members							
	N	Range	Minimum	Maximum	Sum	Mean	Std.
NHM	160	10	1	11	676	4.23	2.083

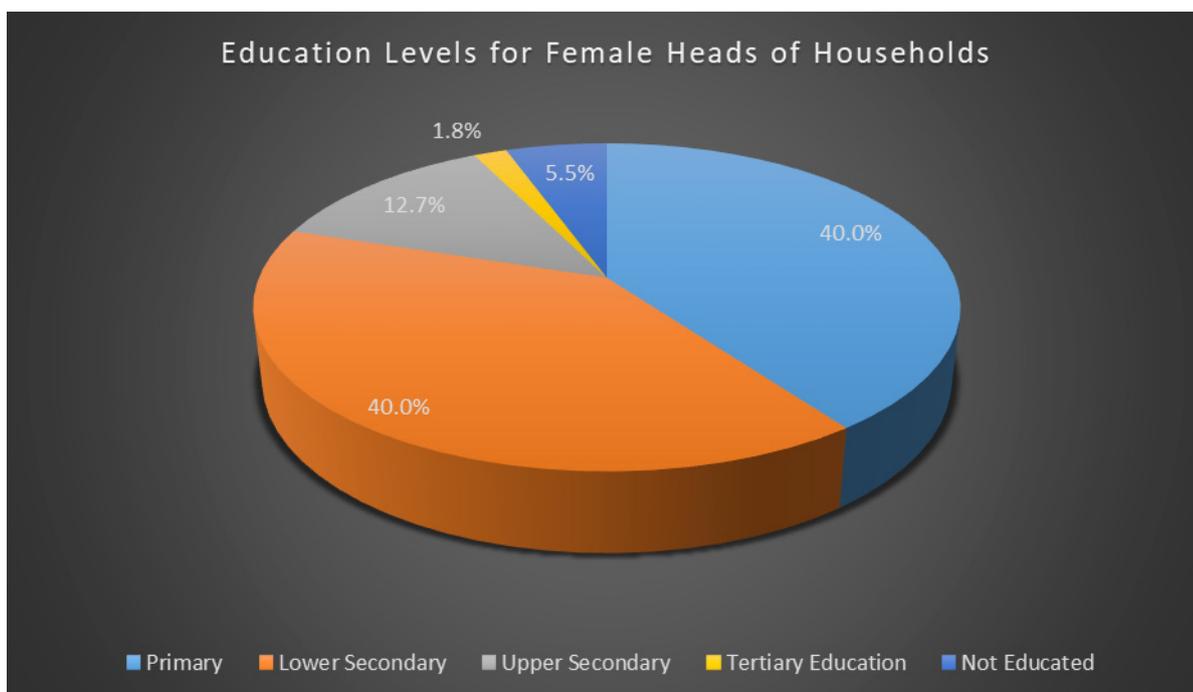
### 3.1 Level of Education by Gender

The level of education was another important variable that research sought to establish as it determines the ability of individuals to engage authorities and demand for their rights and entitlements. It was found that more women had attained an education, which was either lower than secondary education or below as compared to males who attained similar levels of education. There was no statistically significant difference between gender and levels of education. This meant the ability to comprehend issues that affected their entitlements to land and home was equal between men and women.



As shown in the figure above, for females, the education levels which had the highest frequency were the lower secondary level, 35 (38.9%) and the primary level, 35 (38.9%). Out of the 90 female respondents interviewed, nine (9) that is about 10% had attained upper secondary education whereas only two (2) which is 2.22% had attained tertiary level of education.

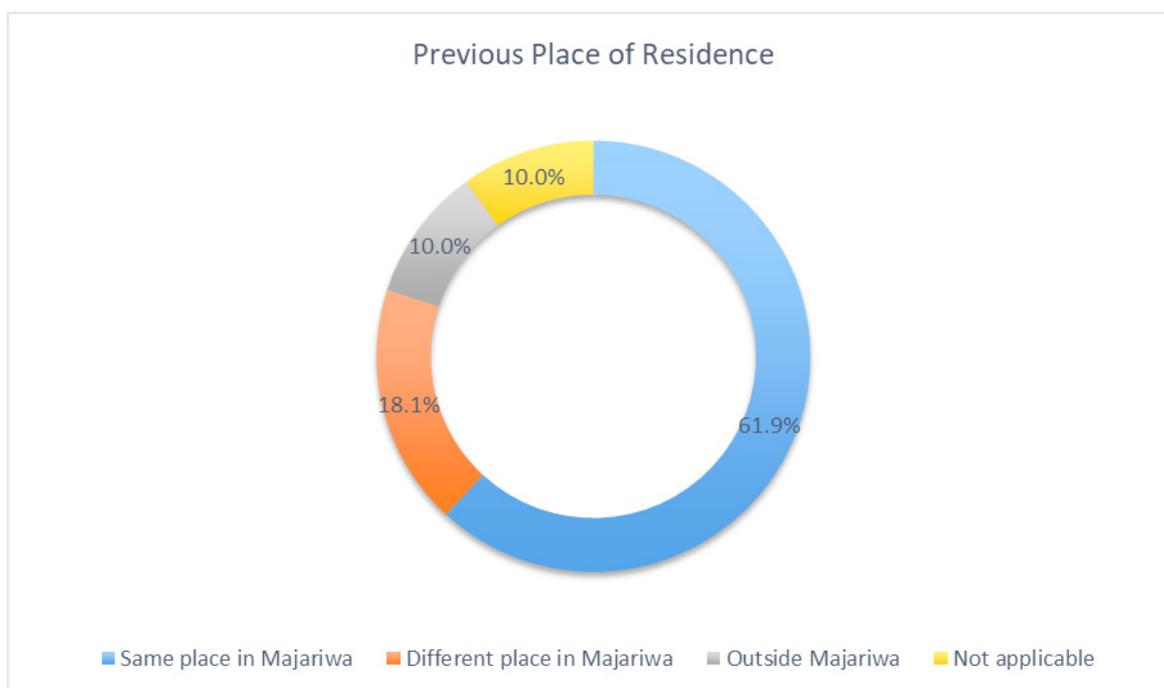
### 3.2 Education Levels for Female Head



As presented, of the 55 female heads of household (HoHHs), 40% attained primary education; 40% lower secondary education; 1.8% attained tertiary education; and three (3) (5.5%) were not formally educated at all.

### 4.0 Area of Previous Residence

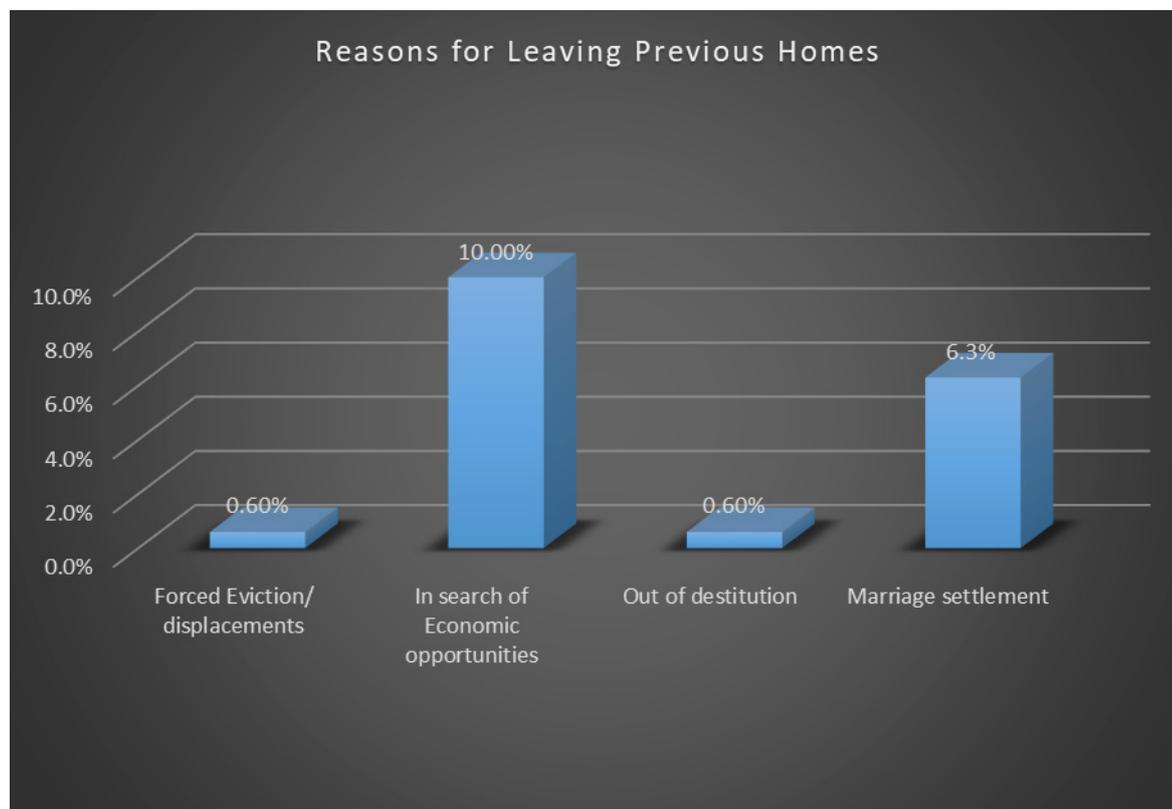
Area of previous residence was considered important in the current study because it would give information about the value attributed to the communities and how these values can easily be lost in times of possible eviction.



As reflected above, 99 (61.9%) of the respondents came from the same place in Majariwa; 29 (18.1%) came from a different place within Majariwa; 16 (10%) came from outside Majariwa while 16 (10%) not applicable were displaced to Dangote village.

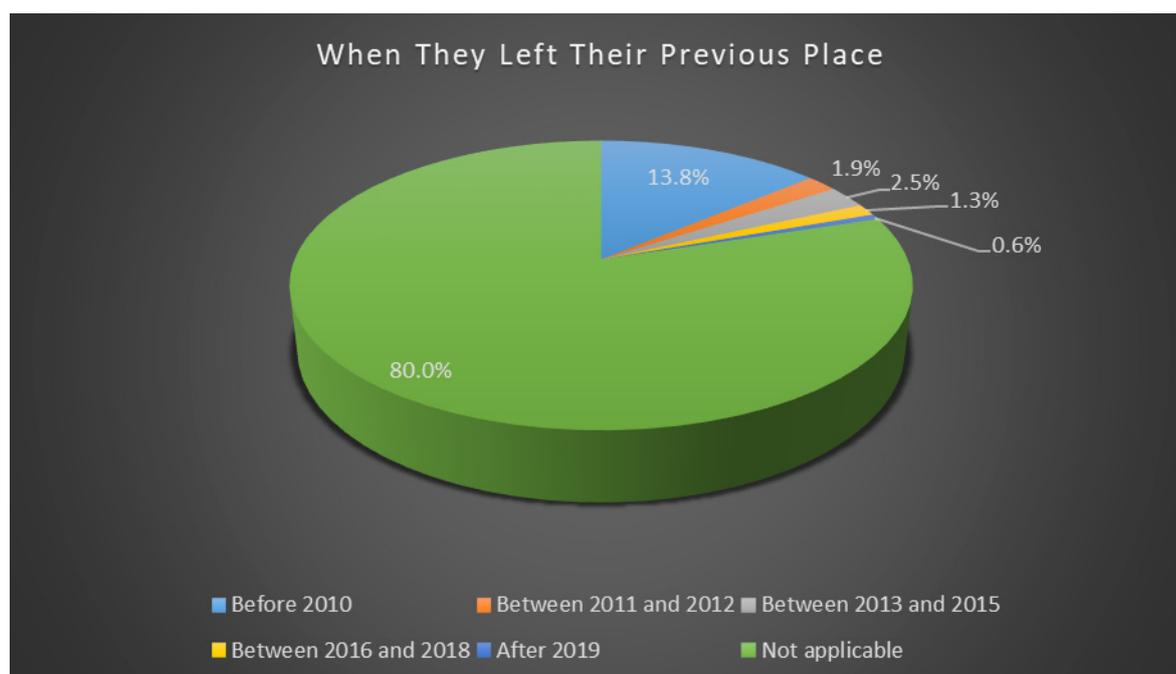
### 4.1 Reasons for Leaving Previous Place of Residence

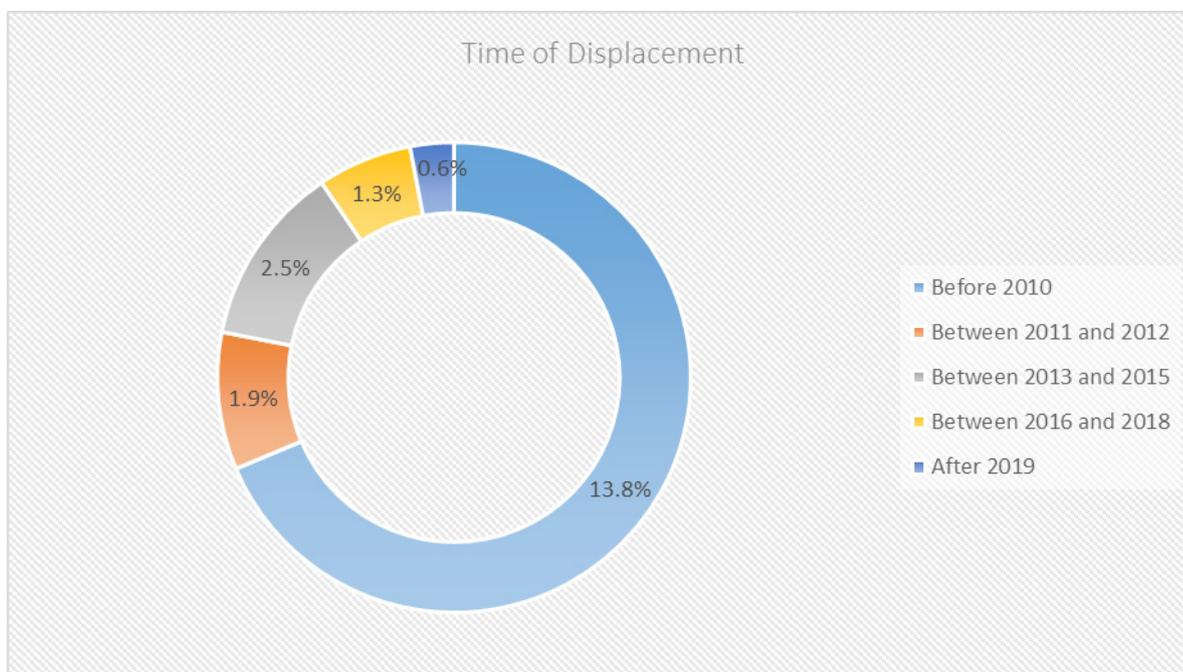
Among the reasons why people relocated included: forced evictions/displacements at a frequency of one (1) that is 0.6%; searching for economic opportunities with a frequency of 16 that is 10%; destitution with a frequency of one (1) that is 0.6% and other reasons which included intermarriages with a frequency of 10 that is 6.3%.



#### 4.1.1 When they Left their Previous Area of Residence

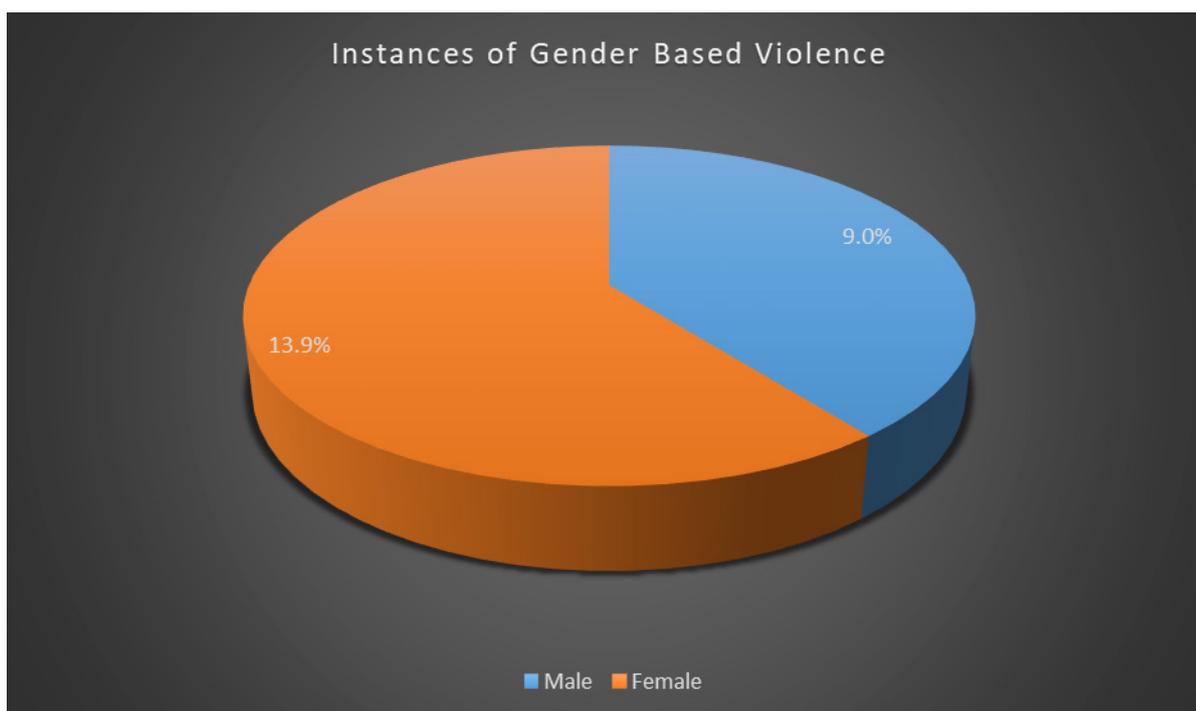
The period of the eviction/displacement is significant, because the effects (changes to habitat, wealth and wellbeing) likely would accumulate over time. The following is a reflection the chronology and sequences of these changes of location.





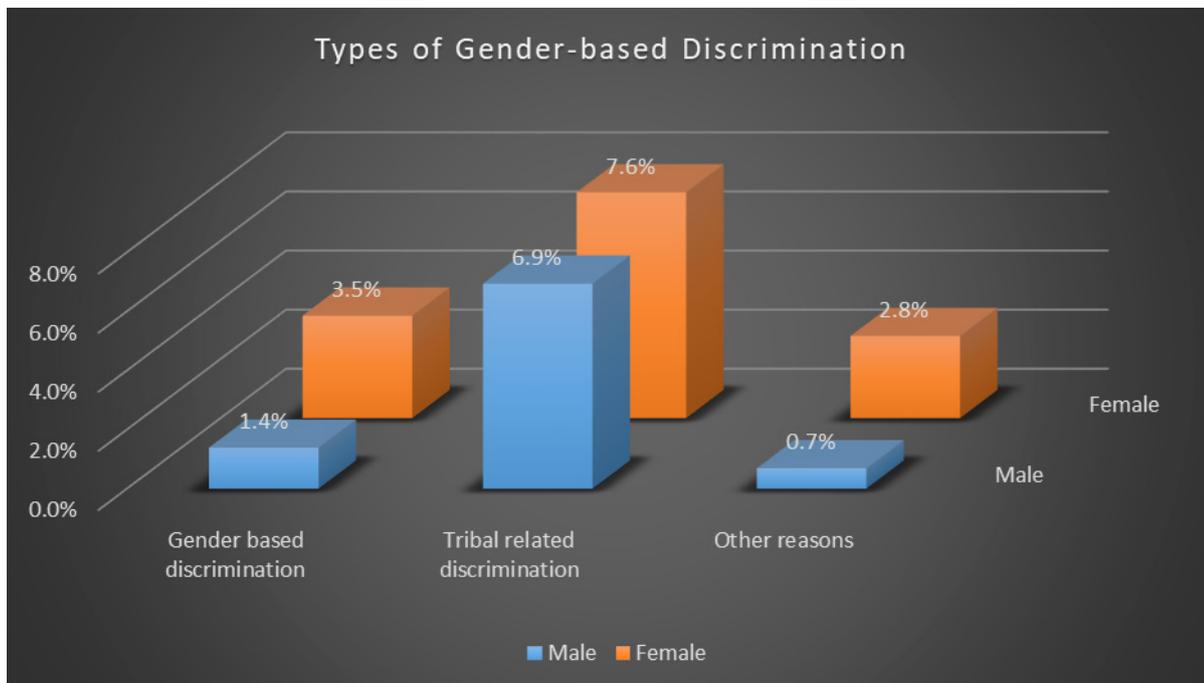
#### 4.1.2 Whether they Experience Any Kind of Discrimination by Gender

According to the findings, more females, 20 (13.89%) experienced discrimination as compared to their male counterparts who were only 13 (9.03%).



#### 4.1.3 Type of Discrimination Experienced by Gender

The research sought to establish the types of discrimination that existed in the community. It established that the most common type of discrimination against women was based on tribal grounds, with 14.58% of respondents confirming and sharing their experiences, and 4.86% stating that they experienced gender-based violence.



As shown in the table above, more women, (3.5%) experienced gender-based discrimination as compared to men (1.4%). A total of 7.6% females encountered discrimination based on tribe, as compared to men, 6.9% who stated that they were discriminated based on the same reason; and 2.8% females were discriminated based on other reasons such economic status as compared to 0.7% male.

## 5.0 Economic Values and Assets

Economic values and assets considered in this study included the size of land owned; non-economic benefits; access to clean water, sanitation and garbage-disposal facilities; value of household assets; environmental resources; access to infrastructure, services and utilities; livestock owned; social benefits received; types of documents in possession; sources of income; and access to loans and usage of funds accessed through loan facilities.

## 6.0 Regular Expenditures

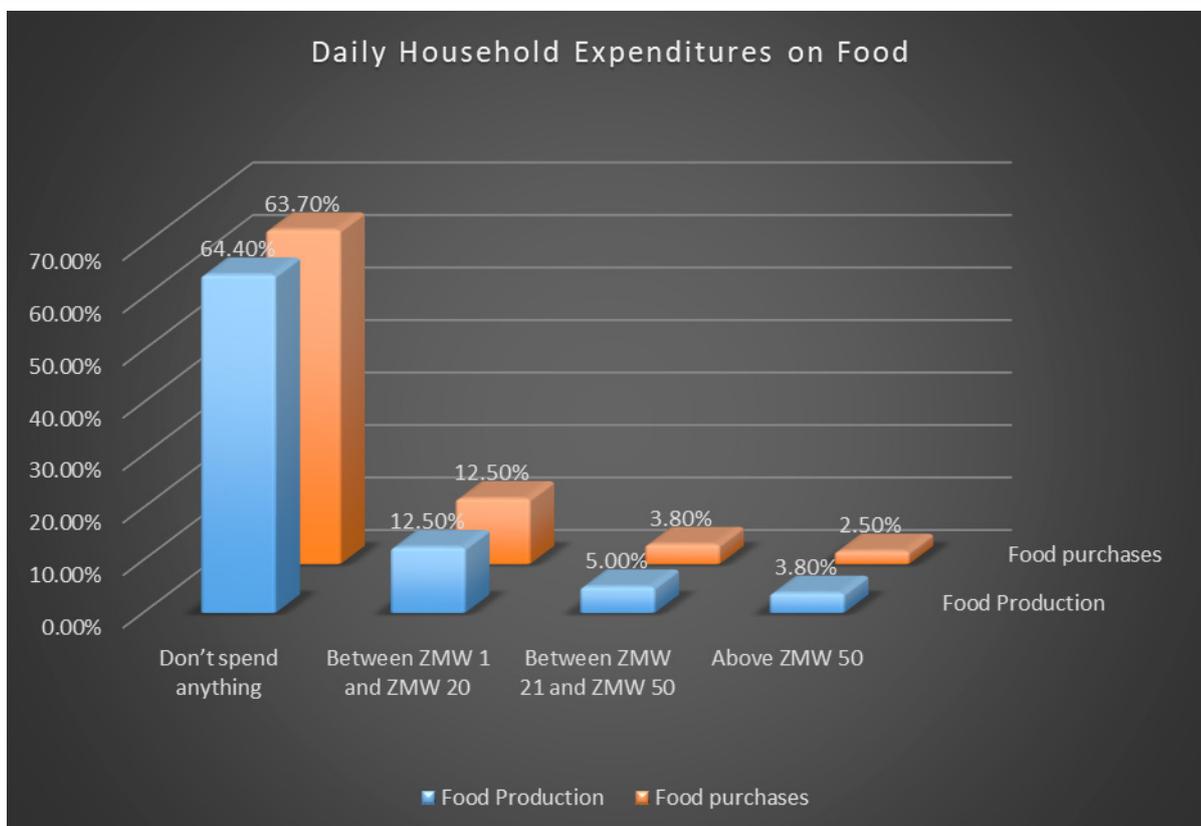
### 6.1 Regular Expenditures (Household)

Regular household expenditures in this study consisted of bureaucratic and legal fees; food production and purchases; medical expenditures in times of illnesses; expenses to access information on housing rights; amounts spent on organising community meetings; and school related expenditures. These were considered necessary to establish whether or not the situation would be worse in times of an eviction.

In exploring public/state costs/expenditures, the findings show that the common types of public administrative offices in this community as stated by the respondents included court costs (50%); health expenditures (62.5%); and school-related expenditures (62.5%). Despite these being stated as belonging to the Dangote community, these administrative offices were the same ones the residents used to access before displacement. That means that the distances increased, thereby questioning whether the kind of compensation that the displaced households received from Dangote Company covered these shifting costs. According to the findings, 43.8% of the respondents indicated that charges to access public services in the new location were expensive, while another 43.8% indicated that it was affordable.

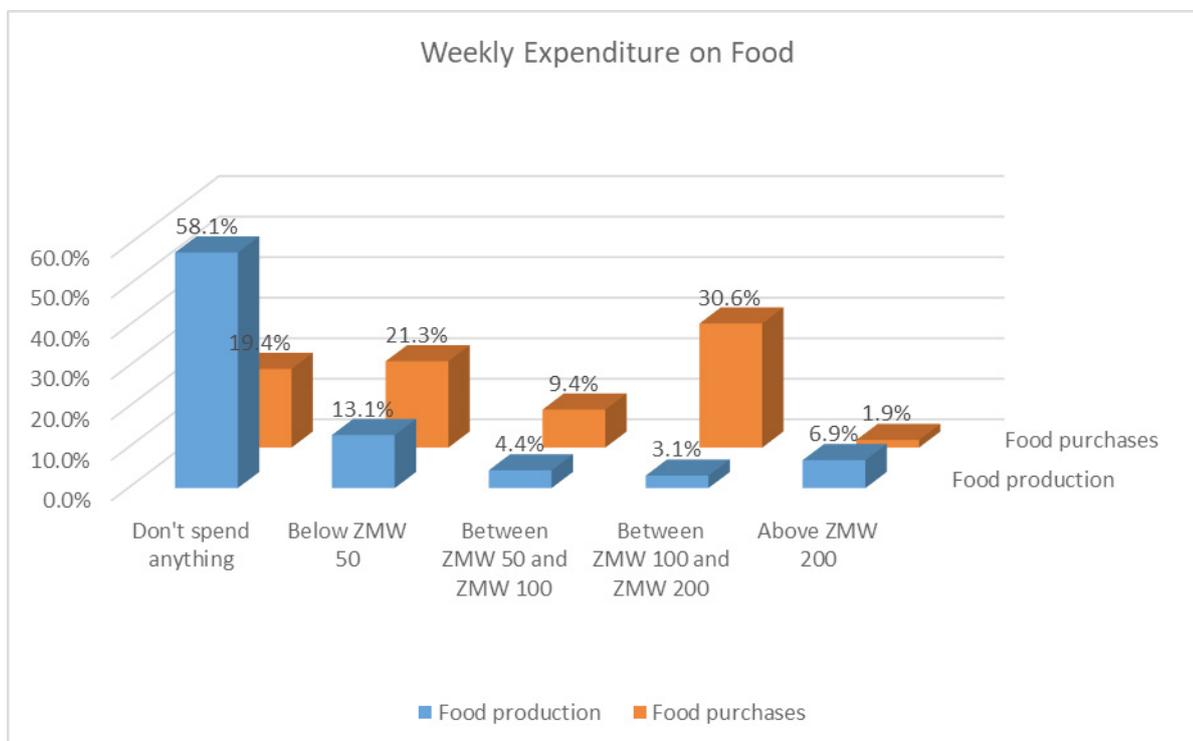
#### 6.1.1 Daily Amount Spent on Food Production and Food Purchases

On food production or food purchases, the findings of the study indicated that the majority of effected households spent between nothing to ZMW 20 on daily food costs; whereas 63.7% of the respondents stated that they did not spend anything on food purchases.



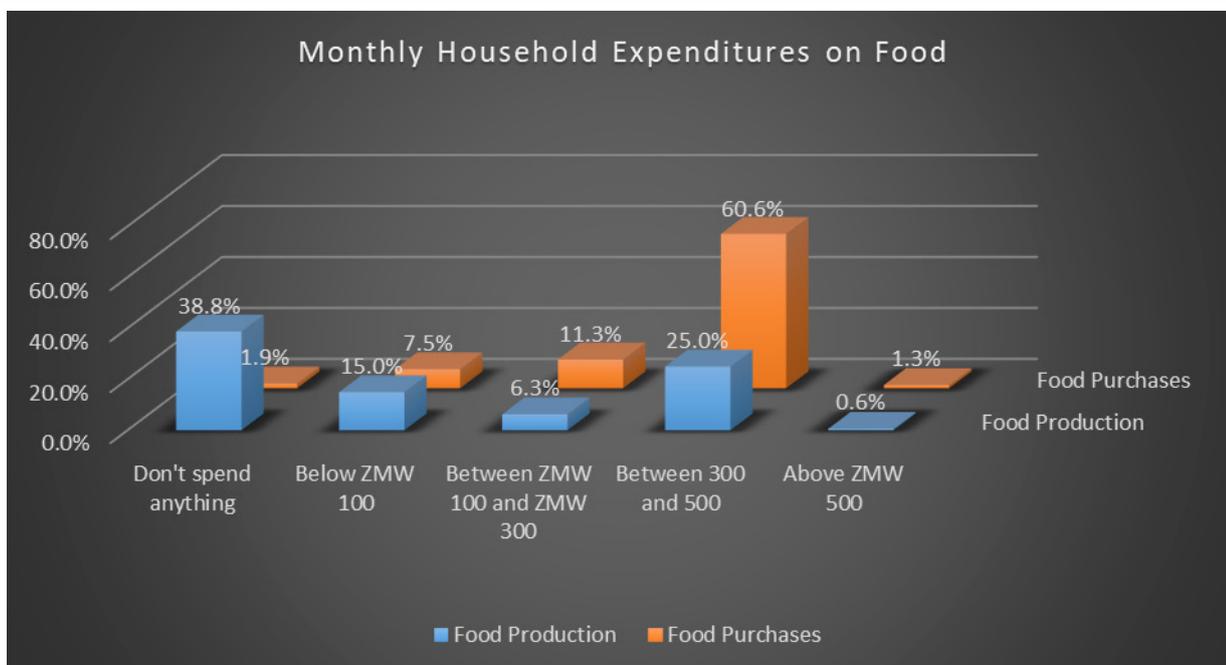
### 6.1.2 Weekly Amount Spent on Food Production and Food Purchases

With the weekly amount spent, mostly, the households do not spend anything on food production. Although most of the food supplies would come from their own produce or from the forest around their community, they rarely spent anything during the process.



### 6.1.3 Monthly Amount Spent on Food Production and Food Purchases

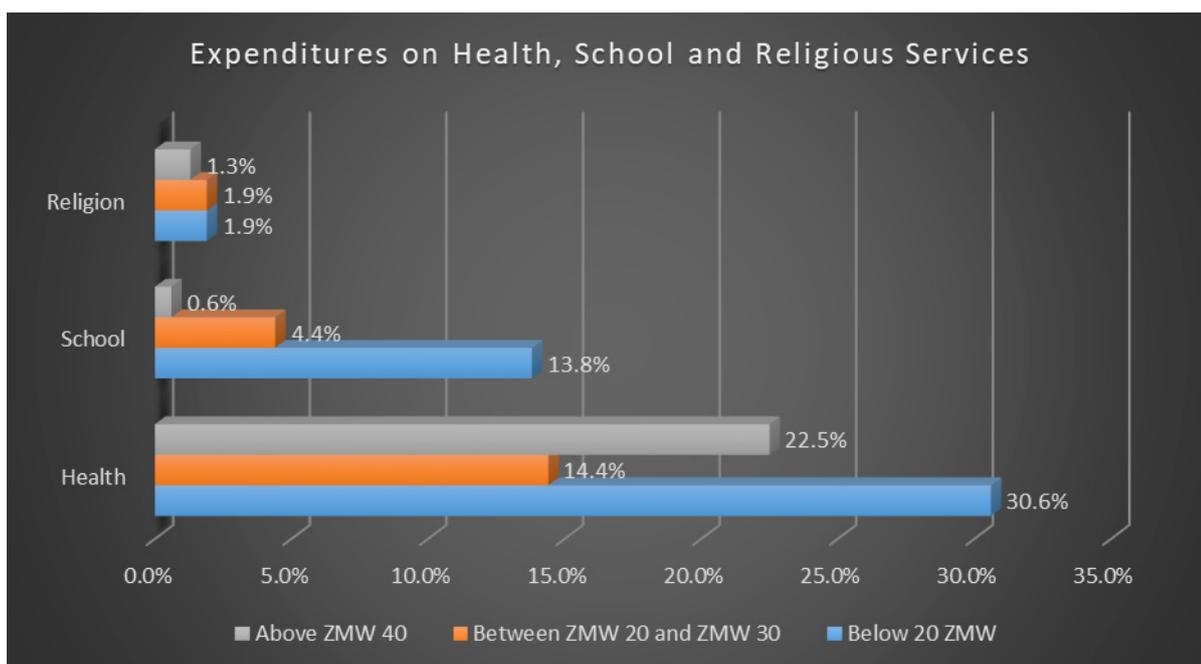
On a monthly basis, households spent between ZMW 300 and 500 on food purchases, at the same time, they mostly rarely spent anything on food production. This was mainly due to the high cost of other essential food products such as sugar and cooking oil which the community members could not easily substitute from their locally produced farm food items.



This information would serve as a baseline in the event of any eviction, to determine the changes in these amounts based on the amounts spent before evictions and those spent after.

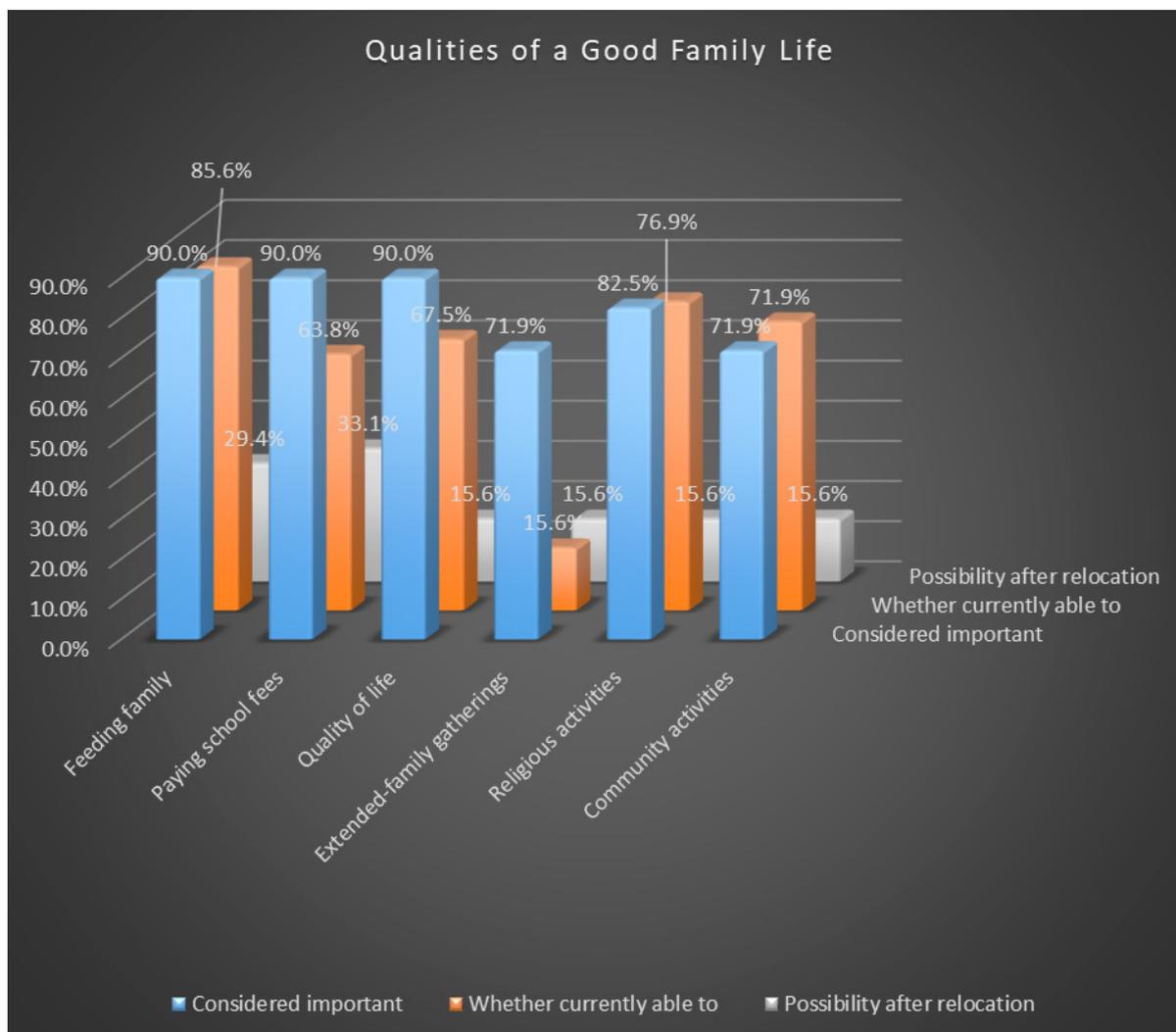
### 6.2 Amount Spent on Transport

Another consideration in case of a possible eviction is the common mode of transportation within the area. In this community, the most common form of transportation was public buses (87.5%). In order to establish the cost of travel in accessing services, the research study considered the variable that analysed the cost of transport to access three most important services that impact on the future and productivity of the community including social cohesion. This section provides an analysis of three components: health, school and religion. Transportation costs to school had a low frequency as most children would just walk to school. However, some still spent on school transportation costs. Transportation to access religious activities also had a low frequency as most respondents would go to a nearby religious gathering facilities.



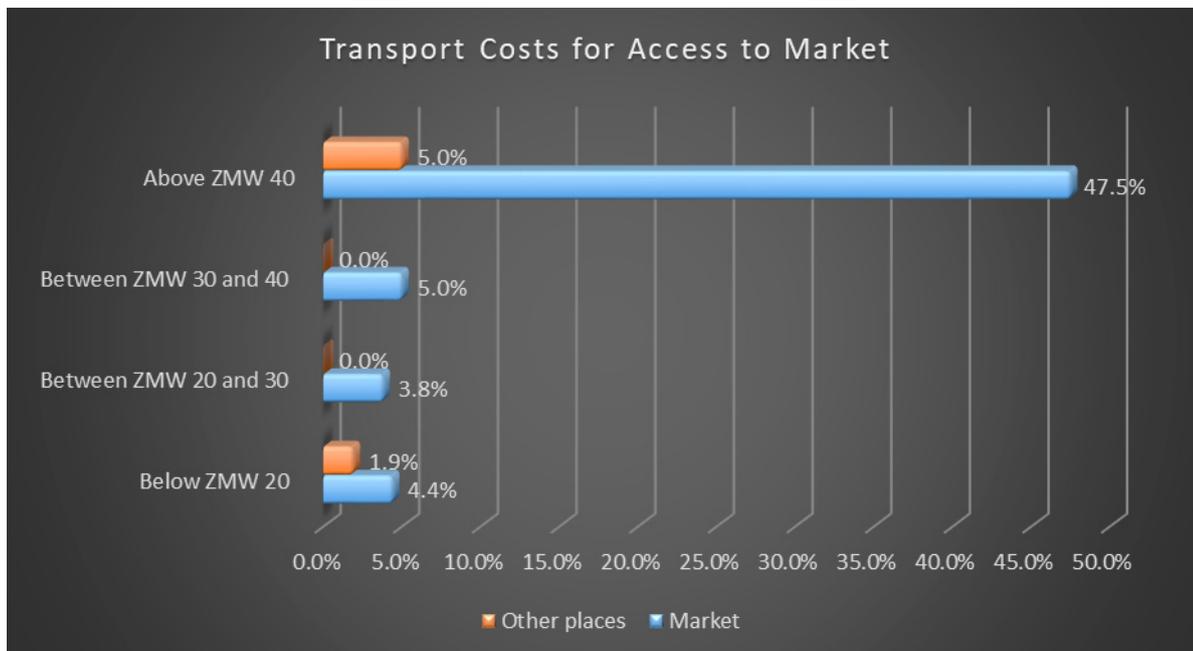
### 6.3 Qualities of a Good Family Life

Qualities of a good life such as feeding family, paying school fees, quality of life, extended-family gatherings, religious activities, and community activities were considered to be very important by the majority. This reveals that the respondents felt that they were better off in their current location of residence than they would be in new location after an eviction or displacement.



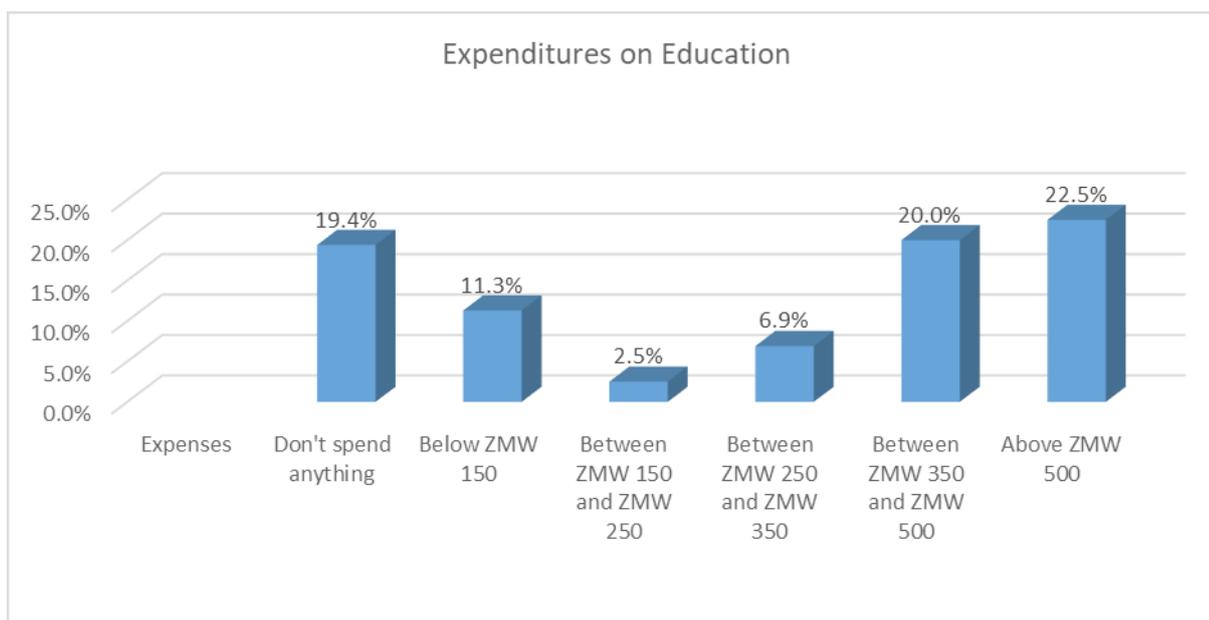
#### 6.3.1 Cost of Travel to Market

The research also sought to establish the total cost of living and expenditure of community members among the target population for accessing the market where they purchase commodities for home supplies. Most respondents, 76 (47.5.7%) of the target population stated that they had no market within their community, and travel to the nearest township to access the market and spend more than ZMW 40 to and from for a round trip; whereas 21 households (3.1% of those interviewed) indicated that they spent less than ZMW 40 on transportation to the marketplace.



### 6.3.2 School-related Expenses per Term

Education is an important factor in human development and building of social capital, thus, the research sought to identify parameters that would impede the target community to access education such as school expenses. In response to questions about the average amount spent on school related expenses.

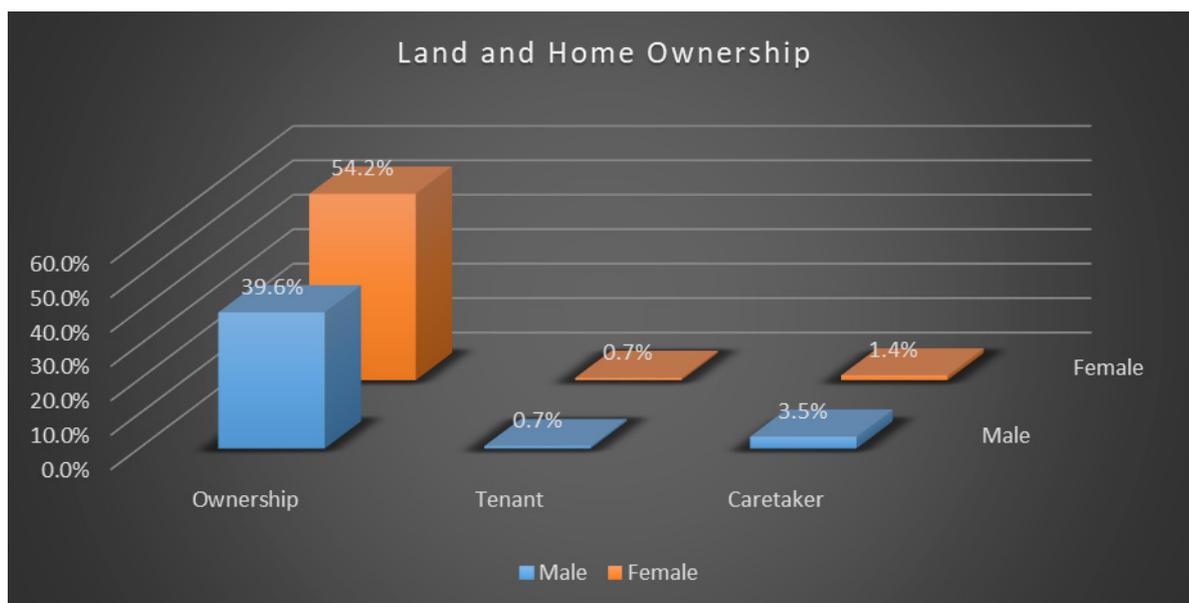


### 7.0 Dwelling and Other Possessions

On the size of land owned by female heads of households, the majority (79.6%) owned land between 1 and 5 hectares (ha). This would have to be taken into account in times when they are to be evicted/displaced to other areas. In this community, the majority of the women (55.56%) used their land to produce crops that would be used for either consumption or for sale.

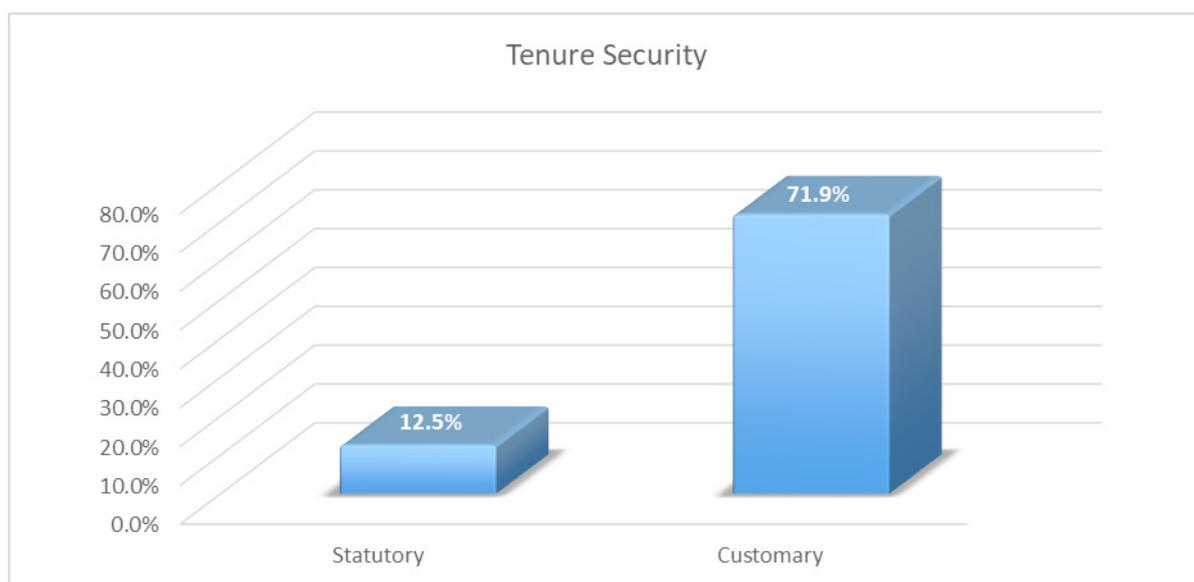
### 7.1 Land Ownership Status by Gender

The study revealed that mostly, people owned the land they lived on in this community.



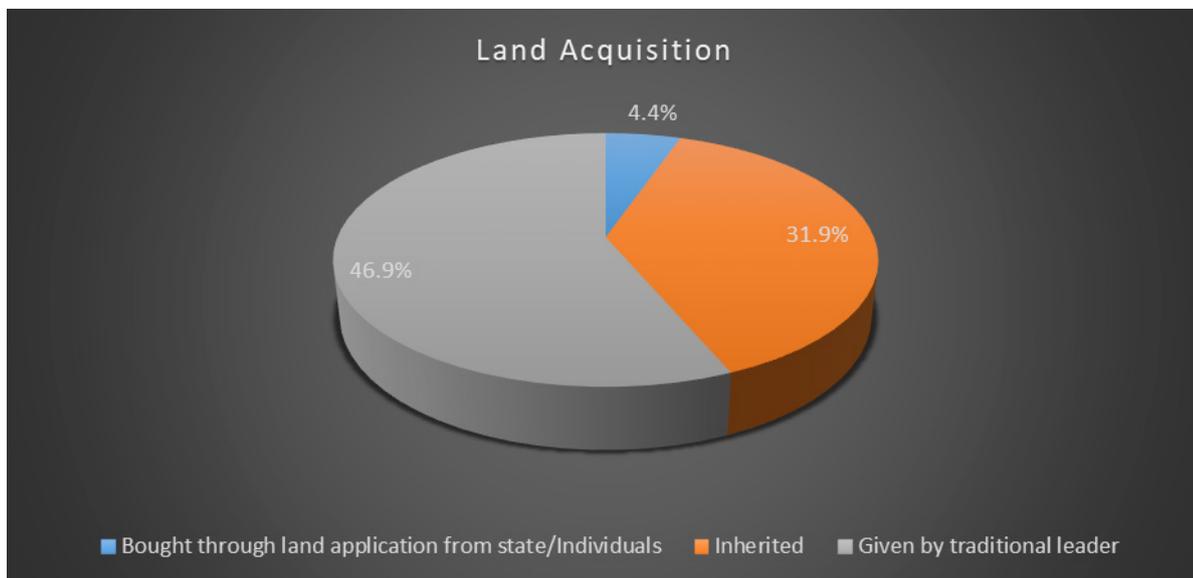
#### 7.1.1 Type of Tenure

The type of tenure mostly found in this area is customary: 115 land parcels (71.9%) as shown below; whereas 20 of the land parcels (12.5%) were under statutory tenure.



#### 7.1.2 How Land was Acquired

Seven (7) households that is 4.4%, stated that their land was bought privately; 51 representing 31.9% was inherited; and 75 households representing 46.9% of the target populations interviewed were given land parcels by traditional leaders.



### 7.1.3 Cost of Purchasing Land

For individuals who had purchased the land, six (6) representing 3.8% of the respondents got it at a price below ZMW 10, 000 whereas one (1) that is 0.6% got the land at a figure between ZMW 50, 000 and ZMW 80, 000. They did not state exactly whom they acquired the land from. Considering the price, it is assumed they could have purchased it from individuals.

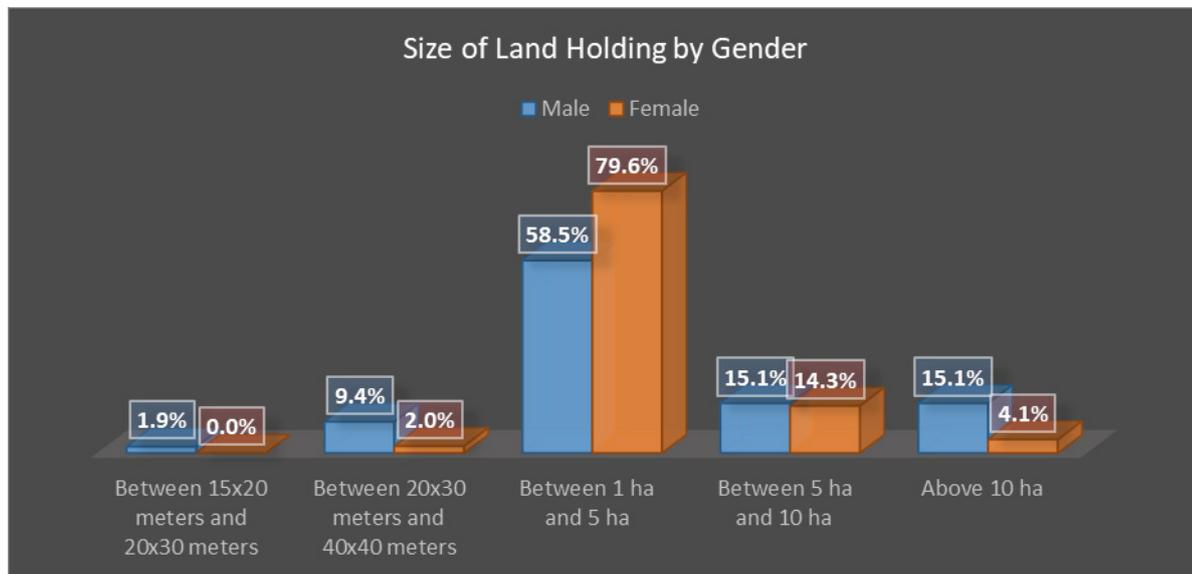


### 7.1.4 Land Ownership Documents in Possession

Possession of vital documents with regard to land ownership was an important factor that the study sought to establish as it determined some level of security for a lot of purposes such as land ownership identification, employment security or any form of assets to be considered as collateral just to mention a few. Nevertheless, in this community, the majority (85%) of the respondents owned National Registration Cards (NRCs), which were documented in the village register against their names, while the least owned documents were the ration cards and under- five (5) hospital cards for children with a frequency of 3.13%. Many households that had some form of land ownership had traditional land certificates. These are 21 households representing 13.1% of the total population. These traditional land certificates were issued through the chief who signed on the documents, thus, validating them as authentic traditional land-ownership documents. However, these do not constitute legally secure proof of tenure under the statutory law.

### 7.2 Size of Land by Gender

The largest frequency of heads of households who owned between 1 and 5 ha of land was 70, of whom 31 were male and 39 were female; 15 owned land between 5 ha and 10 ha, of which 8 were male and seven (7) were female; 10 owned land above 10 ha, of which eight (8) were male and two (2) were female; 12 were not applicable (six male and six female HoHHs) who were either tenants or caretakers.

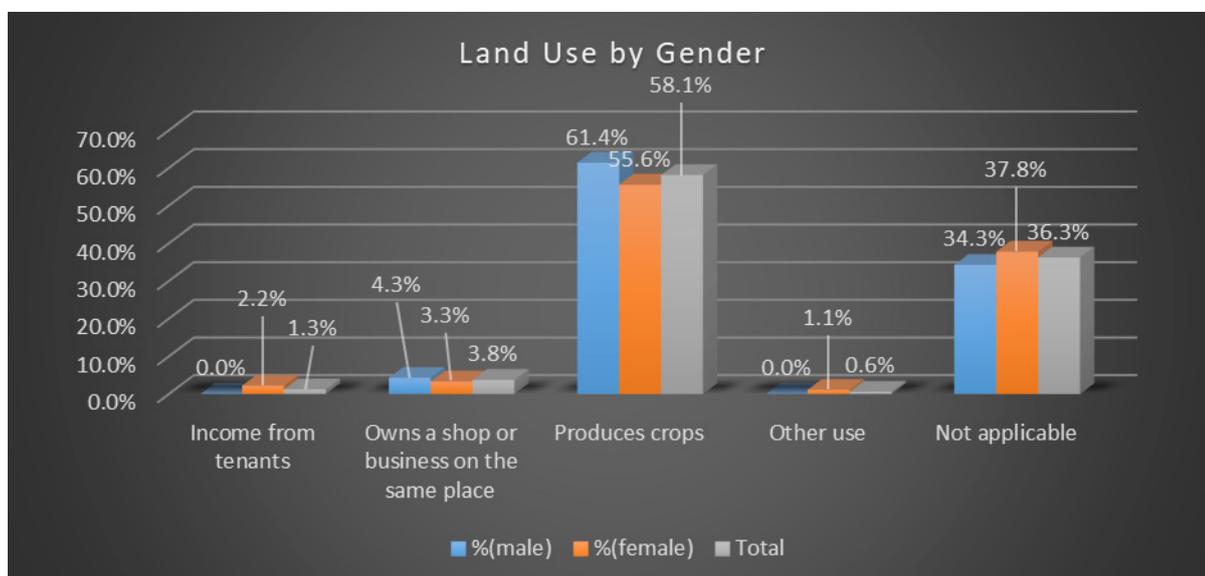


### 7.3 How they Generate Income from Land

On the sources of income, the most common source among the women was profits from business, at 72.9%. Most women were involved in some form of trade at their place of residence and this included selling vegetables, fruits or other farm produce from their farms to their neighbours. The least source of income for the women (3%) was government support. This would imply that, in case of evictions, women in these communities would bear huge costs as they would have to start establishing themselves in the new areas of relocation, and this would take longer.

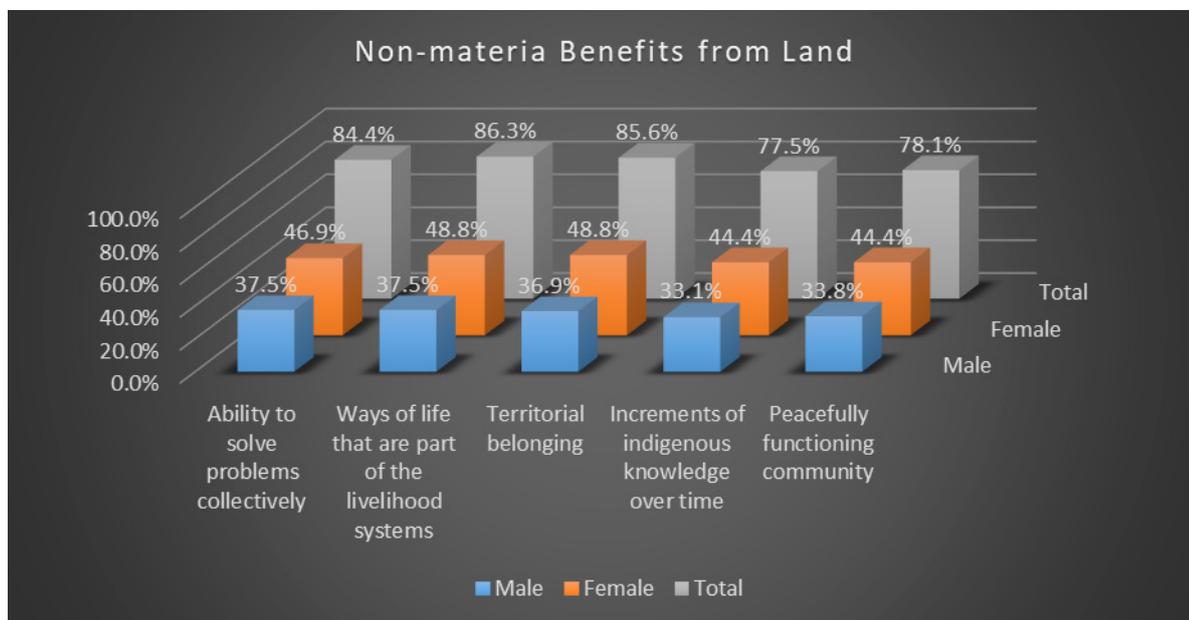
### 7.4 Land Use by Gender

Only two (2) respondents (1.3%) stated that they generated income from tenants who would rent part of their land for farming activities. Six (6) HHs (3.8%) owned a shop or business activity within the same premises, and 93 respondents (58.1%) produced crops that they used for both home consumption and surplus for sale. One (1) respondent (0.6%) used the land for other income generating activities such as charcoal burning; whereas 58 respondents (36.3%) stated that they did not use their land for income generation activities other than subsistence farming.



### 7.4.1 Non-economic Benefits Derived from Land

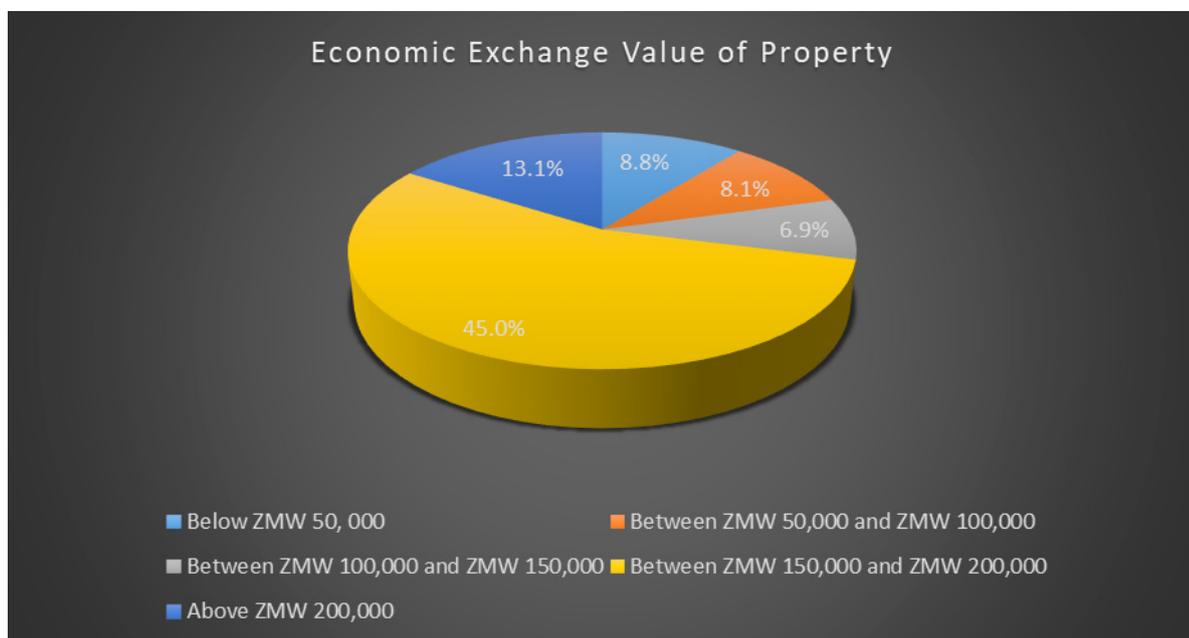
Land in this community is a major economic asset, especially for women who almost entirely depend on it for their livelihoods. The research also sought to establish the non-economic benefits that the community members derived from the land. The survey found that women derived numerous non-economic benefits from their land such as ability to solve problems correctly, ways of life that are part of the livelihood systems, territorial belonging, increments of indigenous knowledge over time, and a peacefully functioning community.



Out of 160 respondents that were interviewed, 84.4% stated that they considered “the ability to solve problems collectively” as a non-economic benefit; 86.3% considered “ways of life that are part of the livelihood systems” as a non-economic benefit; 85.6% respondents considered “territorial belonging as a non-economic benefit derived from their land; while 78.1% respondents considered “peacefully functioning community” as a non-economic benefit that is derived from their land.

### 8.0 Estimated Value of Property

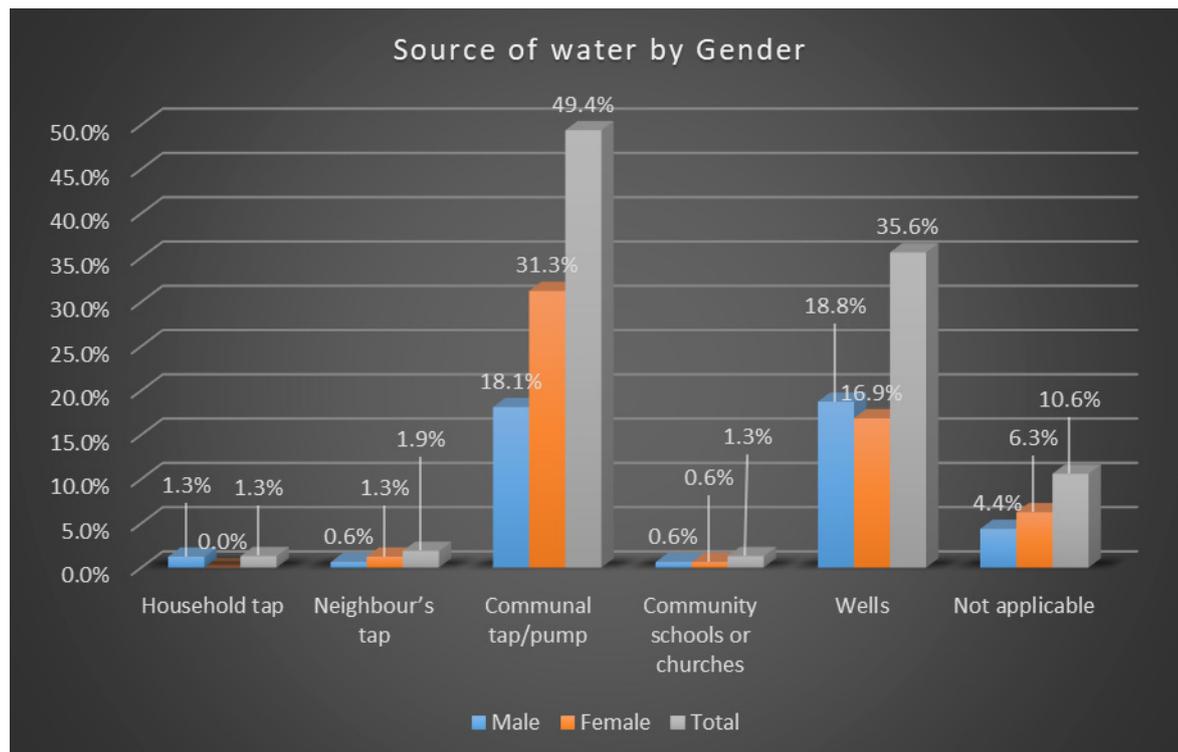
According to the findings, 8.8% stated that the value of their property is estimated at below ZMW50,000; 13(8.1%) estimated their property between ZMW50,000 and ZMW100,000; 11 respondents (6.9%) estimated it to be between ZMW100, 000 and ZMW150,000; 72 (45%) estimated their property to be between ZMW150,000 and ZMW200,000; and 21 (13.1%) estimated it to be above ZMW200,000.



However, these assets remain tenuous. On land ownership documentation, only 13.1% had traditional land certificates, indicating that most community members were susceptible to eviction from their land and home due to the absence of secure tenure documents.

### 8.1 Water Sources

Access to water was another value that the research considered. It established access to water for each household as follows: two (2) households (1.3%) stated that they got their water from a household tap; three (3) households (1.9%) sourced their water from a neighbour’s tap; 79 households (49.4%) sourced water from a communal tap; two (2) households (1.3%) sourced water from community schools or churches; and 57 households (35.6%) sourced their water from human-made wells. A majority of the women (55.6%) got their water from a communal tap that Dangote Company provided; 30% of the women got their water from dug wells.



Before the Dangote plant was set up, almost all the people in the community obtained their water from the dug wells. This was no-longer the case when the plant was established, because water from the well would dry up as a result of the Dangote plant operations. On general sanitation, most people in this community used the household pit latrine as their toilet facility, and only 36.3% had waste-disposal facilities.

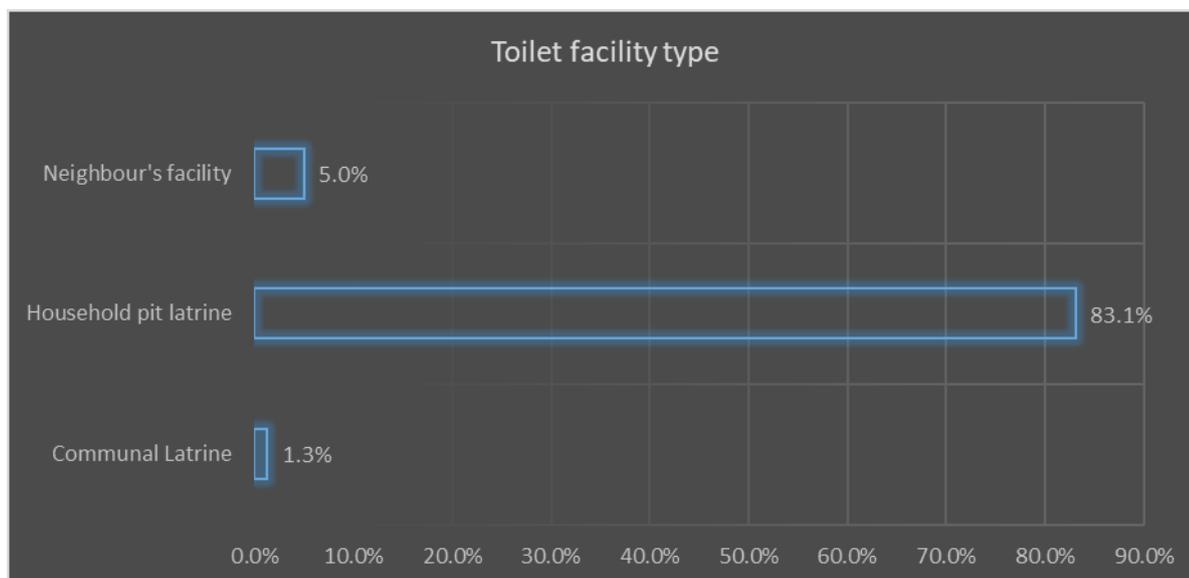
### 8.2 Possession of Waste-disposal Facilities

Of the respondents, 58 HHs (36.3%) indicated that they had a waste disposal facility in form of a dug pit; whereas 86 (53.8%) did not have a waste disposal facility and disposed of their garbage either by the roadside, or they burnt their waste in the backyard of their dwellings.



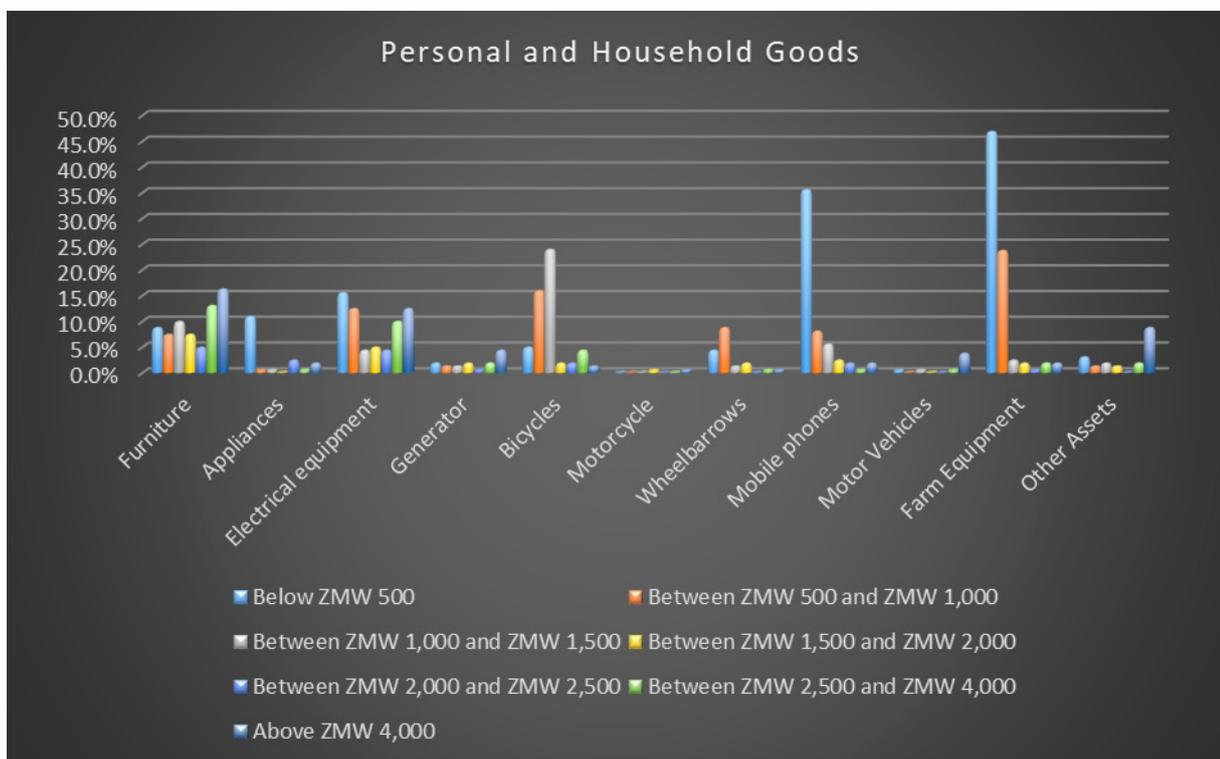
### 8.3 Type of Toilet Facility Used

The type of facility that is commonly used among the community members was the household pit latrine which had a frequency of 133 respondents reflecting nearly (83.1%) of the target population, and eight (8) households (5%) of the total households stated that they used their neighbour’s facility; whereas two (2) respondents (1.3%) stated that they used a communal latrine.



### 8.4 Contents (Personal and Household Goods)

The home contents (personal and household goods) were measured by asking the respondents to estimate the replacement value of assets owned. These included environmental resources such as trees owned and used by HHs, livestock, subsidies and rations, and gains from work/livelihood.



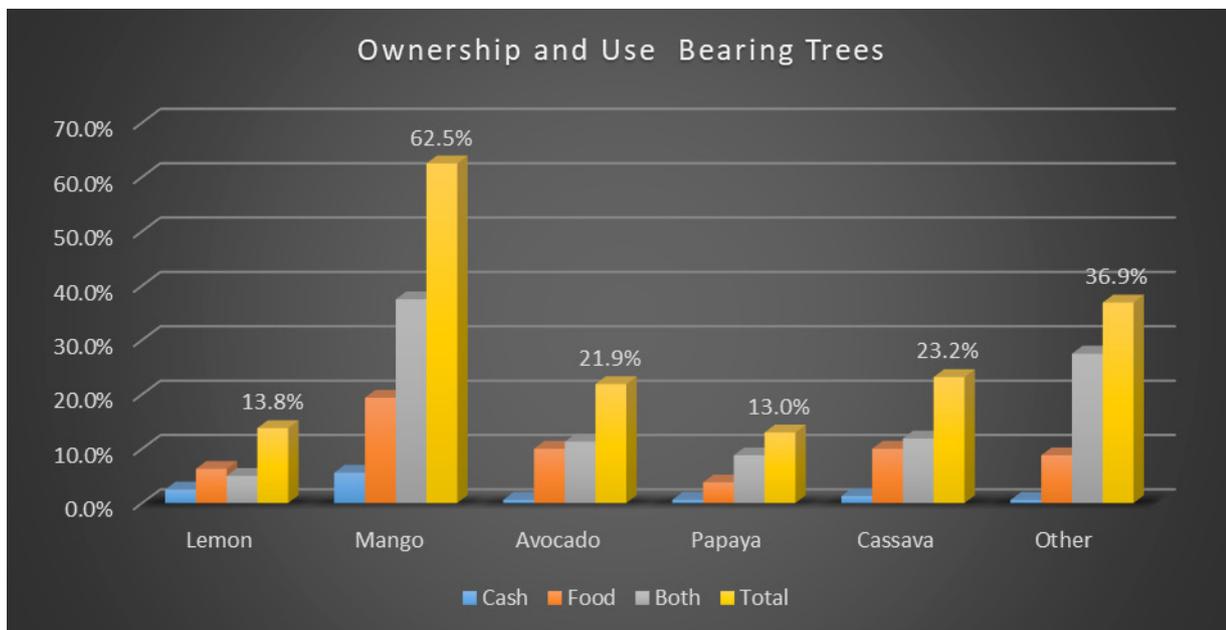
### 8.5 Kind of Environmental Resources Used

On environmental resources, the findings indicated that 79.22% of HHS used environmental resources such as water (naturally occurring); naturally occurring forests and sand; food (wild fruits); and medicine or firewood from forest trees. Ninety-seven (97) HHs (60.6%) stated that they used naturally occurring water from perennial rivers and streams; 139 HHs (86.8%) used natural building materials, including wood poles from forests and sand deposits on river banks and open fields. In addition, 137 HHs (85.6%) used foods such as wild fruits as part of their livelihood strategies; and 134 HHs (83.7%) of the targeted population used forest trees as medicine and firewood.

Environmental Resources	Frequency	%
Water (Naturally occurring)	97	60.63
Building materials (Natural forests and Sand)	139	86.88
Food (Wild fruits or naturally occurring plants)	137	85.63
Medicine or Firewood (from forest trees)	134	83.75

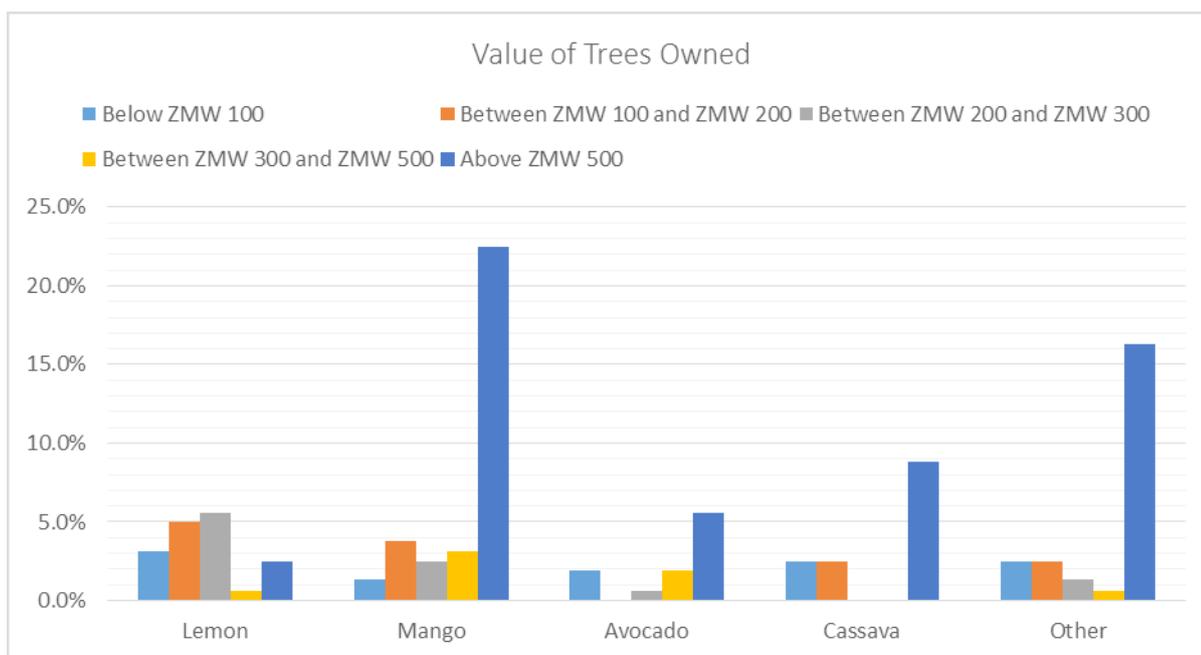
#### 8.5.1 Tree Ownership and Use by Households

The table below shows that 22 HHs (13.8%) owned lemon trees; 99 HHs (62.5%) had mango trees; 21 HHs (13.0%) owned papaya trees; 37 HHs (23.2%) owned cassava fields; and 36.9% HHs owned other trees. The use of trees was categorised into cash, food, or both.



### 8.5.2 Value of Trees Owned

In this community, the mango tree was owned by most households. The following is the distribution of trees owned and their respective values.

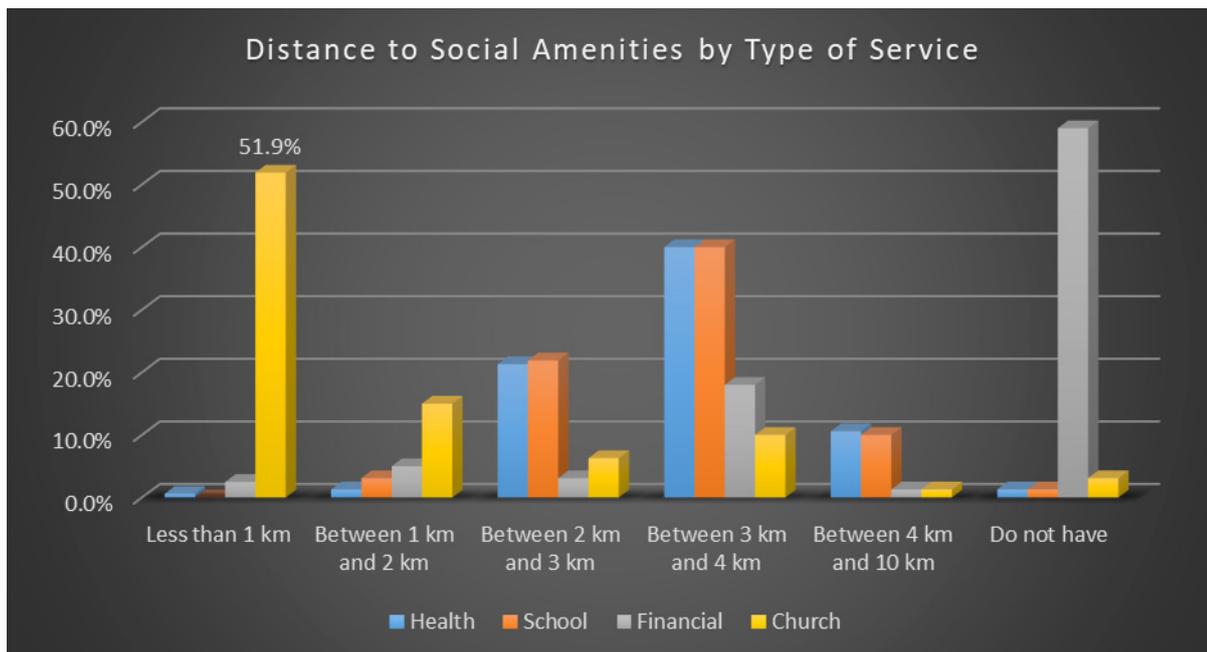


### 9.0 Distance to Social Amenities

Access to infrastructure, services and utilities was also considered to be a vital determination of the costs people in the un-displaced community particularly, women would incur in case of a possible eviction. According to the findings, cumulatively, 63% of the respondents stated that the distance to their nearest health facility was either 4km or below; 65% stated that the distance to the nearest school facility was either 4km or below; 28.7% stated that the distance to the nearest financial service facility was either 4km or below 4km; with 59% stating that they did not have any financial service facility within their communities; 83.2% stated that the distance to their church facility was either 4km or below; 49.5% stated that their community gathering points were either 10km or below. Most people stated that they did not have a market place within their community and those who gave a further response stated that the distance to the nearest market place was above 10km. Therefore, should there be any threats to displacements or eviction, distances to social amenities described above would have to be taken into account.

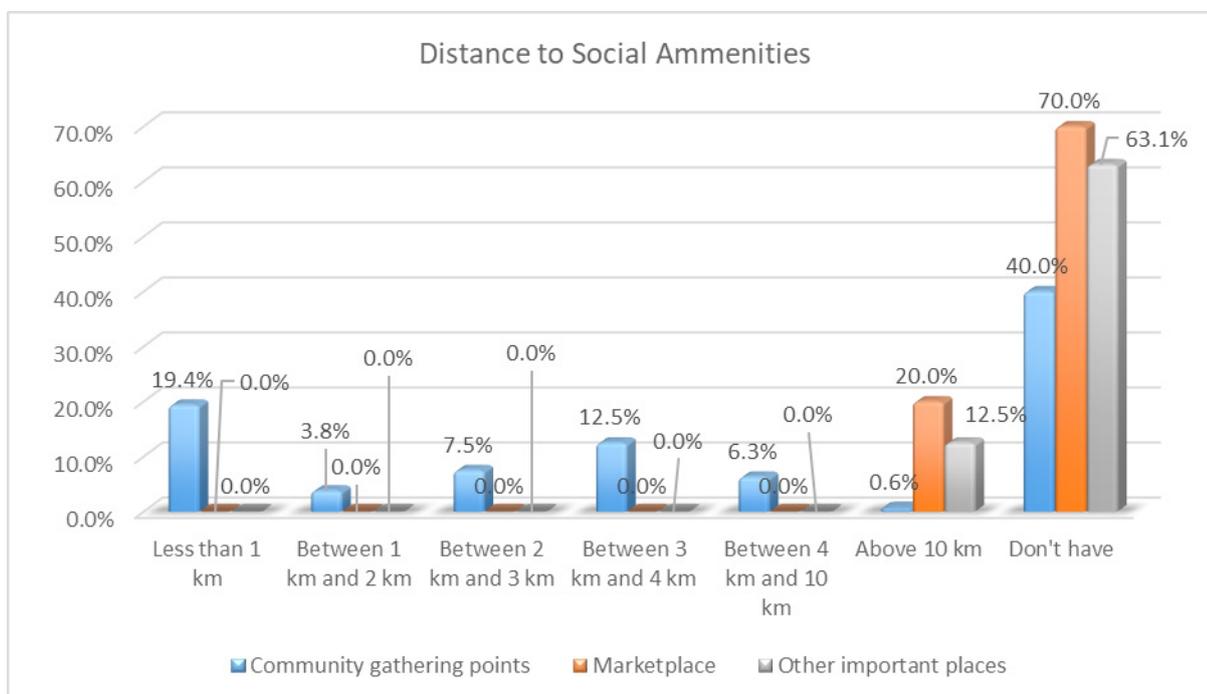
### 9.1 Distance to Social Amenities (Health, School, Financial Services and Religion)

The table below shows that 63% of the respondents said that the distance to health facilities were below 4 km; 65% stated that the school facilities were below 4 km; and 28.7% stated that the nearest financial services were below 4km; 83.2% stated that their church facilities were less than 4km away.



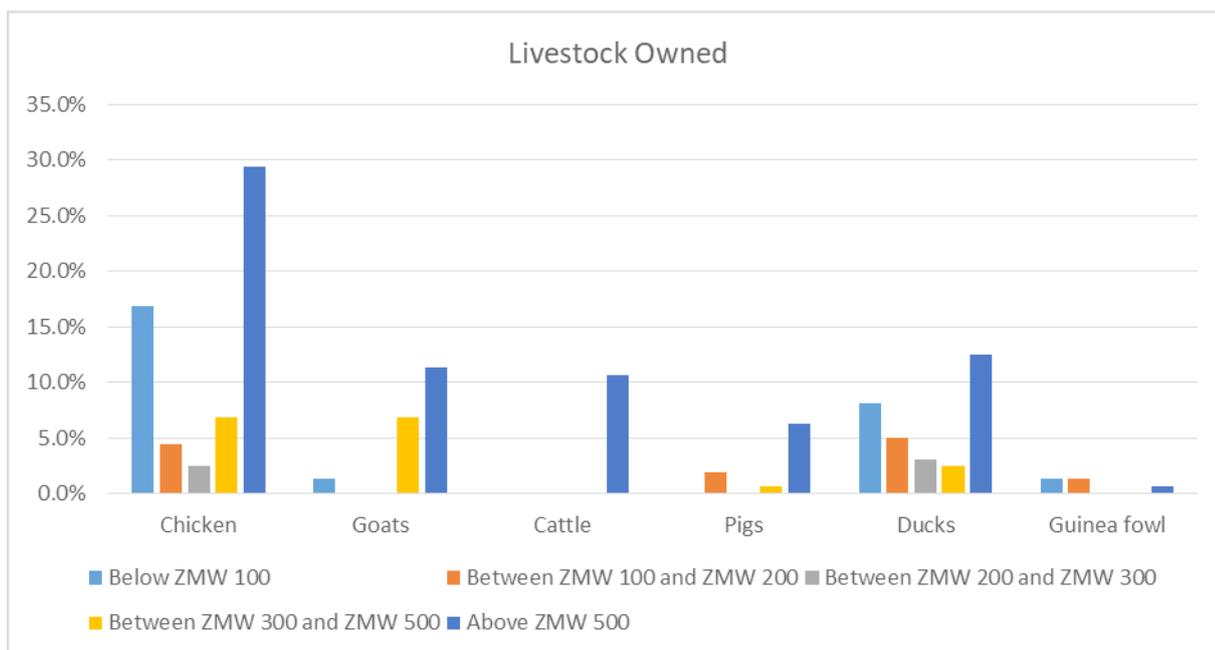
#### 9.1.2 Distance to Social Amenities: Community Gathering Points and Markets

All the respondents from the un-displaced community did not have a marketplace and they had to travel above 10km to Ndeke Township to purchase commodities; they also stated that they travelled more than 10km to access services which are not available locally such as referrals to advanced hospitals.



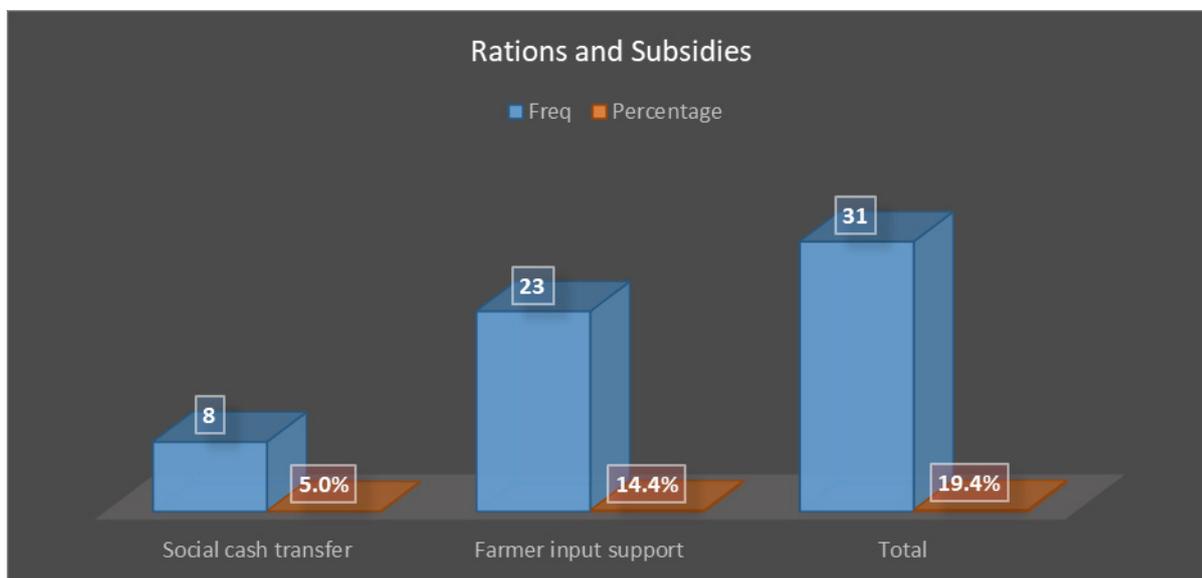
### 10.0 Livestock Owned

As for enumerating livestock owned by the targeted HHs, 60.1% owned chickens; 19.5 owned goats; 10.6% owned cattle; 8.8% owned pigs; 43.7% owned ducks; and 3.9% owned guinea fowls. A general view of the kind of livestock owned in this community is something that should be taken into account in effecting reparations in the event of eviction/displacement. It had been observed that the houses provided to the displaced community did not have extra space to accommodate some livestock within their surroundings. The following shows the value of livestock owned.



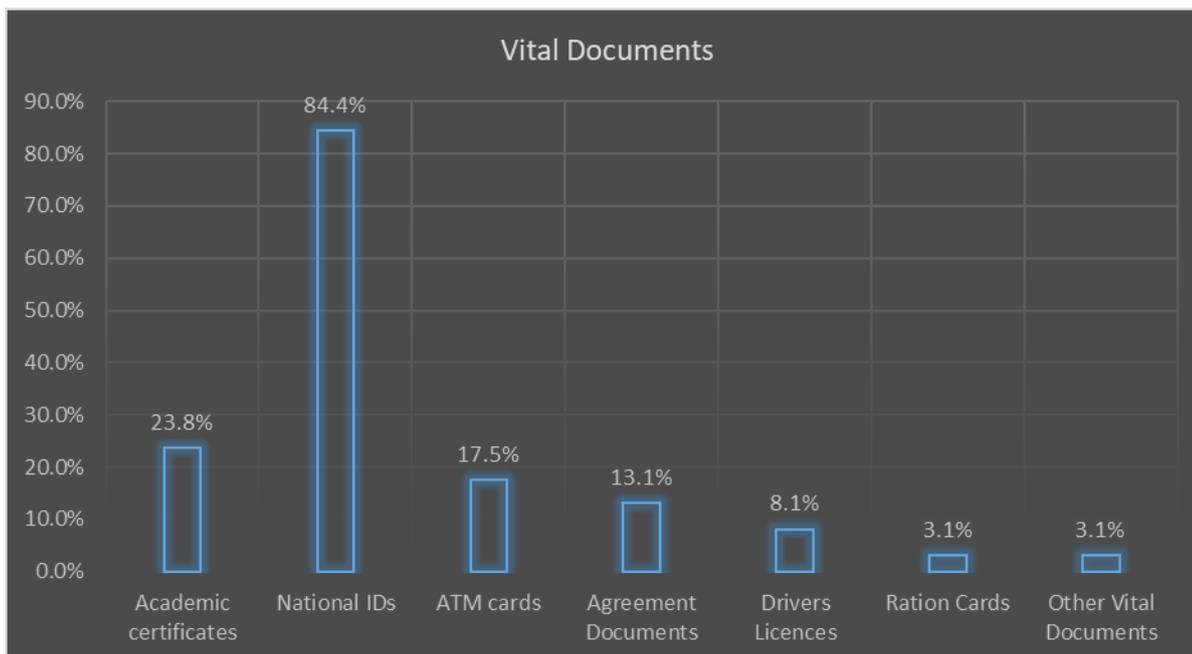
### 11.0 Subsidies Received

Rations and subsidies being received currently would cushion or compliment the income sources of the HHs. However, in this community, the findings indicate that only a few respondents received some rations or subsidies regardless of gender. On the subsidies received, only 31 HHs received some form of subsidy, of which eight (8) (5%) received social cash transfers; and 23 HHs (14.38%) received farmer-input support. This indicates that the levels of vulnerability are very high in the targeted communities of the research study.



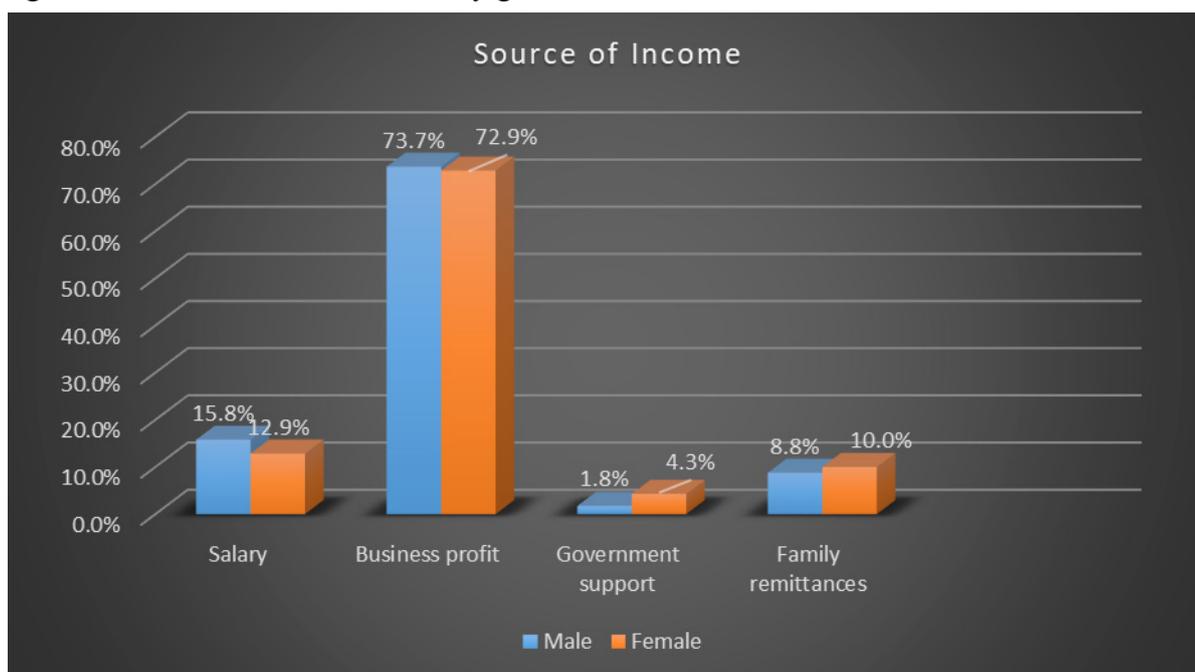
### 12.0 Vital Documents

The research sought to further establish the types of documents that the community members owned for identification and conducting of business and accessing funds both from the bank and government supported programmes such as the social cash transfer and many more, including farmer-support programmes. Of the different types of documents owned, 38 (23.75%) of the respondents owned academic certificates; 135 (84.38%) owned national identity cards like the National Registration Cards (NRCs); 28 HHs (17.5%) owned ATM cards; 13 (8.13%) owned driver’s licences. Ration cards used to access government supported programmes were owned by five (5) respondents (3.13%), and another five (5) (3.13%) had other vital documents such as under-five hospital cards for their children.



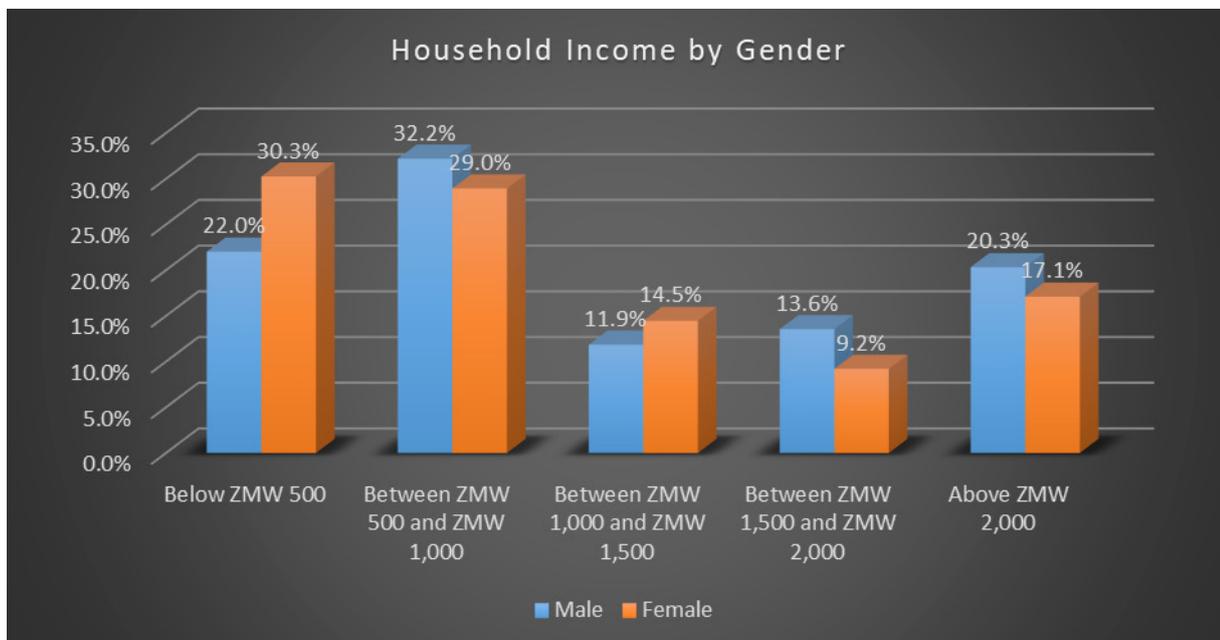
### 13.0 Sources of Income

The income source is another area that would be affected during the time of an eviction. The following figure shows the source of income by gender.



### 13.1 Household Income

Average household income among female respondents was 30.26% of women earning below ZMW 500 per month. Those earning between ZMW500 and ZMW1,000 were 29%, while those who earned between ZMW1,000 and ZMW1,500 were 14.5%. Those women with an income ranging between ZMW1,500 and above ZMW2,000 were 26.3%. The findings revealed that, cumulatively, over 70% of the respondents stated that their HHs earned an income of either ZMW1,500 or below. Any form of eviction, or displacement of these women without adequate compensation would impact them negatively if their current income was not restored during and after the eviction and relocation process.



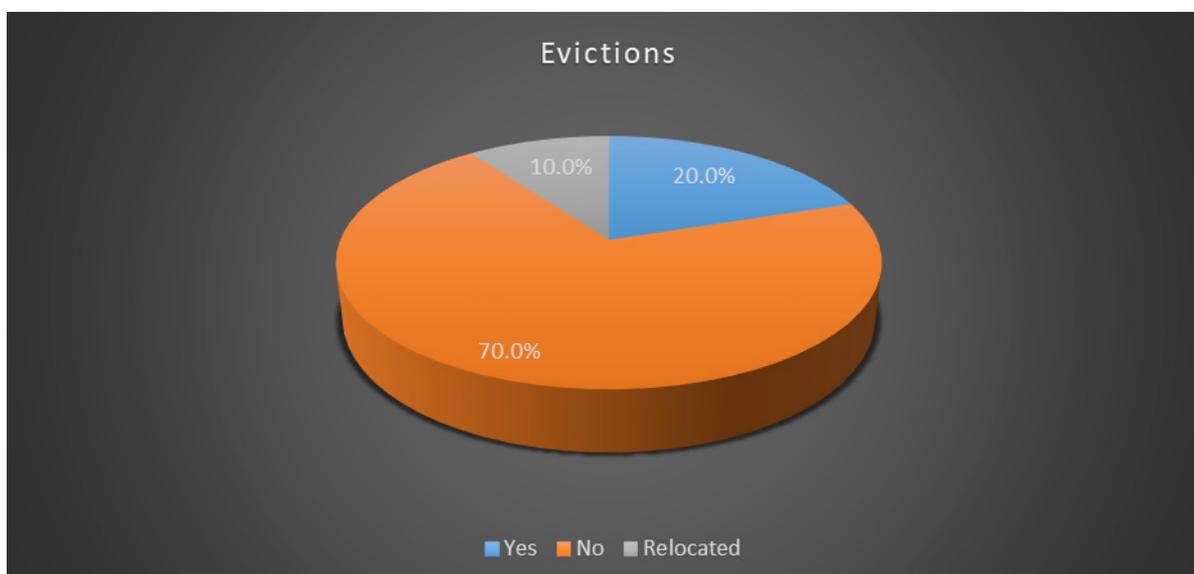
### 14.0 Loans and Borrowing

The communities surveyed did not indicate high frequencies of loans, which is common in rural contexts. However, 4 respondents (2.4%) were found having taken loans, and each had a specific use of the loan acquired such as for business, school fees, food and other personal use. When the field researchers asked them how their loans would be affected in a case of eviction, the respondents indicated that the eviction would negatively affect them in paying back the loans, as they would struggle to identify other income-generating activities, since their livelihood was dependent on the economic activities they had been engaged in within the community such as farming.

Out of the total number of respondents, only three (3) women got loans and they used it for business; school fees; and for food consumption. These findings show that women are more in need for financial resources and any threat of evictions would put them in a more vulnerable position.

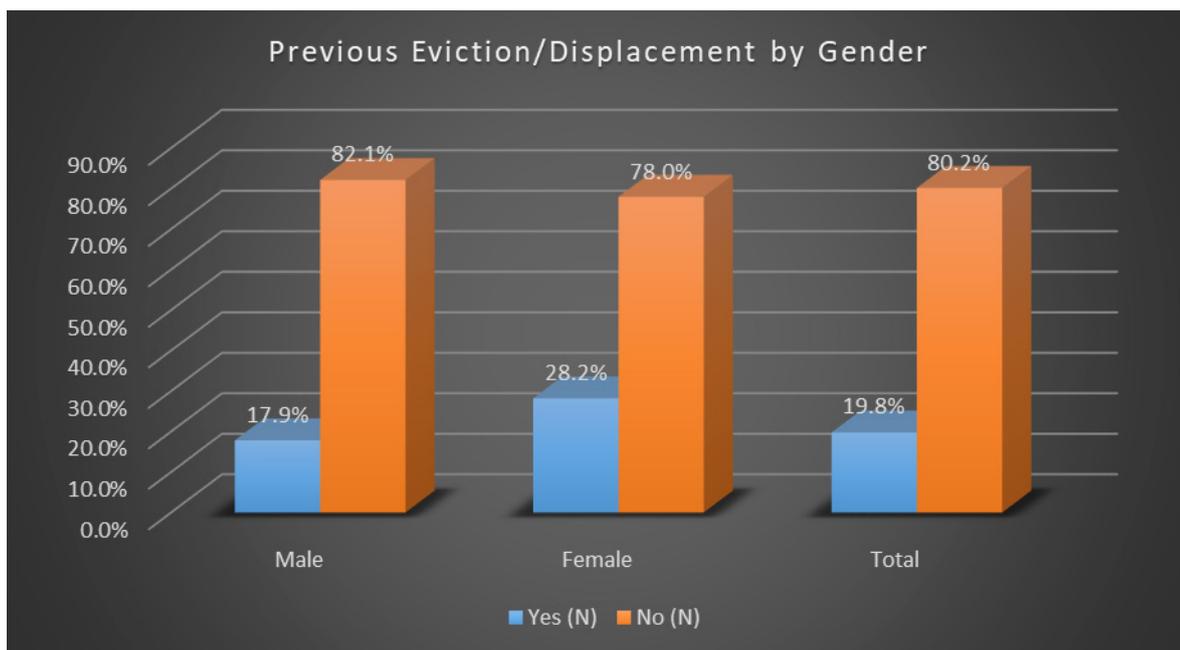
### 14.1 Whether or Not they Had Experienced an Eviction Before

Respondents were also asked whether or not they had experienced an eviction before. Of the 160 respondents interviewed, 20% had experienced an eviction. These farmers were evicted from their agricultural fields when the Dangote Company came to establish the plant in the area. Of the total, 70% respondents indicated that they had not experienced any form of evictions, while 16 HHs were relocated from their original land to another location in Dangote village.



### 14.2 Whether or Not they Experienced an Eviction by the Head of Household

To get a more-accurate picture of the respondents’ eviction status, data on heads of households (HoHHs) was analysed for 106 respondents as presented in the table below.



From the findings, 21 (19.81%) of HoHHs already had experienced some form of eviction; whereas 85 HHs (80.19%) did not experience any form of previous eviction. Among the female HoHHs, 11 (28.21%) had experienced some form of eviction while, 10 male HoHHs (17.86%) already had experienced some form of eviction. This indicates that more women heads of household lost their fertile land to the Dangote Company.



Figure 3: Part of Dangote Cement Plant

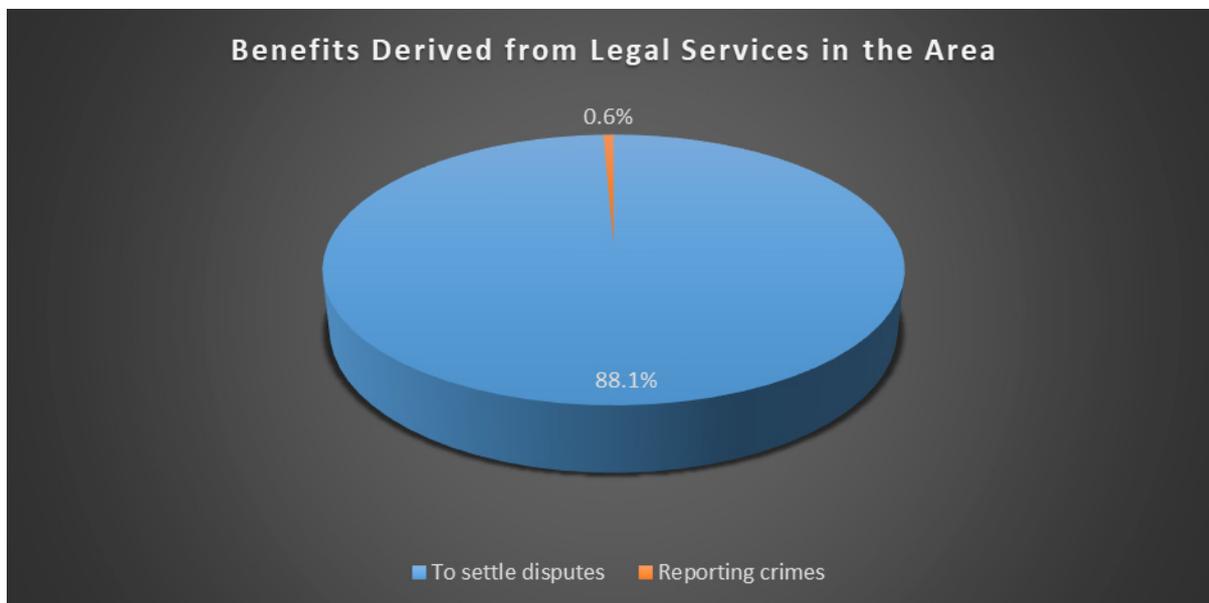
Community members shared their eviction experience after the land they had previously occupied and cultivated for farming was taken away from them for the purposes of setting up the Dangote cement plant. Respondents stated that the land now possessed by the company was more fertile and bigger than the land they were currently cultivating on. This had impacted on their livelihood and income, since they depended on land for economic activities as their produce was their main source of revenue.

## 15.0 Legal Services

Legal services prescribed the level of law and order in any society. In the area where the study was conducted, 88.1% of the total respondents interviewed stated that they used legal services in the area to settle disputes. The legal services were accessed from the chief’s palace, where a community court was placed.

### 15.1 Benefits Derived from Legal Services in the Area

As shown in the table below, the court has been beneficial to the people in the study area, as it has provided a system that has facilitated provision of justice services used to settle disputes.

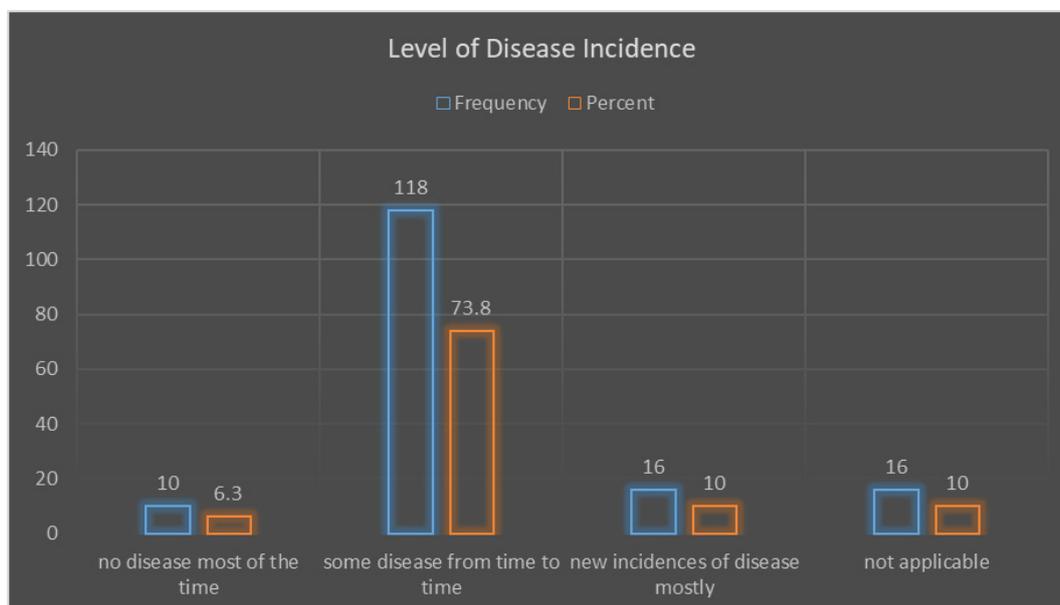


### 15.2 Type of Legal Services within the Community

A total of 132 respondents (82.5%) used local courts while one (1) (0.625%) of the total population of the surveyed HHs used other legal services.

### 15.3 Public Health

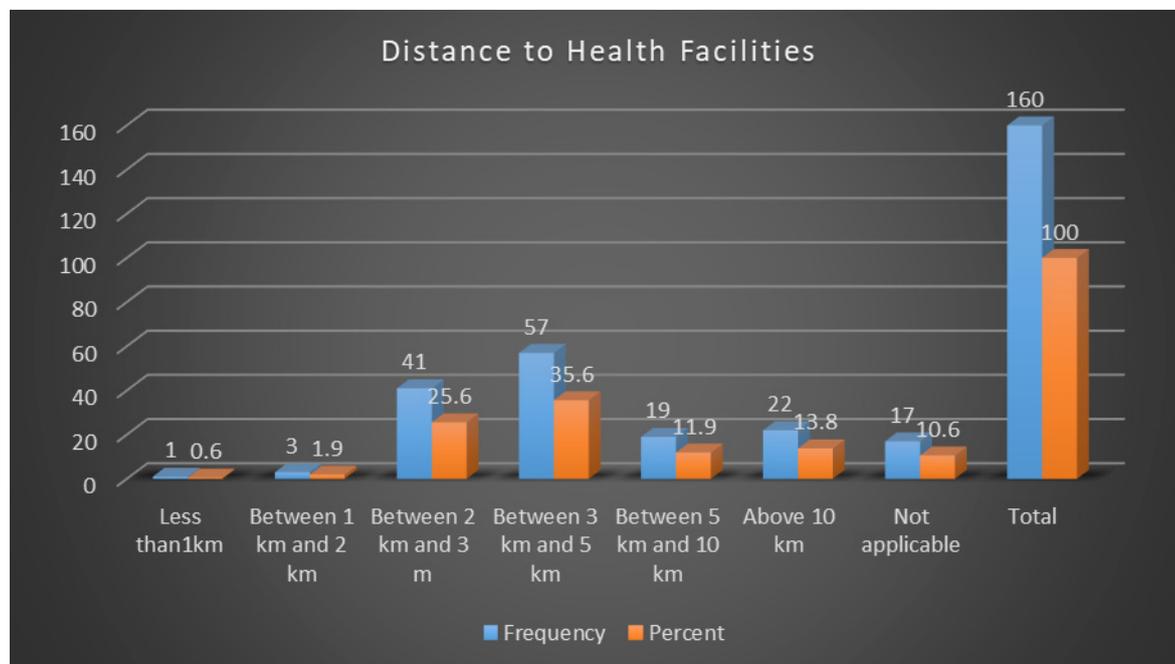
On the general incidence of disease in the community regardless of gender, the findings indicate that the majority of the respondents (73.8%) reported some incidence of disease monthly, especially respiratory diseases. This is believed to be partially due to air pollution spread during the operations of the Dangote plant. The respondents also reported noise pollution brought about by operations of the Dangote plant. Crushing of rocks at Dangote plant not only causes noise, it also affects the soil fertility and affects the housing structures (cracking as a result of the vibrations).



According to the findings, 10 (6.3%) respondents stated that they did not experience diseases most of the time; 188 (73.8%) experienced some diseases from time to time; 16 stated that their communities experienced mostly, new incidences of diseases.

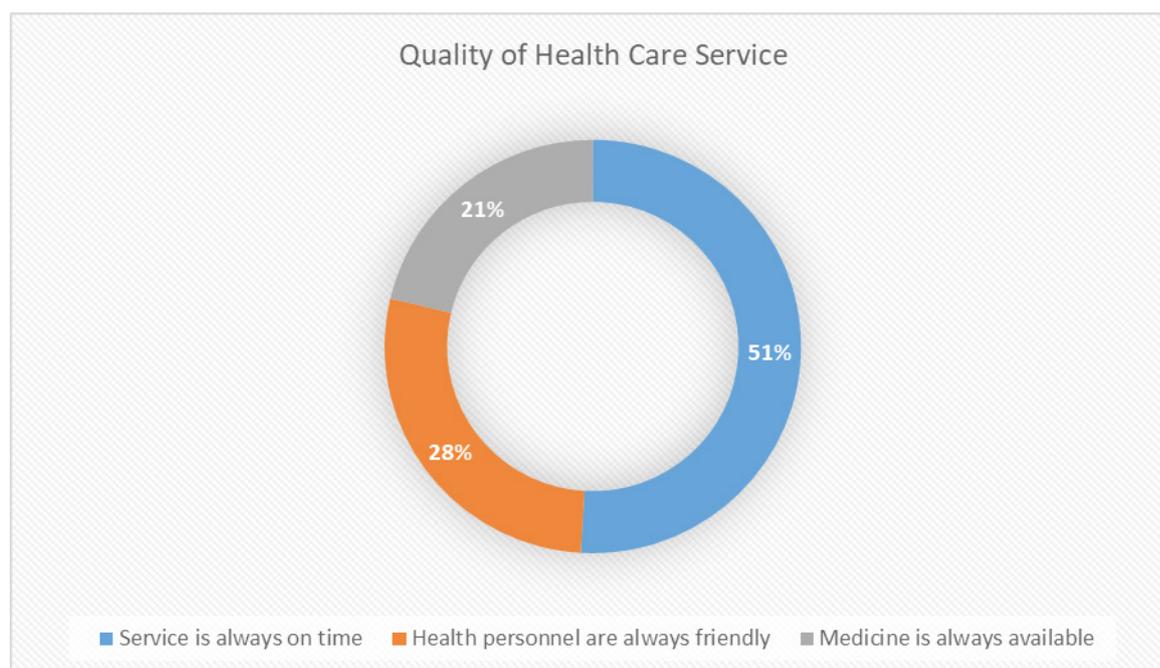
### 16.0 Distance to Health Facility

With regard to the distance to health facilities, cumulatively, 63.7% of the respondents indicated that the distance to the nearest health facility was below 5km away from their household; 19 (11.9%) stated that the nearest health facility was between 5km and 10km away from their HHs; whereas 22 (13.8%) stated that the nearest health facility was above 10km away from their household.



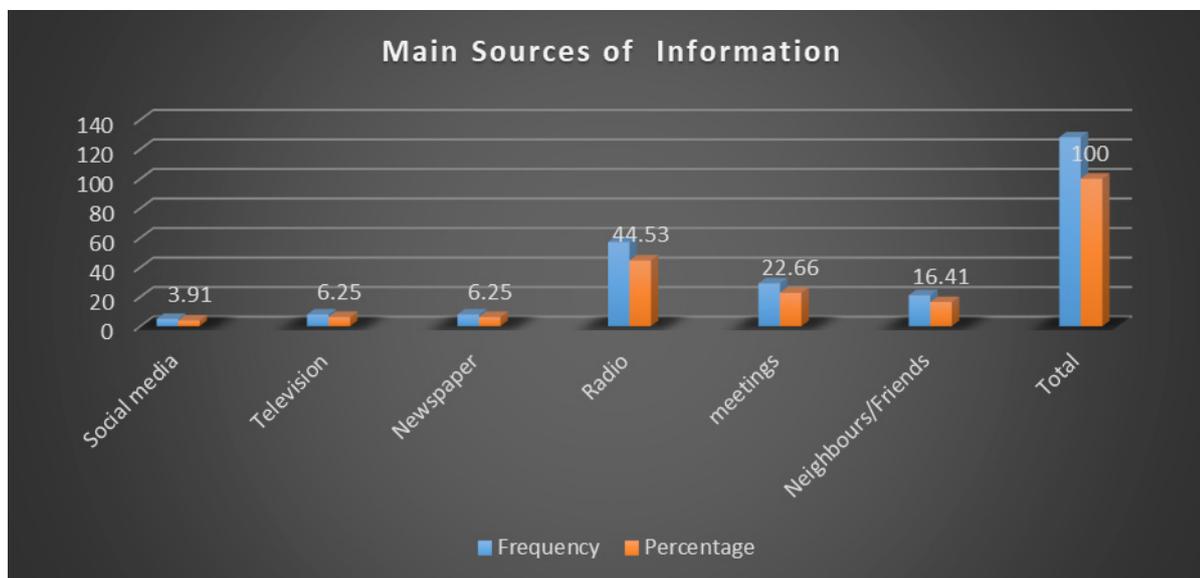
### 16.1 Satisfaction and Quality of Health Care Services

From the respondents, the majority were satisfied with the health care services and the reasons given ranged from: service always on time, 51%; health personnel are always friendly 28%; medicine is always available 21%.



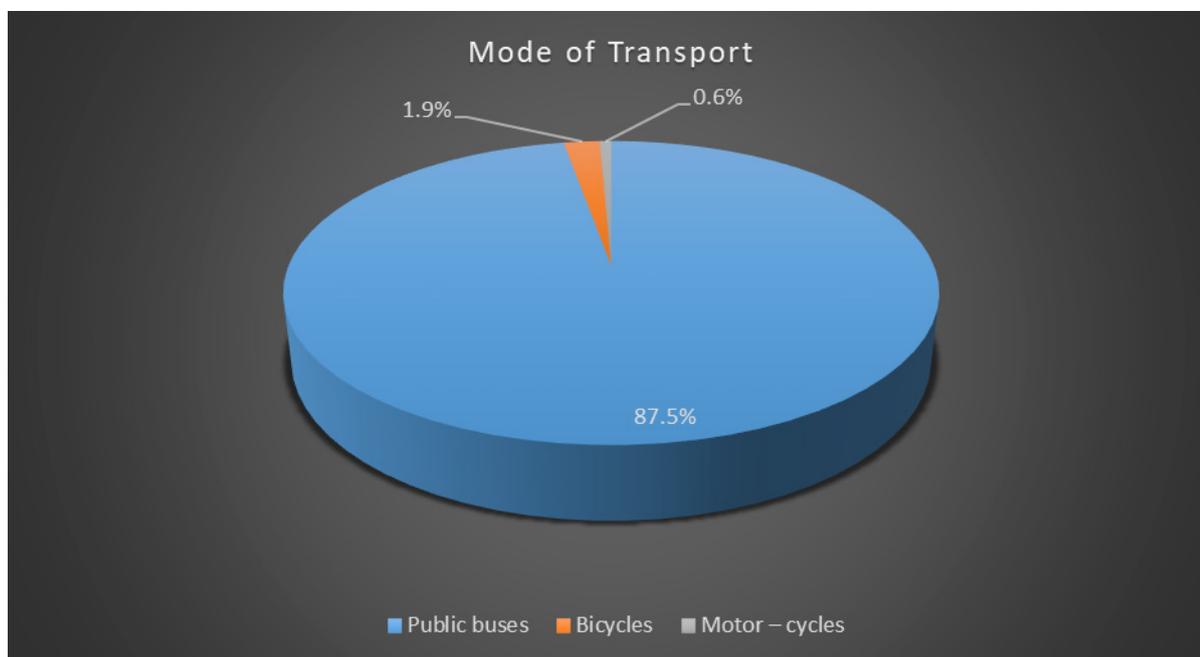
### 17.0 Main Source of Information on Housing and Land Rights

When it comes to the source of information on housing and land rights, 79.9% stated that they had access to this information. Out of the total who accessed this information, 44.5% accessed this information via radio. Of the respondents that had access to this information, 48.8% stated that what they paid to access this information ranged from nothing to ZMW100. Most of these charges went to battery purchases or for fixing their devices when they develop faults. But if all is in place, they do not spend anything.



### 18.0 Mode of Transport Used in the Area

The most commonly used mode of transport in the area is public buses, as 140 respondents (87.5%) attested. Three (3) (1.9%) use bicycles and one (1) (0.6%) uses a motorcycle.



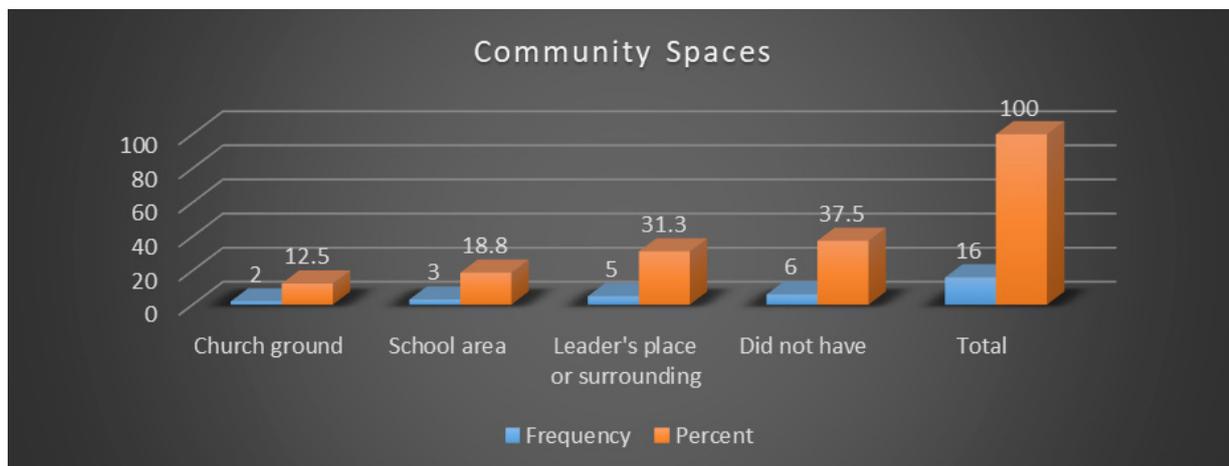
### 19.0 Displaced Households

The research analysed two characteristics of the community dynamics; that is, those who were still living in the community, but threatened with eviction; while the other are those who had been displaced from the community. This part of the report provides an analysis of those who had been displaced from their communities. Out of the 160 HHs surveyed during the study, 16 of them were displaced to Dangote village. The displaced HHs were analysed separately as detailed below.

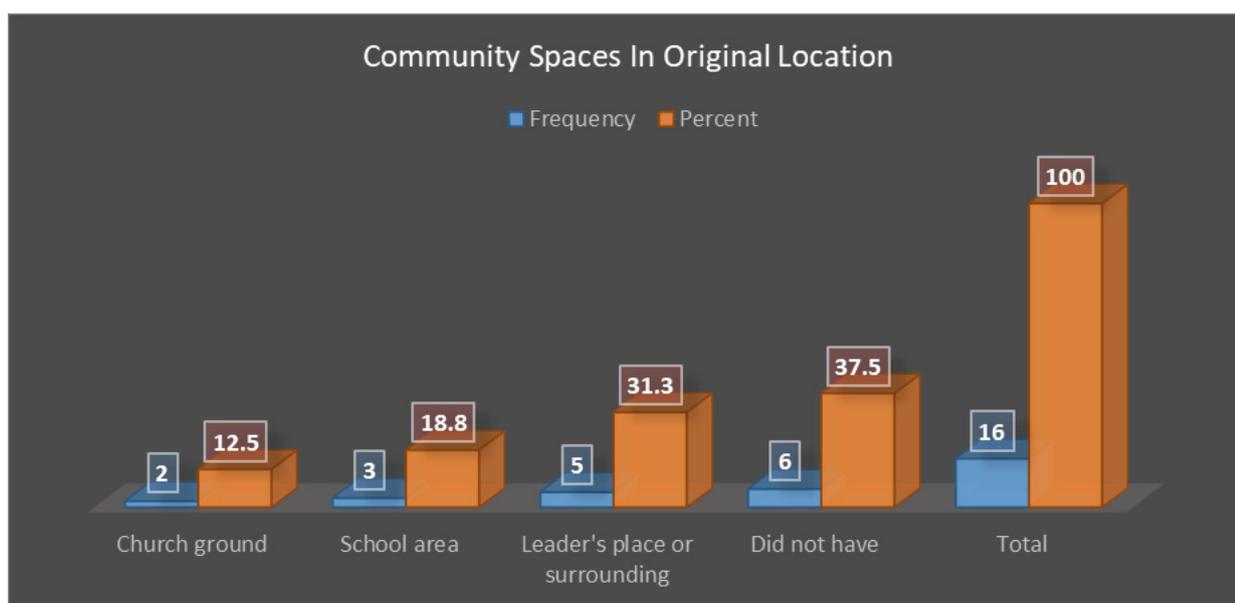
## 19.1 Social Assets

### 19.1.1 Community Spaces

The study participants were asked to comment on the community spaces that they had, and responses were given in the table below.

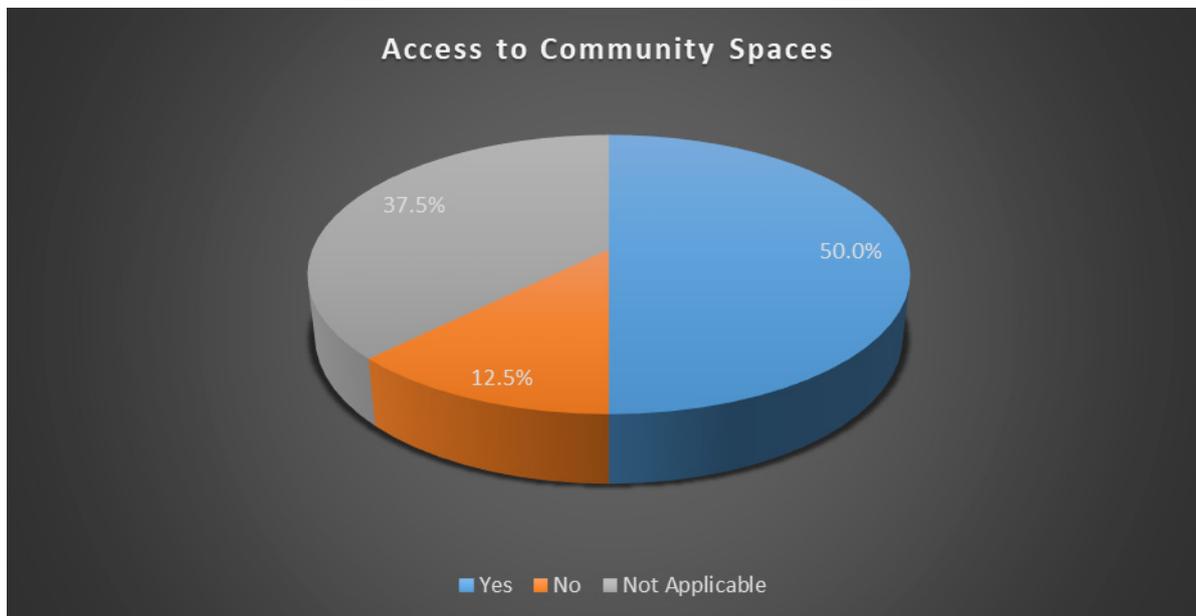


From the 16 HHs, two (2) reported to have the church ground as their community space; three (3) (18.8%) stated that they used the school grounds; five (5) (31.3%) of respondents used the village headman’s place or surroundings; and six (6) (37.5%) HHs did not have anywhere to gather as a community.



### 19.1.2 Access to Community Spaces

Access to community spaces was one of the other variables that the research considered. The table below reflects the number of community members that had access to community spaces in their new location, and those who did not. Eight (8) community members (50%) of the displaced HHs stated that they had access, while two (2) HHs (12.5%) of the displaced HHs had no access to community spaces. This indicates a net loss of community space following their eviction and resettlement.

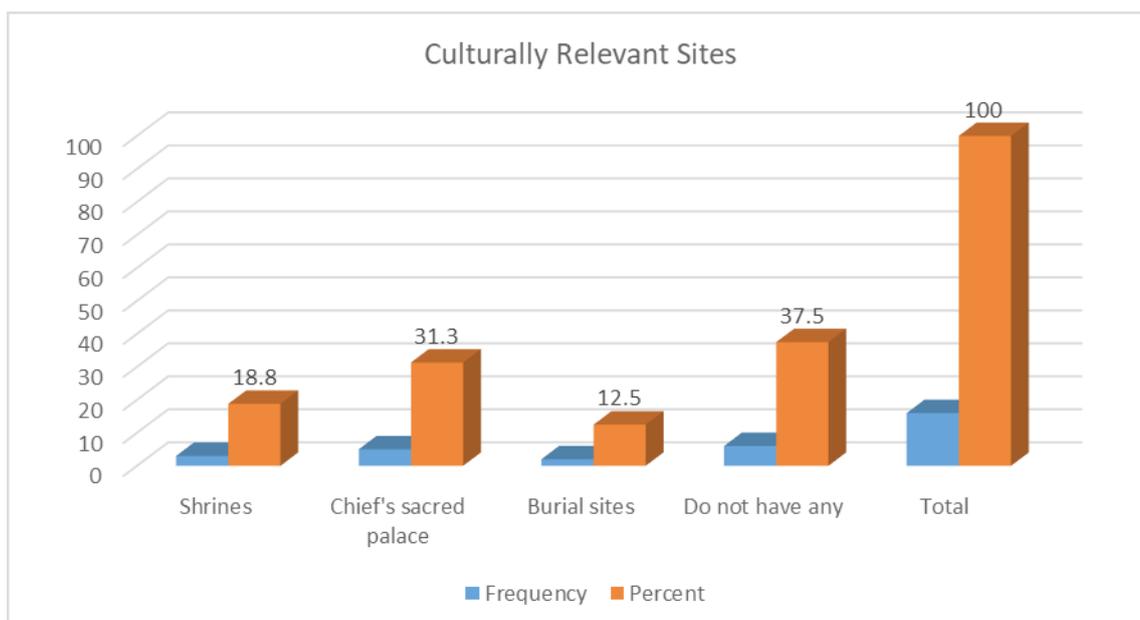


### 19.1.3 Child Spaces or Nurseries

When the respondents were asked to comment on whether they had community spaces specifically for children, all respondents from the displaced category stated that they had no such spaces or nurseries for children.

### 19.1.4 Culturally Relevant and Sacred Sites

In every African context, communities have cultural sites that form an integral part of their social setting and form a collective asset. This study analysed and documented the various cultural sites that existed in the community before the establishment of the Dangote Cement Plant. Of the 16 displaced respondents, three (3) (18.8%) reported to have had shrines as their cultural sites; five (5) (31.3%) reported to have the chief’s sacred palace as their sacred place; two (2) (12.5%) of the respondents stated that they had burial sites as their sacred sites; and six (6) respondents (37.5%) from the displaced HHs stated that they did not have any.



## 20.0 Property Rights through Succession

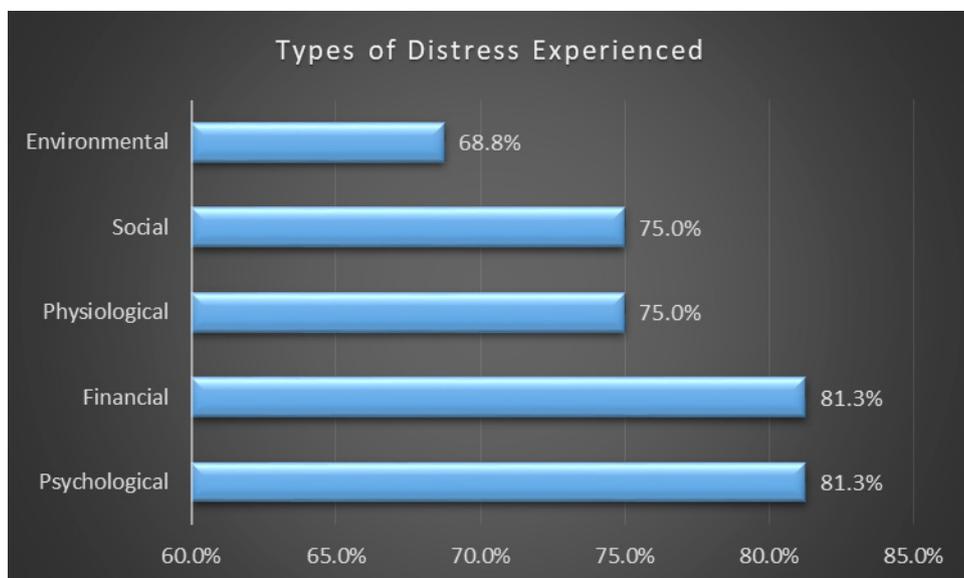
The HH representatives were also asked as to whether or not they enjoyed property rights through succession. All of the 16 interviewed stated that they did not inherit any property through succession, thus, did not enjoy any rights in that regard.

### 20.1 Items of Sentimental Value Inheritance

The respondents were also asked to comment on whether or not they inherited items of sentimental value. All of the 16 HH representatives stated that they did not inherit any item of sentimental value.

### 20.2 Distress Experienced as a Result of Relocating

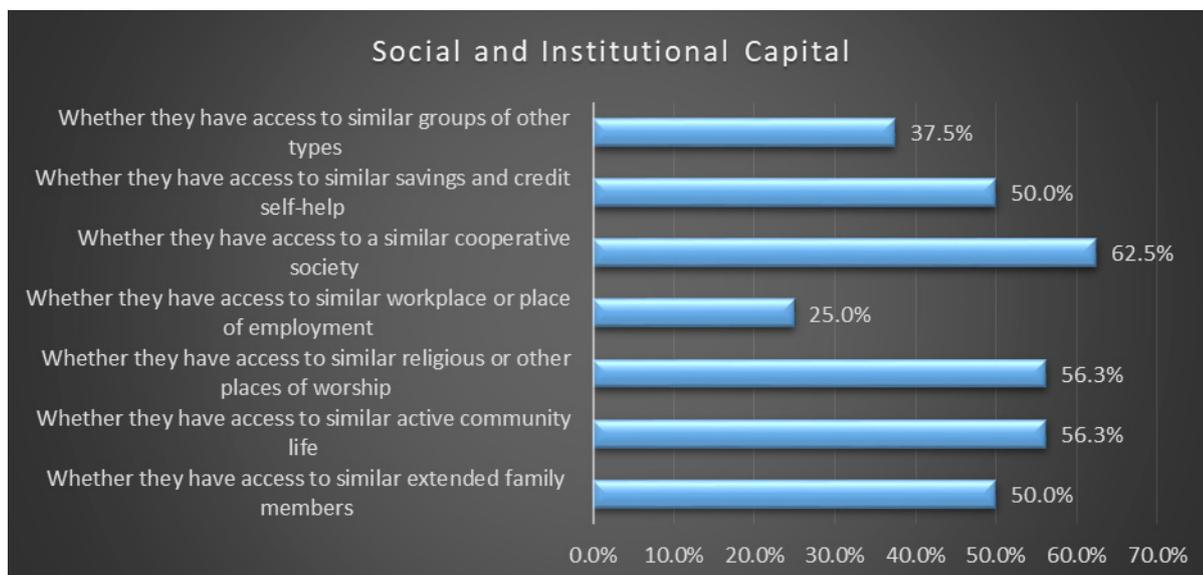
Displacement and threat of eviction leads to numerous forms of distress, and the study sought to establish how the displaced families were thus, affected. The following table shows the kind of distress experienced among the 16 HHs already displaced.



Out of the 16 displaced HHs, 13 (81.25%) stated that they experienced psychological distress; 13 (81.25%) experienced financial distress; 12 (75%) experienced physiological distress; 12 (75%) experienced social distress; and 11 (68.75%) experienced environmental distress. On average, 12.2 respondents representing 76.25% of the target population experienced distress as a result of being displaced.

### 21.0 Social and Institutional Capital

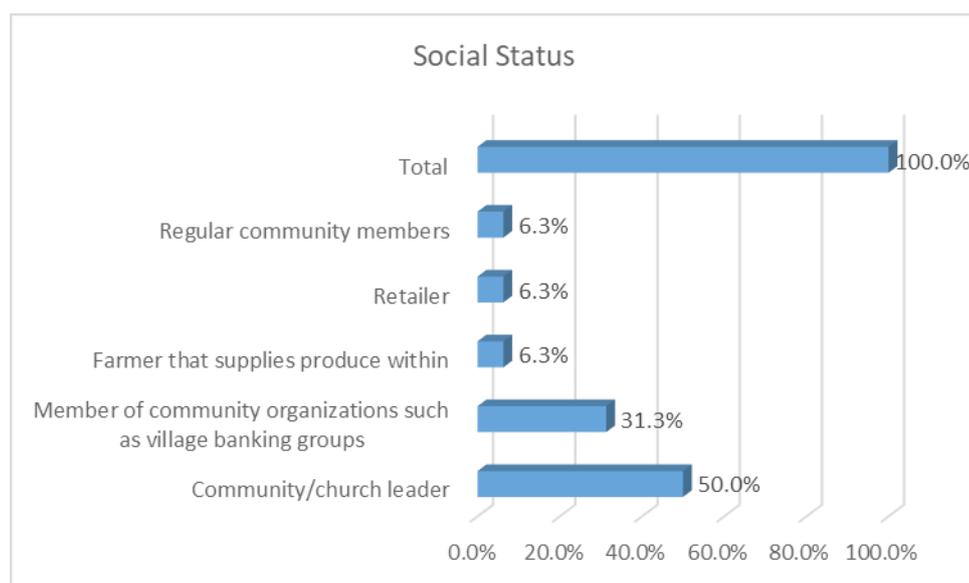
Social and institutional capital was considered important in order to measure the impact of the displacements especially on women. This was determined by asking the respondents whether or not they had a social set up similar to where they were coming from before.



According to the findings, eight (8) (50%) of the displaced target population stated that they had access to similar extended family members; eight (8) (56.25%) had access to a similar active community life following the displacement, as compared to the initial social setting before the displacement. Nine (9) HHs (56.25%) had access to similar religious or other places of worship as they did before the displacement; four (4) (25%) of the displaced families had access to similar place of work; 10 HHs (62.5%) had access to a similar cooperative society; eight (8) (50%) of the displaced families had access to similar savings and credit self-help associations; and six (6) (37.5%) had access to similar groups of other types that they belonged to before the displacement.

### 21.1 Social Status/Solidarity/Cohesion/Integration

In many cases, displacements alter the social fibre of affected communities. The study considered the impact of the displacement by examining the social status including social cohesion and integration of displaced HHs.



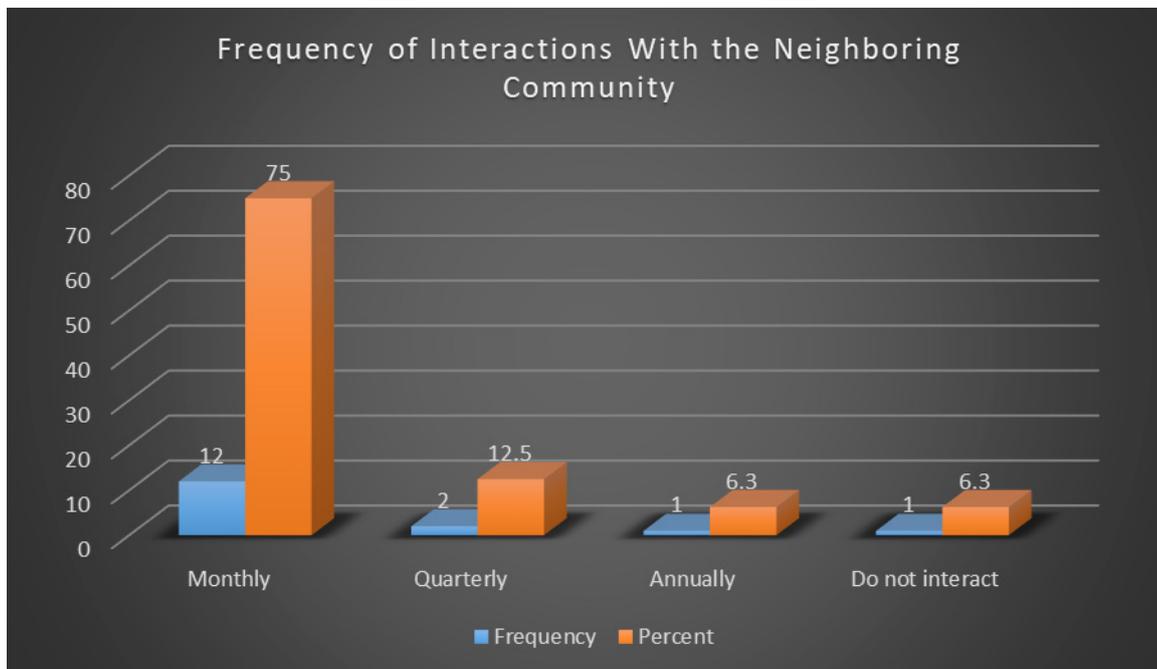
According to the findings recorded, eight (8) respondents (50%) were community or church leaders; five (5) (31.3%) were members of community organisations such as village banking; one (1) (6.3%) was a farmer that supplies his produce within the same community he lived in before being displaced, as well as their current location; one (1) (6.3%) was a retailer; and one (1) (6.3%) of the displaced was a “community member.”

### 21.2 Social Cohesion/ Integration

This was measured by frequency of interaction, tension/conflict, conflict management; and the role women play in handling and managing conflict.

### 21.3 Frequency of Interaction with the Neighbouring Community

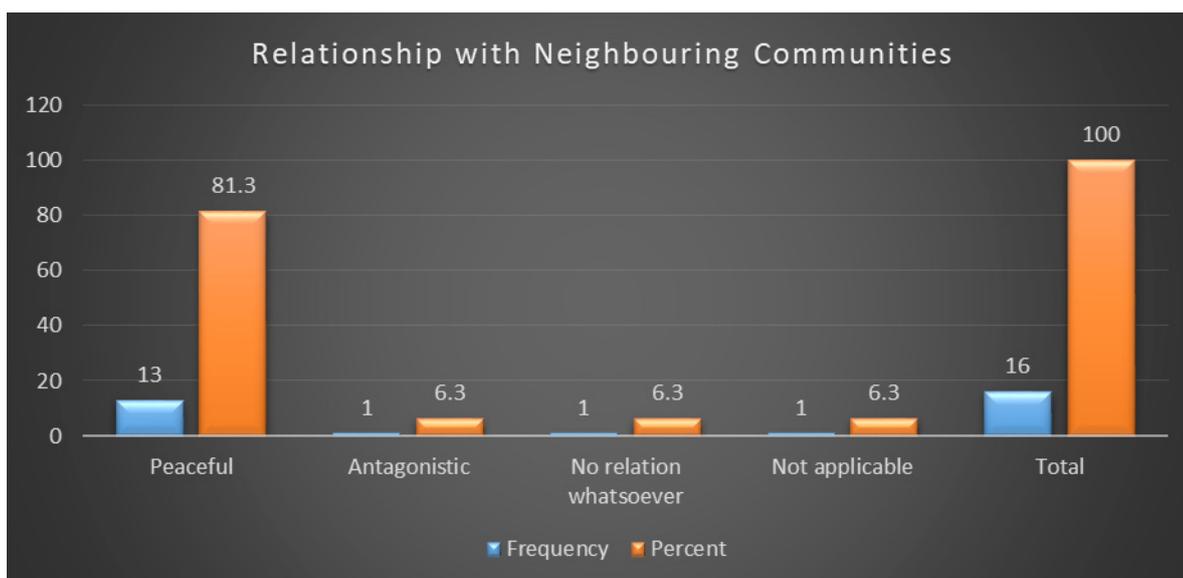
This was an important measure to determine whether or not the displaced community interact at a similar rate with the neighbouring communities compared to their previous area of residence.



According to findings, 75% of the displaced families interacted monthly; two (2) HHs (12.5%) interacted quarterly; one (1) member (6.3%) interacted once a year; and one (1) HH (6.3%) of the displaced HHs did not interact with their neighbouring communities.

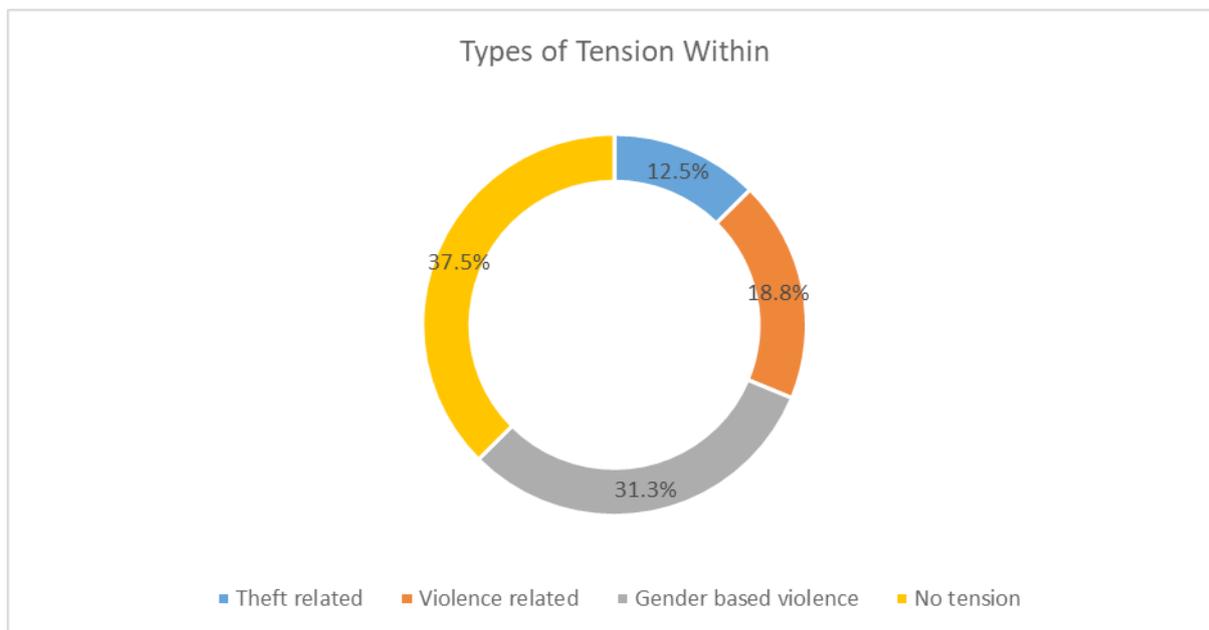
### 21.4 Nature of Relationship with Neighbouring Community

In most cases when communities relocate, it is not guaranteed that they will be accepted and integrated into the new community including the surrounding communities. Premised on this assertion, the research sought to establish the nature of relationships with the neighbouring communities of the displaced and relocated community members. Twelve (12) HHs (81.3%) of the affected population stated that their relationship was peaceful; one (1) HH that is (6.3%) stated that it was antagonistic; while the other one (1) (6.3%) stated that there was no relationship at all; while one (1) HH that is (6.3%) of the displaced families did not provide any response to this question.



#### 21.4.1 Type of Tension within the Community

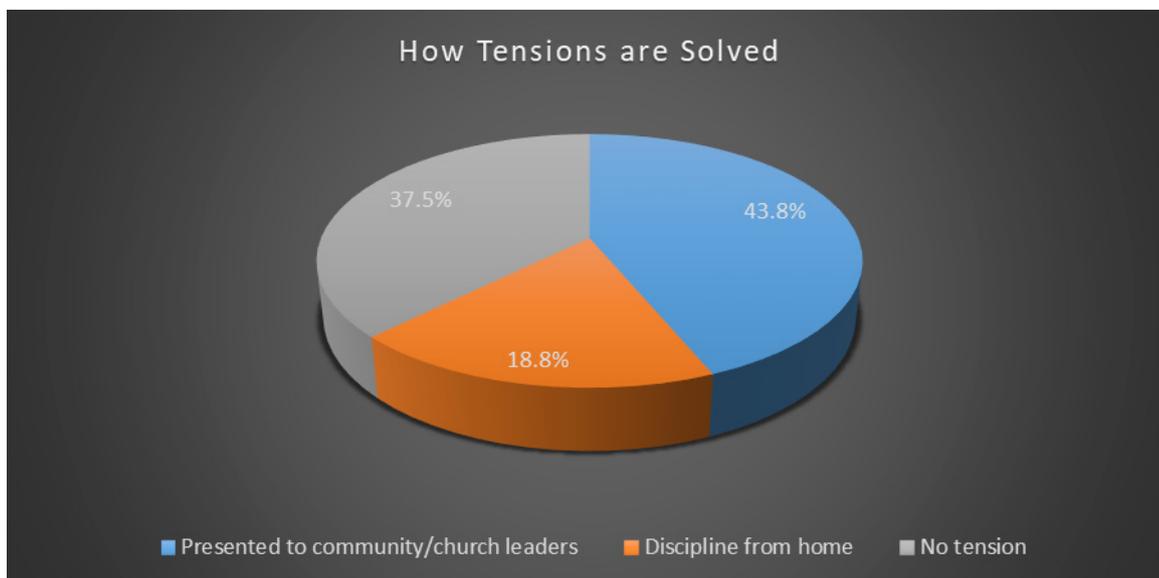
The respondents were further asked to comment on the nature of the relationships that existed within the community in relation to aspects that would lead to tension. The following were their responses:



Out of the 16 displaced HHs, respondents two (2) HHs (12.5%) reported to have theft-related tensions within their community; three (3) (18.8%) stated that they had violence-related tension; five (5) (31.3%) endured gender-based violence; and six (6) (37.7%) of the displaced HHs had no tension whatsoever.

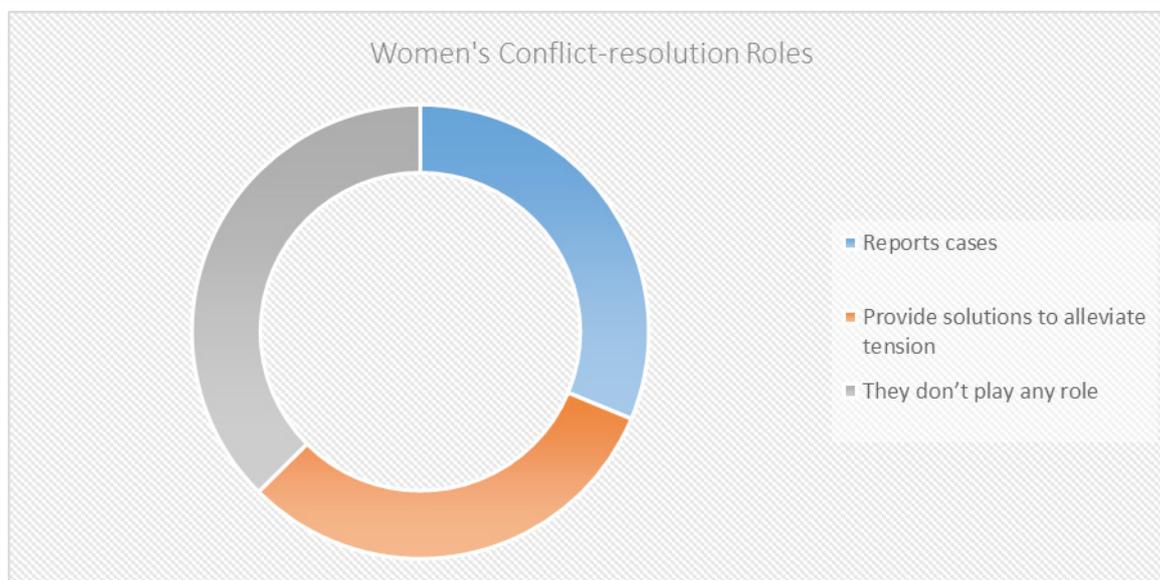
### 21.4.2 How Tensions are Resolved

Communities have established systems that have been put in place to help resolve tensions each time they arose. The research explored the various methods and avenues employed in resolving tensions. Seven (7) respondents (43.8%) stated that they present their issues to community or church leaders who precede over the matter and facilitate restoration of harmony; and three (3) HHs (18.8%) stated that they handle the issues at home between the affected parties and agree on how to live in harmony as members of the same community.



### 21.4.3 The Role Played by Women in Handling Societal Tensions, Conflict or Unrest

The respondents were asked to comment on the role women play in handling societal tensions. The following were their responses:



Women in every society are viewed as care givers as they provide a support system for families to survive and thrive. Among the notable roles includes nurturing of children, taking care of the sick, and being front liners in the provision of community service. Out of the 16 HHs, five (5) (31.3%) of the respondents stated that women reported cases to relevant authorities; another (31.3%) stated that women provided solutions to alleviate tensions by playing the role of mediator between opposing parties; and six (6) (37.5%) of the displaced families stated that women did not play any role.

#### 21.4.4 Political Legitimacy

Every citizen is entitled to participate in decision-making processes including electing public office holders, or themselves standing for a political position. However, for one to be considered or recognised by their communities, they need to possess some form of national identification documentation that authenticates their association, age, gender and ethnicity. In Zambia, the commonly used and most recognised document is the National Registration Card, (NRC). In addition, those interviewed were asked to rate their level of satisfaction relating to authorities respecting their rights and if they participated in voting of their public office leaders. The analysis is detailed below.

#### 21.4.5 Whether they were Registered with a National Registration Card (NRC)

The respondents were asked whether or not they held a National Registration Card (NRC) of which all the 16 (100%) stated that they were NRC holders. This meant they are legitimate Zambians and are entitled to citizen rights as enshrined in the country's constitution.

#### 21.4.6 Whether or not they Feel their Rights are Respected by the Authorities

According to the findings, eight (8) HHs representing (50%) of the respondents felt that their complaints were heard by the authorities; seven (7) HHs (43.75%) felt the state protected them; three (3) HHs (18.75%) felt that the state provided what they are mandated to provide; and five (5) (31.25%) of the target population felt that their rights were respected in other ways such as their rights being protected from infringement by others.



## 22.0 Political Participation

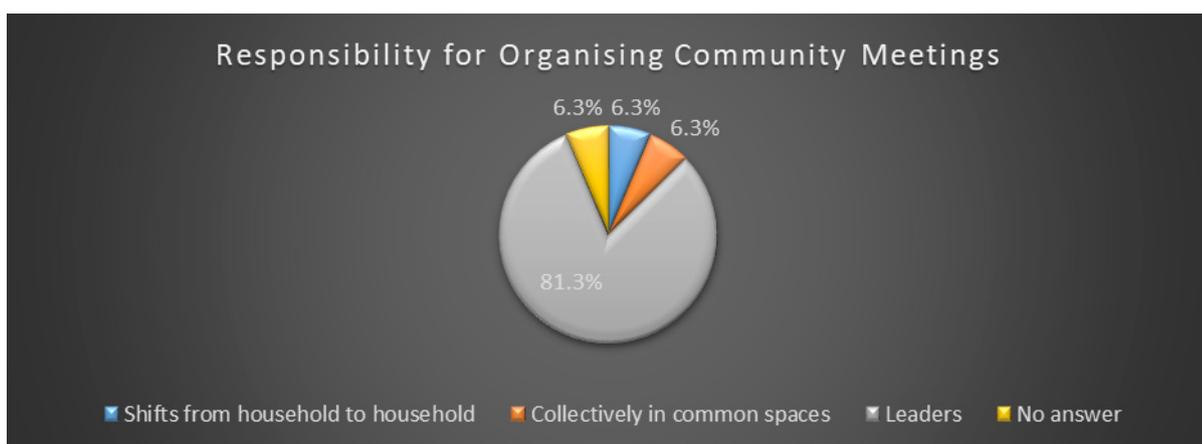
Political participation in the current research was measured by asking the respondents on how they participate in community meetings; who organises community meetings; the kind of issues discussed in the meetings; and how regular the meetings are held.

### 22.1 How HHs Participate in Community Meetings

According to the findings, community members participated in meetings either through physical attendance or representatives. Eleven (11) respondents (68.8%) had physical meetings and four (4) (25%) were represented through a representative.

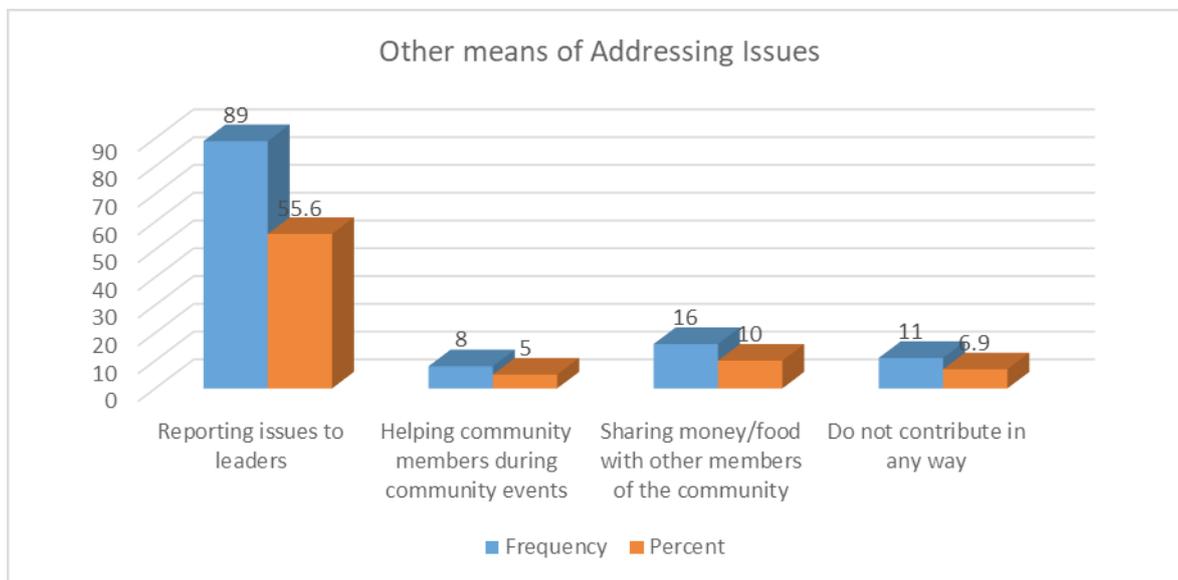
### 22.2 Who Organises the Community Meetings?

The findings in the table above indicate that one (1) (6.3%) stated that the meetings shifted from household to household; one (1) (6.3%) stated that the meetings were organised collectively in common spaces; and 13 HHS (81.3%) indicated that meetings were organised by community leaders.



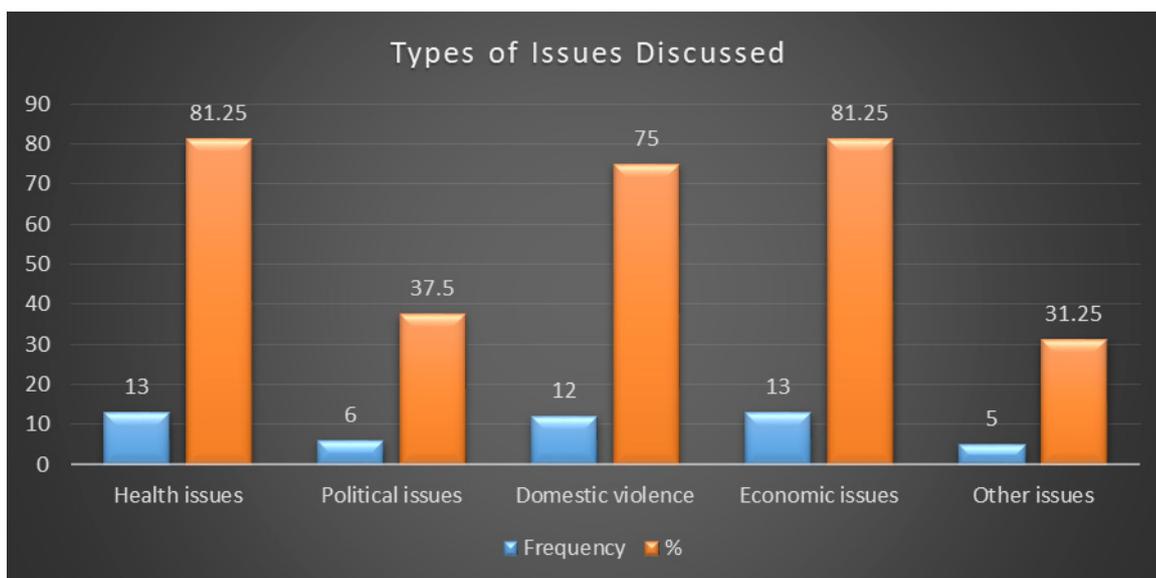
### 22.3 Other Ways Community Members Address Issues

All 160 respondents were also asked to comment on other ways community members contribute to addressing issues. According to the findings, 89 (55.6%) of those interviewed stated that they contribute by reporting challenges to leaders; eight (8) (5%) stated that they help during funerals, weddings and other communal events; 16 (10%) stated that they contributed by sharing money and/or food with other members of the communities in times of need; 11(6.9%) of the targeted population stated that they did not contribute in any way.



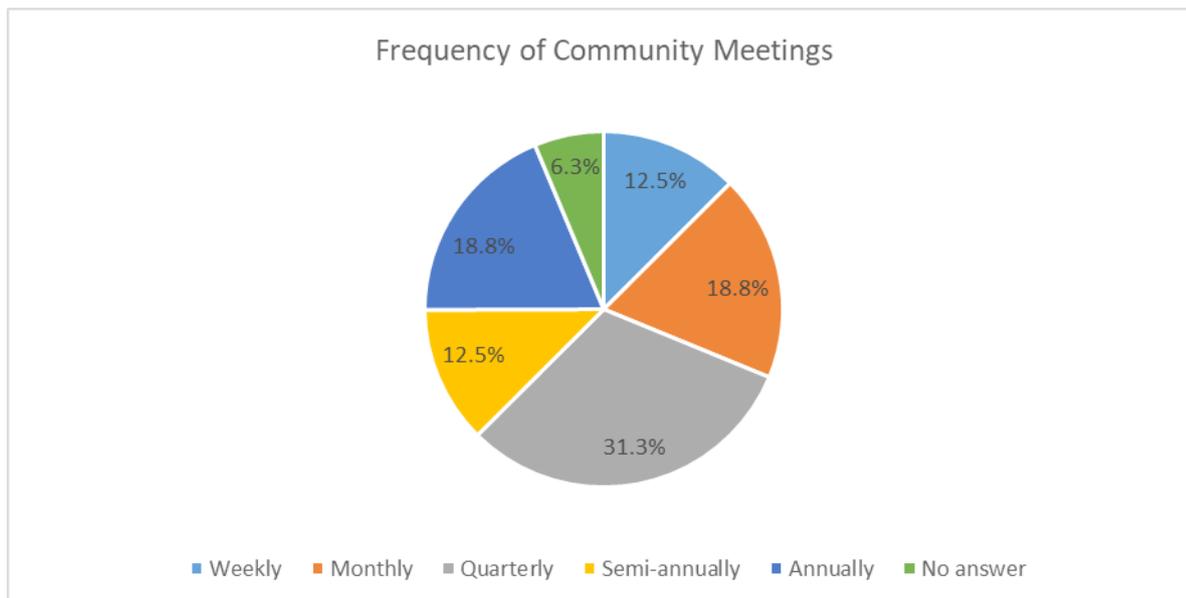
### 22.4 Issues Discussed

On the kind of issues discussed, 13 of the already-displaced HHs (81.25%) stated that they discussed health issues; six (6) (37.5%) stated that they discussed political issues; 12 (75%) of respondents stated that they discussed issues on domestic violence; 13 HHs (81.25%) stated that they discussed economic issues; five (5) (31.25%) stated that they discussed a series of other community issues that would emerge.



### 22.5 Frequency of Meetings

In order to fully appreciate the level of collective actions and social cohesion, the number of interactions through community meetings was analysed. According to the findings, two (2) respondents representing 12.5% stated that they had meetings weekly; three (3) that is 18.8% of the population stated that they monthly meetings; five (5) respondents representing 31.1% stated quarterly; two (2) that is 12.5% stated semi-annually; and three (3) respondents representing 18.8% of the displaced families stated that they met annually.

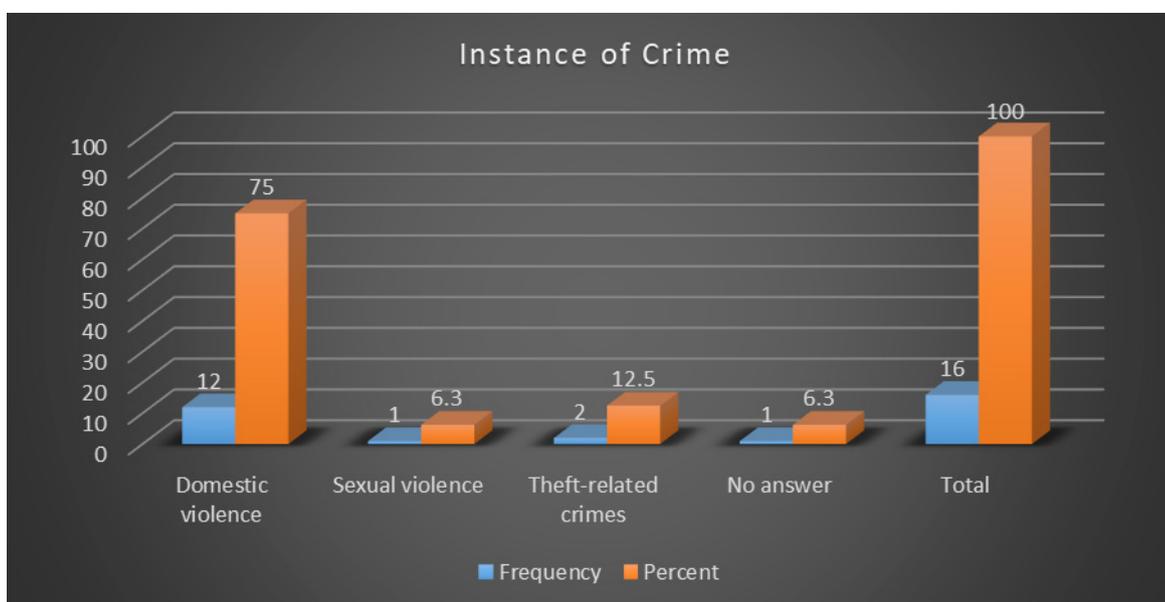


### 23.0 Civil Order

Civil order was measured by asking the respondents on the forms of crime/violence that they experience in their community; the monthly frequency of such crimes; and who was mostly affected by domestic, sexual and psychological violence in the community.

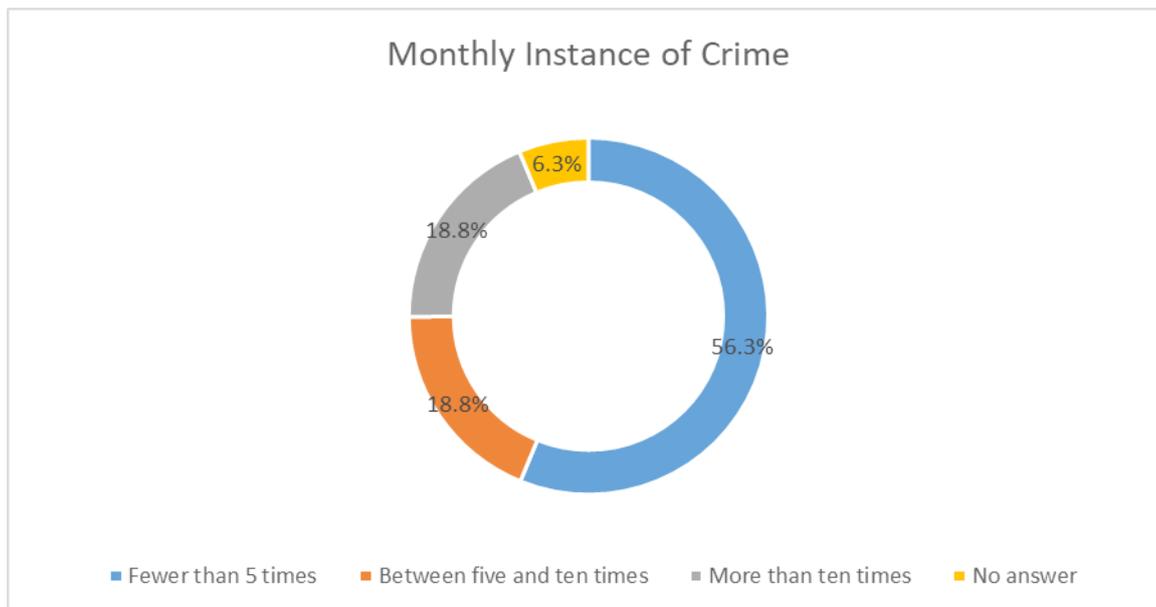
#### 23.1 Common Forms of Crime/Violence

Domestic violence was recorded as the most-common type of crime, as shown in the table below, with a frequency of 12 (75%) of the displaced population. Sexual violence was reported at a frequency of one (1) (6.3%), making it the least-frequent form of crime experienced. Two (2) (12.5%) respondents stated that theft-related crimes occurred the most in the area.



#### 23.2 Monthly Frequency of Crimes

On the monthly frequency of crimes, nine (9) of the displaced respondents (56.3%) stated that they experienced crimes fewer than five times a month; three (3) (18.8%) stated that they experienced crimes between five and ten times per month; and three (3) (18.8%) stated that they experienced crimes more than ten times in a month.

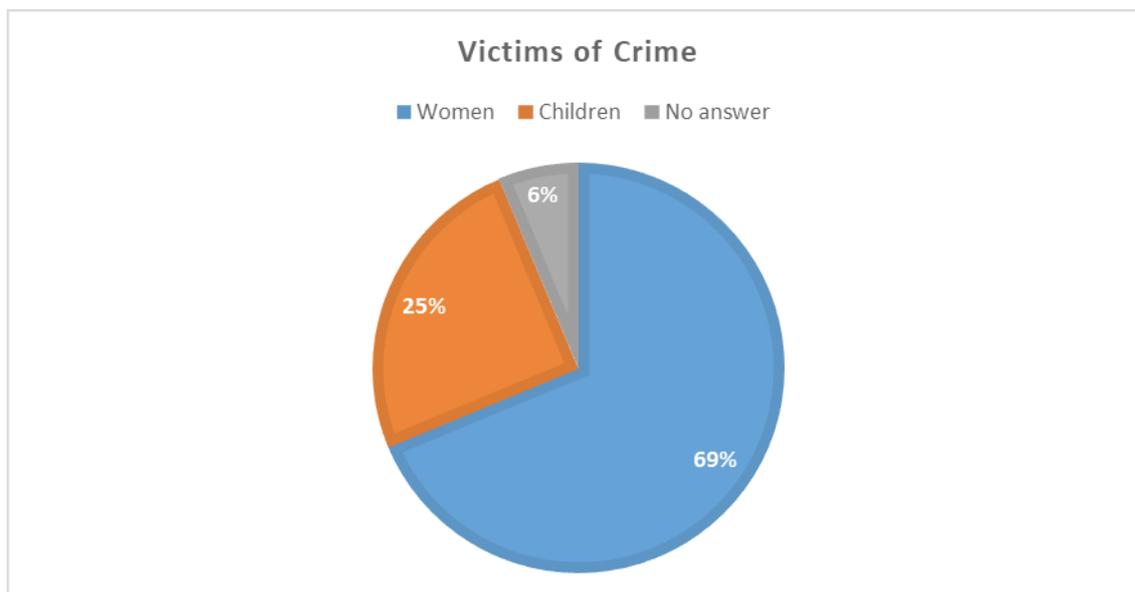


### 23.3 How Crime is Handled in their Community

All the respondents who answered this question stated that they solved the crime by reporting it to their community leaders.

### 23.4 People Mostly Affected by Crime

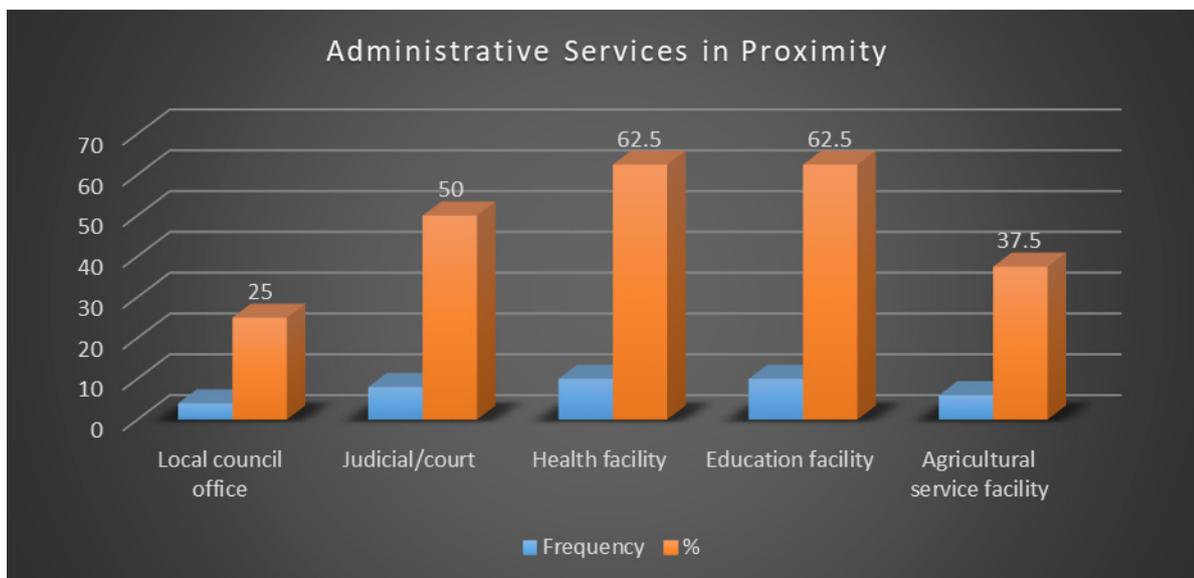
According to the findings, 11 respondents (68.8%) indicated that women were mostly affected by crime in the area, and four (4) (25%) stated that children were the most affected.



## 24.0 Public/State Costs/Expenditures

### 24.1 Bureaucracy and administration

Of the 16 respondents representing displaced HHs, four (4) HHs (25%) responded that they had a Local Council office; eight (8) (50%) stated that they had a judicial facility/court in their community; 10 (62.5%) stated that they had a health facility; another 10 (62.5%) stated that they had an education facility; and six (6) (37.5%) stated that they had an agricultural-service facility within their communities.

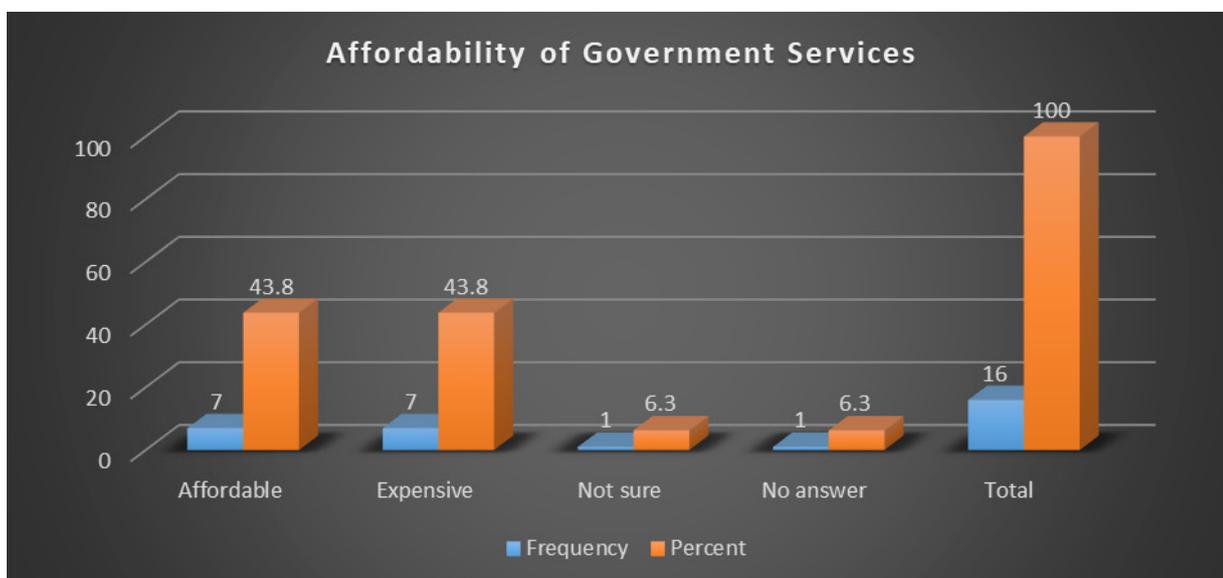


### 24.2 Charges Involved, Time Taken, and Satisfaction Derived from the Services

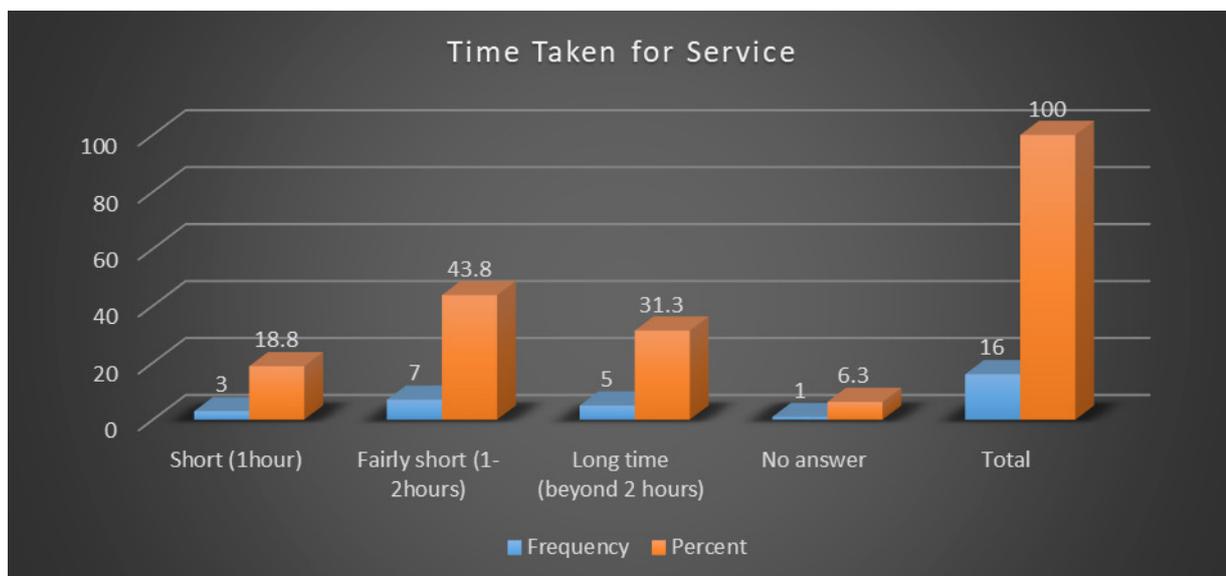
This section of the study sought to establish the level of service satisfaction, time taken and affordability of the cost associated to a particular service. On affordability, seven (7) (43.8%) stated that chargers were affordable; another seven (7) (43.8%) stated that the charges to access these services were expensive; and one (1) (6.3%) were not sure. Three (3) respondents (18.8%) stated that the service provision took a short time, and seven (7) (43.8%) stated that the services take a fairly short time; five (5) (31.25%) stated that the service takes a long time. Lastly, on the level of service satisfaction, eight (8) (50%) stated that they were fairly satisfied with the public services, and seven (7) (43.8%) stated that they were not satisfied.

### 24.3. Satisfaction with Local Services

#### 24.3.1. Affordability of Government Services



### 24.3.2 Time Taken for Service



### 24.3.3 Level of Service Satisfaction



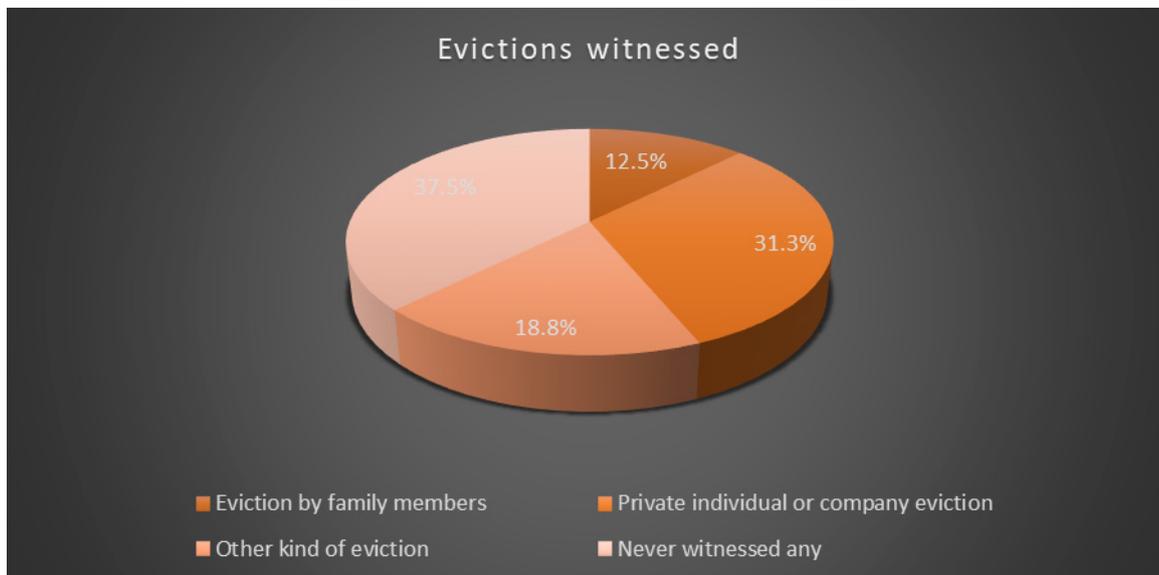
### 24.4 Public Works Being Implemented

Only one respondent (6.3%) stated that awareness campaigns were being implemented in their community. The other 15 (93.8%) were not aware of any public service works.

## 25.0 Evictions

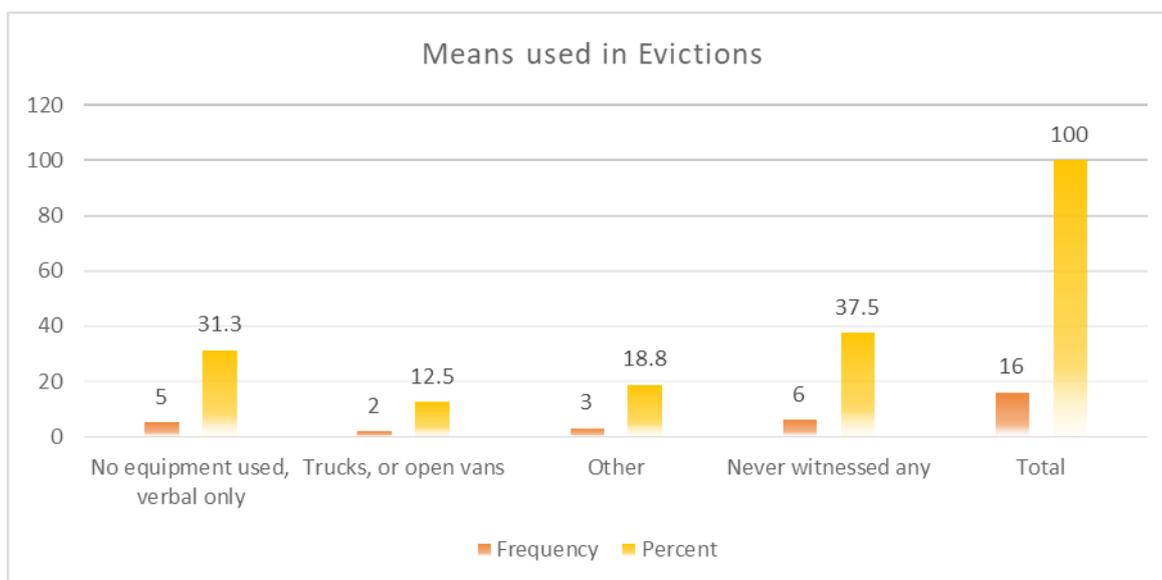
### 25.1 Kind of Eviction Witnessed

On the question of evictions witnessed in the community, according to the findings, two (2) (12.5%) of the displaced population stated that they witnessed an eviction by family members, five (5) (31.3%) witnessed evictions carried out by private individuals, or evictions initiated by companies that intend to make an investment in a particular community. Three (3) (18.8%) of respondents had witnessed other forms of evictions, and six (6) (37.5%) had never witnessed any kind of eviction. These findings assume that the evictions witnessed were those other than those conducted against the respondents' own HHs.



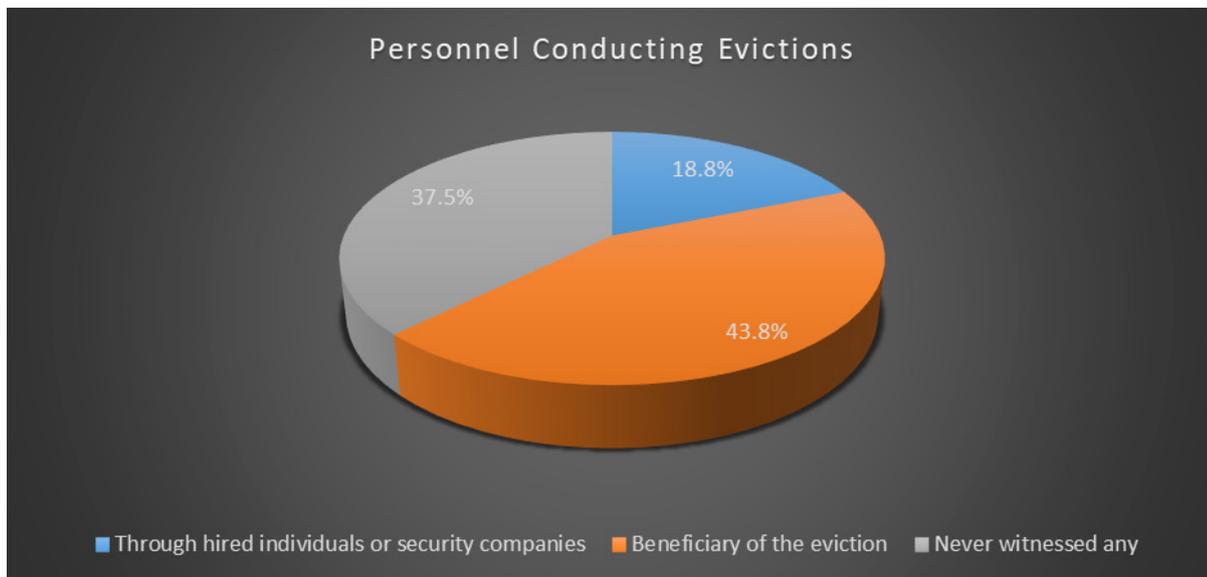
### 25.2 Equipment Used to Evict

As seen in the table below, five (5) (31.3%) of the respondents stated that no equipment was used in the evictions they witnessed, only oral eviction orders and instructions were issued. Two (2) (12.5%) stated that the perpetrators used trucks or open vans; three (3) (18.8%) reported that the perpetrators used other means such as wheelbarrows and ox carts. Six (6) HHs (37.5) reported that they never witnessed any eviction.



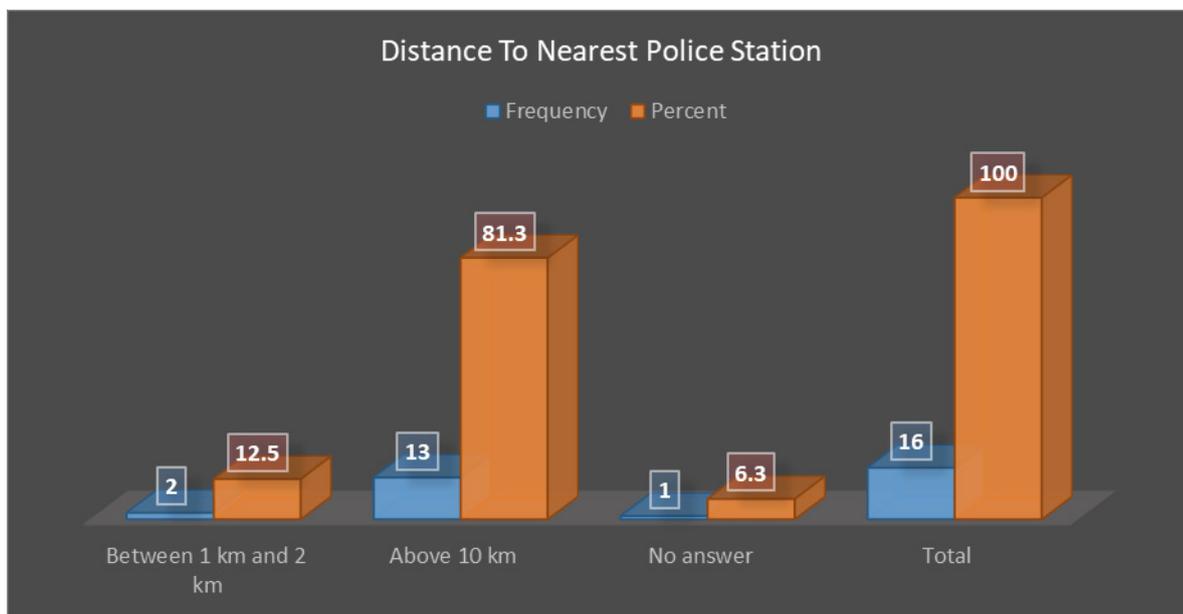
### 25.3 Kind of Personnel that Conducted the Eviction

The findings show that three (3) (18.8%) of those interviewed stated that the evictions were conducted through individuals hired from the community; seven (7) (43.8%) were through the beneficiary of the eviction; and six (6) (37.5%) had never witnessed any evictions.



### 26.0 Distance to the Nearest Police Station

According to the findings, two (2) HHs (12.5%) said that the distance to the nearest police station was between 1 to 2kms; 13 (81.3%) stated that the distance was above 10km.

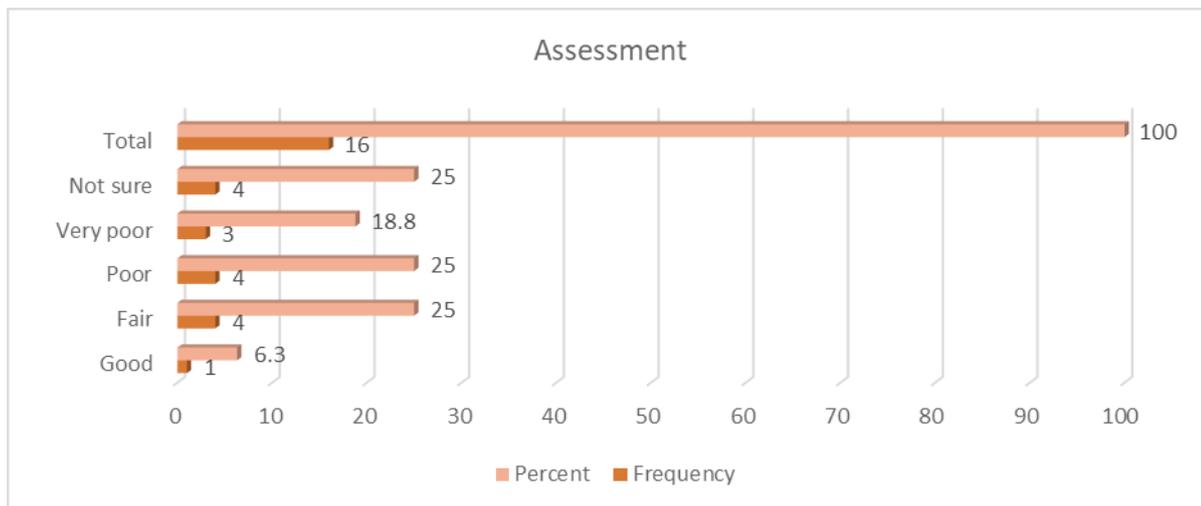


### 26.1 Police Assessment, Presence and Number of Personnel

The research inquired into the level of satisfaction among community members about the services provided by the police and the number of police officers managing the station at any given time.

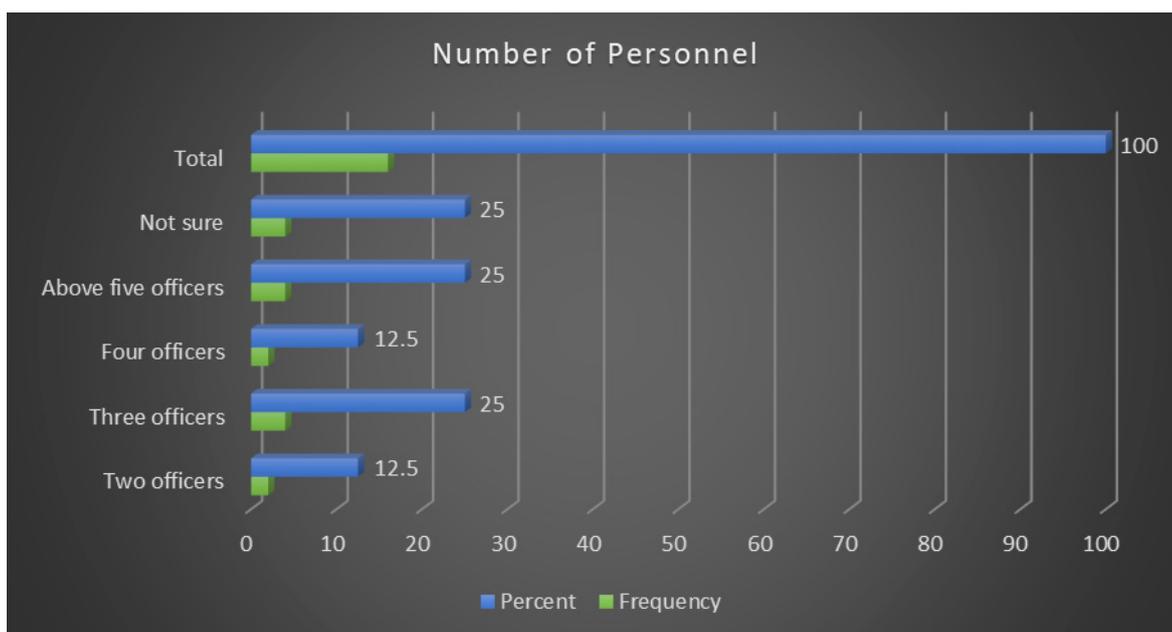
#### 26.1.1 Police Assessment

As captured in the figure below, one (1) of the respondents (6.3%) stated that the services at the police station were good. Four (4) (25%) stated that the services were fair. Another four (4) (25%) stated that the services were poor. Three (3) (18.8%) of the interviewed HHs stated that the services were very poor, and one (1) (25%) were not sure.



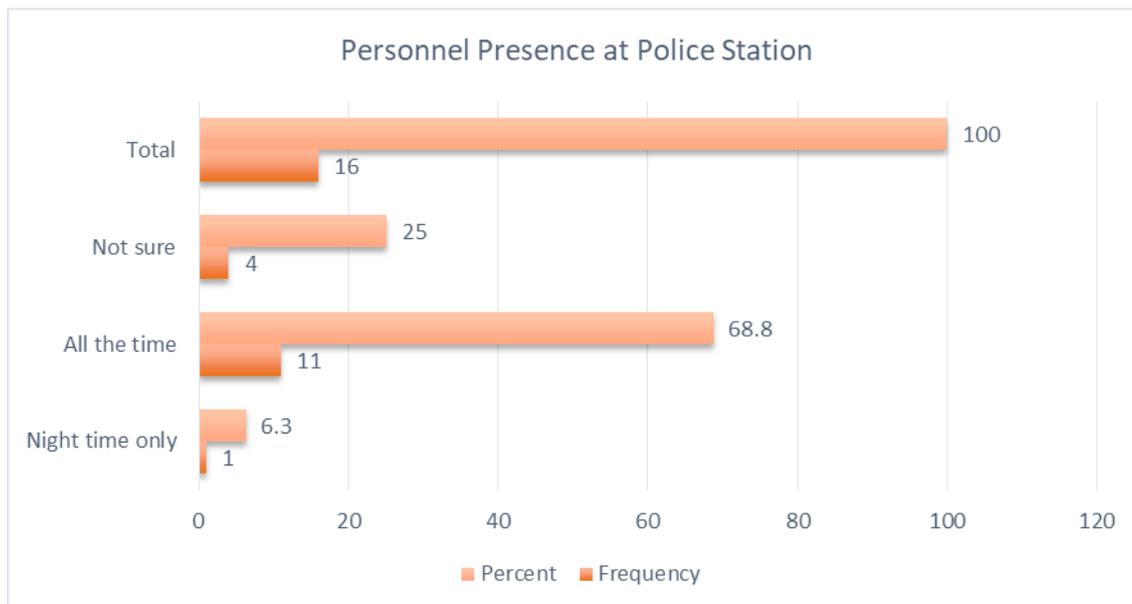
**26.1.2 Number of Personnel**

When it comes to the number of personnel at the police station, two (2) respondents (12.5%) stated that only two (2) officers were present at any given time. Four (4) HHs (25%) stated that three (3) officers were present. Two (2) HHs (12.5%) recalled that only four (4) officers were present. Four (4) other respondents (25%) of displaced community reported five (5) officers, and four (4) other respondents (25%) replied they were not sure.



**26.1.2 Personnel Presence at Police Station**

On personnel presence at the police station, one (1) HH (6.3%) stated that the police operated only during the night; and 11 (68.8%) stated that they operated all the time. They felt assured that, whenever they went to the police station, they would be attended to.

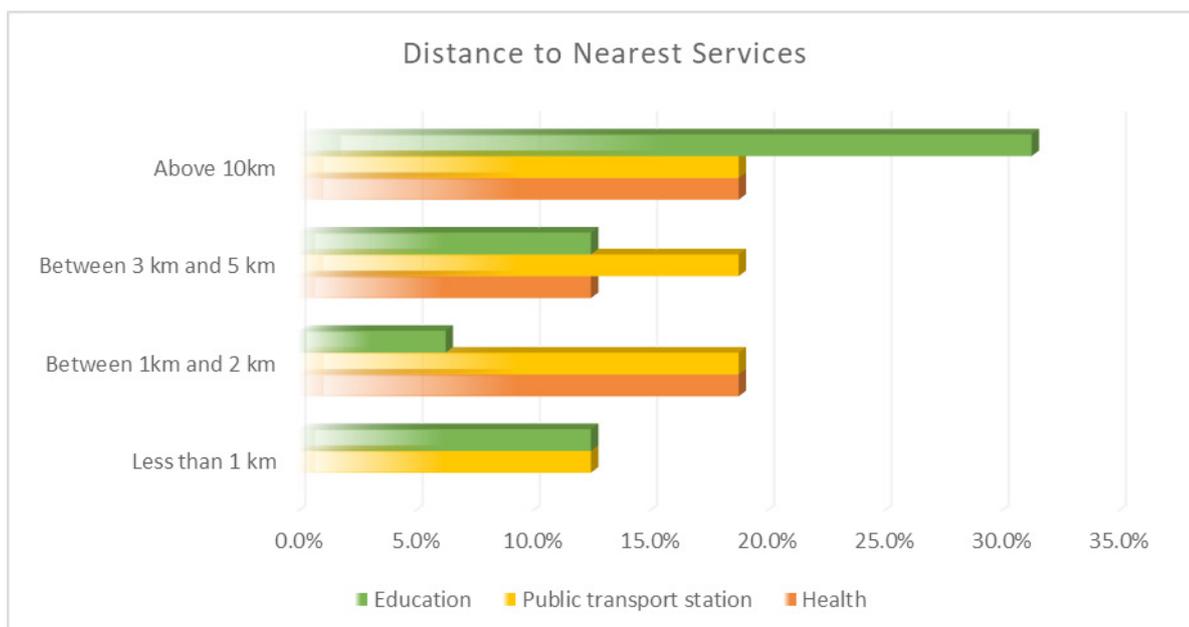


### 27.0 Military Presence in the Area

When the respondents were asked to comment on the military presence in the area, they stated that they had no military presence in Dangote village.

### 27.1 Distance to the Nearest Service

According to the table below, five (5) respondents (31.3%) reported that the distance to their nearest health services was below 5km; whereas three (3) (18.8%) stated that the distance to health services was more than 10km. As for the distance to the nearest public transport station, eight (8) HHs (50%) estimated it at less than 5km; whereas three (3) HHs (18.8%) stated that the distance was above 10km. Lastly, for the distance to education services, five (5) HHs (31.3%) stated that this distance was below 5km, whereas five (5) (31.3%) stated that the distance was above 10km.



### 28.0 Context of Violation

This study has established that the trend in violation of land rights in Chief Chiwala’s Chiefdom is characterised by forced evictions. This is premised on the grounds that the local indigenous farmers removed from Dangote village were not allowed an opportunity to completely harvest their crops before the construction of the plant commenced.

According to the farmers interviewed during the study, the Dangote Company had acquired three portions of land that comprised of 250 ha where a mine is located and 138.8 ha where the plant has been built. The Dangote Company has acquired another 16.5 ha where the buffer zone administrative facilities area is situated. According to the statement by one of the villagers, it was not possible to specify the actual size of the acquired land, but merely stated that the field of the crops they lost was large. In addition, respondents informed the research team that the investors had built an open sewerage pond that has become a breeding ground for malaria-carrying mosquitos and expressed concerns over the indiscriminate disposal of used syringes and needles by the people who were developing the plant. They were concerned about the young children who play around the area as these materials were a hazard to their health. Further, the villagers expressed concern about the health effects of dust emitted from the cement plant.

### 28.1 Phase of Interventions

In 2013, CFHHZ and the Copperbelt Indigenous Peoples Land Rights Network (CIPLRN) visited the community, following numerous community complaints regarding the loss of land and crops due to their evictions from their original homes and land. The two organisations had held meetings with the various parties, including the traditional leadership. The organisations held community meetings with members of four villages, who presented and shared their experiences. The villagers stated that, when the investment process commenced in 2009, Dangote representatives had engaged the community and promised to build them a community school, clinic, and housing units. Community members informed the research team that they never received adequate compensation commensurate with the costs associated with farming inputs and the proceeds of each season. They said their desire was to be compensated based on rates that correlate with input costs. They provided figures as detailed in the table below.

S/N	Size of Farmland	Cost/ Compensation Rate
1	Small holder farmers – less than 10 ha	ZMW 15,000 per lima <sup>1</sup>
2	Medium Scale farmers – 10 to 20 ha	ZMW 20,000 per lima
3	Ranging from 250 ha	Between ZMW 20,000 – ZMW 30,000 per lima

CFHHZ and CIPLRN held a meeting with the Dangote management to verify the rates of compensation cited by the community. They informed the research team that the Masaiti Agriculture Department had written to the mine, detailing the amounts due to the displaced farmers. The letter stated that based on government rates, each farmer was supposed to receive ZMW1,094 per lima, while Dangote had agreed to pay the farmers ZMW1,200 per lima for the maize fields, and ZMW2,850 per lima for vegetable fields. According to Dangote management, the affected farmers in the community had a total of 127 maize farmers and six vegetables farmers. The research team finds these rates extremely low, considering the permanent loss of land used for their farming, which was their main source of income to support their livelihood.

The community members stated that the amounts proposed in the table above were based on the cost of inputs for producing vegetables such as cabbage. The other costs included purchase of seeds, fertiliser, and disinfectant. They proposed a total of ZMW7,500:00 for each farming cycle done twice a year bringing the total of the desired amount to ZMW15,000.

### 29.0 Redress Sought

CFHHZ and CIPLRN advocated for adequate compensation for the affected families using a series of strategies that include, among others, engagements with the traditional leaders, the management of Dangote plant, the Zambia Environmental Management Agency (ZEMA), the Local Council and the line ministries. It was established that all the parties were fully aware of the consequences of changes in land use. After being engaged to provide guidance on the resettlement action plan (RAP), the local authority informed that the environmental impact assessment (EIA) conducted by ZEMA determined that the cement plant should not affect the health and general wellbeing of the community members. In addition, the local authority informed the meeting that the communities were going to be relocated to another site where housing would be provided, including alternative farming land.

### 29.1 Status of Community: Costs and Consequences

Nonetheless, the research team established that, despite the efforts to have the communities compensated based on market rates and developments of the cement plant to adhere to the EIA and the RAP, violations of community members' rights have been committed. These arise from the following impacts, among others:

- i. The stream that the villagers used to access water from was fenced off, and later contaminated with effluent from the plant.
- ii. The nearby forest that provided natural foods and wood-energy was taken from them.
- iii. Women now have to walk long distances to reach the nearest market.
- iv. Most man-made wells have dried up, including the naturally running stream that has led to loss of access to water for gardening, which has contributed to reduced income among HHs that depended on gardening for their income.
- v. The housing units that were built by Dangote are inadequate and culturally unsuitable, as they are small, compared to the traditionally built housing units that take into account culture and norms.
- vi. Most of the intended beneficiaries of the housing units did not benefit from the housing units due to an array of reasons, among them not all intended beneficiaries were allocated housing units.
- vii. The plant and related developments have not complied with the stipulations of the EIA, as the community is heavily polluted with dust from the plant.
- viii. The tremors from the blasting of the stone at the quarry pit has resulted in numerous cracks in community members' homes and other buildings, threatening the life span of the structure as they were not built with structural specifications that would resist such extreme external pressure.

### 30.0 Conclusions and Recommendations

As noted above, this research into the values at stake for HHs undergoing eviction and displacement took place in a changing policy environment. The new Lands Policy called for several progressive measures, allocating 50% of land to women,<sup>15</sup> in line with the Southern African Development Community (SADC) Protocol on Gender and Development, ratified by the Zambian Government in 2006.

This policy succeeded in adoption, in part, through the advocacy of three key civil society partners: The Non-Governmental Gender Organisations Coordinating Council (NGOCC), the Zambia Land Alliance (ZLA) and the present project partner, CFHHZ. Together with other civil society organisations (CSOs) and with the support of multiple donors, Zambia's new National Lands Policy is a testament to the importance of sustained advocacy, community sensitisation, collaboration to achieve development and policy objectives and alignment with regional and international norms and best practices. Other specific policy measures that reflect key advocacy messages of CSOs and partners, include:

- i. Decentralising the Lands Tribunal to provincial centres with a view to establishing a Land Court. This measure aims at strengthening land dispute management mechanisms;
- ii. Promoting pro-poor programmes to enhance land ownership among Zambians. This measure aims at promoting decent livelihoods and socio-economic development;
- iii. Ensuring that 20% of available land for alienation is allocated to youths;
- iv. Encouraging progressive realisation of empowerment of persons with disabilities in land allocation;
- v. Lowering the contractual age for land acquisition from 21 to 18 years;
- vi. Promoting sustained land and gender awareness campaigns using various channels of communication; and
- vii. Encouraging chiefs to allocate land to women, youths, persons with disabilities and other marginalised groups in their own right.

Through the lens of human rights and other international norms, certain measures remain to be affirmed in government practice. While many measures are indeed positive, the policy uses the language of empowerment, rather than rights, which challenges the marginalised and groups subject to historic

<sup>15</sup> National Lands Policy, *op. cit.*, 27.

discrimination to further apply their own agency to realise equality and equity. The policy does not yet address past or future violations through the reparation framework in international law. It also upholds the constitutional provision that empowers the Zambian president with the power to dispose of all lands within the republic.

Within the scope of this study and its proposed remedies, the restitution of rights to wealth, wellbeing and habitat in case of violation remains a subject of continuing advocacy. The Government of Zambia — like all governments — should put in place guidelines that define liability and punitive measures against parties, including multinational corporations, that violate the recommended procedures stipulated in the EIAs and the international human rights standards applicable in cases of eviction and displacement. This will enhance preservation of the environment and protection of the natural flora, fauna, soil quality, environment and human security for current and future generations. Such guidelines should stipulate full entitlements to reparations, foremost being restitution. Setting compensation rates for losses, costs and damages to values that cannot be restored through restitution should also be stipulated.

These entitlements should comply with the reparation framework provided in international law (see **Annex 2**) and be provided proactively and retroactively to effected individuals, families and HHs. Any compensation should be for replacement values at current market rates.

Reparations should fully cover values expressed and lost by women subject to forced eviction and displacement. This would enable families to recover and start a new life, while limiting the negative economic and other shocks that arise from being displaced from land and home.

Civil society organisations such as CFHHZ, CIPLRN, together with the Housing and Land Rights Network, Habitat International Coalition and many more working in communities should advocate full reparations on behalf of victims and equip communities with knowledge of norms and standards, as well as negotiation skills to demand their full rights and entitlements for the impacts of dispossession and evictions from their lands and homes

(Footnotes)

1. The lima is a local land measure equivalent to 0.25 hectares, or 2,500 square meters.

05-49642

**Annex 1: Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law**

United Nations

A/RES/60/147



General Assembly

Distr.: General

21 March 2006

## Sixtieth Session

Agenda Item 71 (a)

**Resolution Adopted by the General Assembly**

[on the report of the Third Committee (A/60/509/Add.1)]

**60/147. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law**

*The General Assembly,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights,<sup>1</sup> the International Covenants on Human Rights,<sup>2</sup> other relevant human rights instruments and the Vienna Declaration and Programme of Action,<sup>3</sup>

*Affirming* the importance of addressing the question of remedies and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law in a systematic and thorough way at the national and international levels,

*Recognising* that, in honouring the victims' right to benefit from remedies and reparation, the international community keeps faith with the plight of victims, survivors and future human generations and reaffirms international law in the field,

*Recalling* the adoption of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law by the Commission on Human Rights in its resolution 2005/35 of 19 April 2005<sup>4</sup> and by the Economic and Social Council in its resolution 2005/30 of 25 July 2005, in which the Council recommended to the General Assembly that it adopt the Basic Principles and Guidelines:

<sup>1</sup> Resolution 217 A (III).

<sup>2</sup> Resolution 2200 A (XXI), Annex.

<sup>3</sup> A/CONF.157/24 (Part I), Chap. III.

<sup>4</sup> See Official Records of the Economic and Social Council, 2005, Supplement No. 3 and Corrigendum (E/2005/23 and Corr.1), Chap. II, sect. A.

1. *Adopts* the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law annexed to the present resolution;
2. *Recommends* that States take the Basic Principles and Guidelines into account, promote respect thereof and bring them to the attention of members of the executive bodies of government, in particular law enforcement officials and military and security forces, legislative bodies, the judiciary, victims and their representatives, human rights defenders and lawyers, the media and the public in general;
3. *Requests* the Secretary-General to take steps to ensure the widest possible dissemination of the Basic Principles and Guidelines in all the official languages of the United Nations, including by transmitting them to Governments and intergovernmental and non-governmental organizations and by including the Basic Principles and Guidelines in the United Nations publication entitled *Human Rights: A Compilation of International Instruments*.

*64th plenary meeting  
16 December 2005*

## **Annex**

### **Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law**

#### **Preamble**

*The General Assembly,*

*Recalling* the provisions providing a right to a remedy for victims of violations of international human rights law found in numerous international instruments, in particular article 8 of the Universal Declaration of Human Rights,<sup>1</sup> article 2 of the International Covenant on Civil and Political Rights,<sup>2</sup> article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>3</sup> article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>4</sup> and article 39 of the Convention on the Rights of the Child,<sup>5</sup> and of international humanitarian law as found in article 3 of the Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907 (Convention IV),<sup>6</sup> article 91 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977,<sup>7</sup> and articles 68 and 75 of the Rome Statute of the International Criminal Court,<sup>8</sup>

*Recalling* the provisions providing a right to a remedy for victims of violations of international human rights found in regional conventions, in particular

<sup>5</sup> Resolution 2106 A (XX), Annex.

<sup>6</sup> United Nations, Treaty Series, vol. 1465, No. 24841.

<sup>7</sup> Ibid., vol. 1577, No. 27531.

<sup>8</sup> See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

<sup>9</sup> United Nations, Treaty Series, vol. 1125, No. 17512.

<sup>10</sup> Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June–17 July 1998, vol. I: Final Documents (United Nations publication, Sales No. E.02.I.5), Sect. A.

article 7 of the African Charter on Human and Peoples' Rights,<sup>11</sup> article 25 of the American Convention on Human Rights,<sup>12</sup> and article 13 of the Convention for the Protection of Human Rights and Fundamental Freedoms,<sup>13</sup>

*Recalling* the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power emanating from the deliberations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and General Assembly resolution 40/34 of 29 November 1985 by which the Assembly adopted the text recommended by the Congress,

*Reaffirming* the principles enunciated in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, including that victims should be treated with compassion and respect for their dignity, have their right to access to justice and redress mechanisms fully respected, and that the establishment, strengthening and expansion of national funds for compensation to victims should be encouraged, together with the expeditious development of appropriate rights and remedies for victims,

*Noting* that the Rome Statute of the International Criminal Court requires the establishment of "principles relating to reparations to, or in respect of, victims, including restitution, compensation and rehabilitation", requires the Assembly of States Parties to establish a trust fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims, and mandates the Court "to protect the safety, physical and psychological well-being, dignity and privacy of victims" and to permit the participation of victims at all "stages of the proceedings determined to be appropriate by the Court",

*Affirming* that the Basic Principles and Guidelines contained herein are directed at gross violations of international human rights law and serious violations of international humanitarian law which, by their very grave nature, constitute an affront to human dignity,

*Emphasizing* that the Basic Principles and Guidelines contained herein do not entail new international or domestic legal obligations but identify mechanisms, modalities, procedures and methods for the implementation of existing legal obligations under international human rights law and international humanitarian law which are complementary though different as to their norms,

*Recalling* that international law contains the obligation to prosecute perpetrators of certain international crimes in accordance with international obligations of States and the requirements of national law or as provided for in the applicable statutes of international judicial organs, and that the duty to prosecute reinforces the international legal obligations to be carried out in accordance with the national legal requirements and procedures and supports the concept of complementarity,

*Noting* that contemporary forms of victimisation, while essentially directed against persons, may nevertheless, also be directed against groups of persons who are targeted collectively,

*Recognising* that, in honouring the victims' right to benefit from remedies and reparation, the international community keeps faith with the plight of victims, survivors and future human generations and reaffirms the international legal principles of accountability, justice and the rule of law,

*Convinced* that, in adopting a victim-oriented perspective, the international community affirms its human solidarity with victims of violations of international law, including violations of international human rights law and international

<sup>11</sup> United Nations, Treaty Series, vol. 1520, No. 26363.

<sup>12</sup> Ibid., vol. 1144, No. 17955.

<sup>13</sup> Ibid., vol. 213, No. 2889.

humanitarian law, as well as with humanity at large, in accordance with the following Basic Principles and Guidelines,

*Adopts* the following Basic Principles and Guidelines:

## **I. Obligation to respect, ensure respect for and implement international human rights law and international humanitarian law**

1. The obligation to respect, ensure respect for and implement international human rights law and international humanitarian law as provided for under the respective bodies of law emanates from:
  - (a) Treaties to which a State is a party;
  - (b) Customary international law;
  - (c) The domestic law of each State.
2. If they have not already done so, States shall, as required under international law, ensure that their domestic law is consistent with their international legal obligations by:
  - (a) Incorporating norms of international human rights law and international humanitarian law into their domestic law, or otherwise implementing them in their domestic legal system;
  - (b) Adopting appropriate and effective legislative and administrative procedures and other appropriate measures that provide fair, effective and prompt access to justice;
  - (c) Making available adequate, effective, prompt and appropriate remedies, including reparation, as defined below;
  - (d) Ensuring that their domestic law provides at least the same level of protection for victims as that required by their international obligations.

## **II. Scope of the obligation**

3. The obligation to respect, ensure respect for and implement international human rights law and international humanitarian law as provided for under the respective bodies of law, includes, inter alia, the duty to:
  - (a) Take appropriate legislative and administrative and other appropriate measures to prevent violations;
  - (b) Investigate violations effectively, promptly, thoroughly and impartially and, where appropriate, take action against those allegedly responsible in accordance with domestic and international law;
  - (c) Provide those who claim to be victims of a human rights or humanitarian law violation with equal and effective access to justice, as described below, irrespective of who may ultimately be the bearer of responsibility for the violation; and
  - (d) Provide effective remedies to victims, including reparation, as described below.

### **III. Gross violations of international human rights law and serious violations of international humanitarian law that constitute crimes under international law**

4. In cases of gross violations of international human rights law and serious violations of international humanitarian law constituting crimes under international law, States have the duty to investigate and, if there is sufficient evidence, the duty to submit to prosecution the person allegedly responsible for the violations and, if found guilty, the duty to punish her or him. Moreover, in these cases, States should, in accordance with international law, cooperate with one another and assist international judicial organs competent in the investigation and prosecution of these violations.
5. To that end, where so provided in an applicable treaty or under other international law obligations, States shall incorporate or otherwise implement within their domestic law appropriate provisions for universal jurisdiction. Moreover, where it is so provided for in an applicable treaty or other international legal obligations, States should facilitate extradition or surrender offenders to other States and to appropriate international judicial bodies and provide judicial assistance and other forms of cooperation in the pursuit of international justice, including assistance to, and protection of, victims and witnesses, consistent with international human rights legal standards and subject to international legal requirements such as those relating to the prohibition of torture and other forms of cruel, inhuman or degrading treatment or punishment.

### **IV. Statutes of limitations**

6. Where so provided for in an applicable treaty or contained in other international legal obligations, statutes of limitations shall not apply to gross violations of international human rights law and serious violations of international humanitarian law which constitute crimes under international law.
7. Domestic statutes of limitations for other types of violations that do not constitute crimes under international law, including those time limitations applicable to civil claims and other procedures, should not be unduly restrictive.

### **V. Victims of gross violations of international human rights law and serious violations of international humanitarian law**

8. For purposes of the present document, victims are persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law. Where appropriate, and in accordance with domestic law, the term “victim” also includes the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.
9. A person shall be considered a victim regardless of whether the perpetrator of the violation is identified, apprehended, prosecuted, or convicted and regardless of the familial relationship between the perpetrator and the victim.

## VI. Treatment of victims

10. Victims should be treated with humanity and respect for their dignity and human rights, and appropriate measures should be taken to ensure their safety, physical and psychological well-being and privacy, as well as those of their families. The State should ensure that its domestic laws, to the extent possible, provide that a victim who has suffered violence or trauma should benefit from special consideration and care to avoid his or her re-traumatisation in the course of legal and administrative procedures designed to provide justice and reparation.

## VII. Victims' right to remedies

11. Remedies for gross violations of international human rights law and serious violations of international humanitarian law include the victim's right to the following as provided for under international law:
  - (a) Equal and effective access to justice;
  - (b) Adequate, effective and prompt reparation for harm suffered;
  - (c) Access to relevant information concerning violations and reparation mechanisms.

## VIII. Access to justice

12. A victim of a gross violation of international human rights law or of a serious violation of international humanitarian law shall have equal access to an effective judicial remedy as provided for under international law. Other remedies available to the victim include access to administrative and other bodies, as well as mechanisms, modalities and proceedings conducted in accordance with domestic law. Obligations arising under international law to secure the right to access justice and fair and impartial proceedings shall be reflected in domestic laws. To that end, States should:
  - (a) Disseminate, through public and private mechanisms, information about all available remedies for gross violations of international human rights law and serious violations of international humanitarian law;
  - (b) Take measures to minimise the inconvenience to victims and their representatives, protect against unlawful interference with their privacy as appropriate and ensure their safety from intimidation and retaliation, as well as that of their families and witnesses, before, during and after judicial, administrative, or other proceedings that affect the interests of victims;
  - (c) Provide proper assistance to victims seeking access to justice;
  - (d) Make available all appropriate legal, diplomatic and consular means to ensure that victims can exercise their rights to remedy for gross violations of international human rights law or serious violations of international humanitarian law.
13. In addition to individual access to justice, States should endeavour to develop procedures to allow groups of victims to present claims for reparation and to receive reparation, as appropriate.
14. An adequate, effective and prompt remedy for gross violations of international human rights law or serious violations of international humanitarian law should include all available and appropriate international processes in which a person may have legal standing and should be without prejudice to any other domestic remedies.

## IX. Reparation for harm suffered

15. Adequate, effective and prompt reparation is intended to promote justice by redressing gross violations of international human rights law or serious violations of international humanitarian law. Reparation should be proportional to the gravity of the violations and the harm suffered. In accordance with its domestic laws and international legal obligations, a State shall provide reparation to victims for acts or omissions which can be attributed to the State and constitute gross violations of international human rights law or serious violations of international humanitarian law. In cases where a person, a legal person, or other entity is found liable for reparation to a victim, such party should provide reparation to the victim or compensate the State if the State has already provided reparation to the victim.
16. States should endeavour to establish national programmes for reparation and other assistance to victims in the event that the parties liable for the harm suffered are unable or unwilling to meet their obligations.
17. States shall, with respect to claims by victims, enforce domestic judgements for reparation against individuals or entities liable for the harm suffered and endeavour to enforce valid foreign legal judgements for reparation in accordance with domestic law and international legal obligations. To that end, States should provide under their domestic laws effective mechanisms for the enforcement of reparation judgements.
18. In accordance with domestic law and international law, and taking account of individual circumstances, victims of gross violations of international human rights law and serious violations of international humanitarian law should, as appropriate and proportional to the gravity of the violation and the circumstances of each case, be provided with full and effective reparation, as laid out in principles 19 to 23, which include the following forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.
19. *Restitution* should, whenever possible, restore the victim to the original situation before the gross violations of international human rights law or serious violations of international humanitarian law occurred. Restitution includes, as appropriate: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one's place of residence, restoration of employment and return of property.
20. *Compensation* should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, resulting from gross violations of international human rights law and serious violations of international humanitarian law, such as:
  - (a) Physical or mental harm;
  - (b) Lost opportunities, including employment, education and social benefits;
  - (c) Material damages and loss of earnings, including loss of earning potential;
  - (d) Moral damage;
  - (e) Costs required for legal or expert assistance, medicine and medical services, and psychological and social services.

21. *Rehabilitation* should include medical and psychological care as well as legal and social services.
22. *Satisfaction* should include, where applicable, any or all of the following:
  - (a) Effective measures aimed at the cessation of continuing violations;
  - (b) Verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety and interests of the victim, the victim's relatives, witnesses, or persons who have intervened to assist the victim or prevent the occurrence of further violations;
  - (c) The search for the whereabouts of the disappeared, for the identities of the children abducted, and for the bodies of those killed, and assistance in the recovery, identification and reburial of the bodies in accordance with the expressed or presumed wish of the victims, or the cultural practices of the families and communities;
  - (d) An official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim;
  - (e) Public apology, including acknowledgement of the facts and acceptance of responsibility;
  - (f) Judicial and administrative sanctions against persons liable for the violations;
  - (g) Commemorations and tributes to the victims;
  - (h) Inclusion of an accurate account of the violations that occurred in international human rights law and international humanitarian law training and in educational material at all levels.
23. *Guarantees of non-repetition* should include, where applicable, any or all of the following measures, which will also contribute to prevention:
  - (a) Ensuring effective civilian control of military and security forces;
  - (b) Ensuring that all civilian and military proceedings abide by international standards of due process, fairness and impartiality;
  - (c) Strengthening the independence of the judiciary;
  - (d) Protecting persons in the legal, medical and health-care professions, the media and other related professions, and human rights defenders;
  - (e) Providing, on a priority and continued basis, human rights and international humanitarian law education to all sectors of society and training for law enforcement officials as well as military and security forces;
  - (f) Promoting the observance of codes of conduct and ethical norms, in particular international standards, by public servants, including law enforcement, correctional, media, medical, psychological, social service and military personnel, as well as by economic enterprises;
  - (g) Promoting mechanisms for preventing and monitoring social conflicts and their resolution;

- (h) Reviewing and reforming laws contributing to or allowing gross violations of international human rights law and serious violations of international humanitarian law.

#### **X. Access to relevant information concerning violations and reparation mechanisms**

24. States should develop means of informing the general public and, in particular, victims of gross violations of international human rights law and serious violations of international humanitarian law of the rights and remedies addressed by these Basic Principles and Guidelines and of all available legal, medical, psychological, social, administrative and all other services to which victims may have a right of access. Moreover, victims and their representatives should be entitled to seek and obtain information on the causes leading to their victimisation and on the causes and conditions pertaining to the gross violations of international human rights law and serious violations of international humanitarian law and to learn the truth in regard to these violations.

#### **XI. Non-discrimination**

25. The application and interpretation of these Basic Principles and Guidelines must be consistent with international human rights law and international humanitarian law and be without any discrimination of any kind or on any ground, without exception.

#### **XII. Non-derogation**

26. Nothing in these Basic Principles and Guidelines shall be construed as restricting or derogating from any rights or obligations arising under domestic and international law. In particular, it is understood that the present Basic Principles and Guidelines are without prejudice to the right to a remedy and reparation for victims of all violations of international human rights law and international humanitarian law. It is further understood that these Basic Principles and Guidelines are without prejudice to special rules of international law.

#### **XIII. Rights of others**

27. Nothing in this document is to be construed as derogating from internationally or nationally protected rights of others, in particular, the right of an accused person to benefit from applicable standards of due process.

### Annex 2: Zambia's Relevant Human Rights Ratifications

International Instruments	ICESCR	ICCPR	ICERD	CEDaW	CaT	CRC	CRC-OP-AC	CRC-OP-SC	CRPD	CED
	10 Jul 84 <sup>a</sup>	10 Jul 84 <sup>a</sup>	5 Mar 72	21 Jul 85 <sup>a</sup>	6 Nov 98 <sup>a</sup>	5 Jan 92	29 Sep 2008 <sup>s</sup>	29 Sep 2008 <sup>s</sup>	01 Feb 10	06 Feb 07 <sup>s</sup>
Regional Instruments	ACHPR	Maputo	AYC	ACDEG						
	Jan 1984	May 2006	Oct 2009	May 2011						

#### Legend:

##### Abbreviations:

ACDEG = African Charter on Democracy, Elections and Governance

ACHPR = The African Charter on Human and Peoples' Rights

AYC = African Youth Charter

CaT = Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

CCPR-OP1 = Optional Protocol to the International Covenant on Civil and Political Rights;

CED = Convention for the Protection of All Persons from Enforced Disappearance;

CEDaW = Convention on the Elimination of All Forms of Discrimination against Women;

CRC = Convention on the Rights of the Child;

CRC-OP-AC = Optional Protocol to the Convention on the Rights of the Child (on the involvement of children in armed conflict): signed 20 Sep 2008;

CRC-OP-SC = Optional Protocol to the Convention on the Rights of the Child (on the sale of children, child prostitution and child pornography): signed 20 Sep 2008.

CRPD = Convention on the Rights of Persons with Disabilities;

ICCPR = International Covenant on Civil and Political Rights;

ICERD = International Convention on the Elimination of All Forms of Racial Discrimination;

ICESCR = International Covenant on Economic, Social and Cultural Rights;

Maputo = The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

<sup>a</sup> = accession to the treaty already in force;

<sup>s</sup> = signed only, without ratification.

##### Protocols and treaties to which Zambia is not a party:

CAT-OP = Optional Protocol of the Convention against Torture;

CCPR-OP2-DP = Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty;

CED, Art.32 = Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance;

CEDaW-OP = Convention on the Elimination of All Forms of Discrimination against Women Optional Protocol;

CMW = International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC).



Civic Forum on Housing  
and Habitat Zambia  
(CFHHZ)