

**COMMISSION MEETING ON COMPLAINTS HANDLING AND
INVESTIGATIONS**

Date: 7 April 2025

Venue: ZHRC Boardroom, Harare

**Magunje, Ward 10&11, Hurungwe District, Mashonaland West Province -
Freedom from Arbitrary Eviction Report**

CASE NUMBER: ZHRC/CHI/CHY/035/24

Complainants: Zimbabwe National Organization of Associations
Residents Trust

Respondents: Hurungwe Rural District Council
Hurungwe District Development Coordinator
Environmental Management Agency
Zimbabwe National Water Authority
Chief Chanetsa

Period of Investigation: 10 to 13 March 2025

Nature of Violations: Freedom from arbitrary eviction (Section 74)
Right to administrative justice (Section 68)
Right of access to information (Section 62)
Right to property (Section 71)
Environmental Rights (Section 73)

1. INTRODUCTION AND FACTUAL BACKGROUND

- 1.1. In 1993, communities in Hurungwe District, around Magunje were relocated to make way for the construction of the Magunje Dam. The dam was earmarked to be a much-needed source of water supply for the Hurungwe community, which is largely a farming community. To this end, the Hurungwe Rural District Council (HRDC) relocated people from the designated catchment area of the dam to other communal lands; these families were also compensated for the developments they had made on the land. It was then agreed that no farming or dwelling was allowed in the designated catchment area. However, some communities that remained continued to use the area surrounding Magunje Dam for farming activities ever since 1994 to date. The likes of Village Head Chanetsa and Kapere, amongst other families.
- 1.2. Further, with the creation of the dam, a road was also constructed that passed through the fields.
- 1.3. On a related note, the Hurungwe area is under three Chiefs, namely Chief Dendera, Chief Chanetsa and Chief Nematombo. Each Chief had their own Wards and village heads under them, and as custodians of communal land, they were also consulted during the process of relocating people. However, there were disputes, which remain to this day, concerning the boundary demarcations between Chief Nematombo and Chief Chanetsa, particularly in relation to Ward 11, where Magunje Dam is located and from where the complaint emanates.
- 1.4. In line with its mandate, the ZHRC has received a complaint from the Zimbabwe National Organization of Associations Residents Trust (ZNOART) an residents association which claims to represent the interests of residents in Magunje (hereinafter the Complainants) on alleged arbitrary evictions from communal land used for farming which adversely affects their food security, fears of contamination and siltation of the water in Magunje Dam which would adversely affect the environmental rights as well as the right to water, a lack of administrative justice due to lack of consultations and involvement in the planning and granting of land to WIH ZIM, also known as Lebanman Investments to establish a cement plant in Magunje.
- 1.5. It is against this background that the ZHRC carried out an investigation in Ward 11, Magunje, Hurungwe District in Mashonaland West Province from the 10th to the 13th of March 2025.

1.6. The investigation sought to address the following concerns:

- i. Whether the Chasara and Kapere Villages were recognized as villages in Ward 11 by the RDC.
- ii. The failure of the Hurungwe Rural District Council to consult with residents in Ward 11 before granting land which they deemed to belong to them, to WIH ZIM to set up a cement plant.
- iii. The resulting displacement of people from their communal fields by the company leading to the failure of the affected community to plough during the 2024-25 farming season, thus affecting food security.
- iv. The resulting arrest of villagers who were now being denied entry into their fields by the company.
- v. The fact that the cement plant is situated a mere 1.5 km from the dam raising concerns of water pollution and dam siltation.

2. METHODOLOGY

In conducting the investigation, the ZHRC employed a number of methods which included the following:

2.1. Key Informant Interviews

The ZHRC conducted one-on-one interviews with the Complainants who were members from ZNOART as well as Chasara and Kapere villagers. The purpose of these key informant interviews was to collect and extract qualitative data concerning the allegations. The ZHRC also conducted interviews with key informants such as Chief Chasara and his son Chief Chasara junior, District Development Coordinator (DDC), Hurungwe Rural District Council CEO, the Officer in Charge at Magunje Police Station, The District Environmental Officer for Environmental Management Agency (hereinafter referred to as EMA) in Karoi, the Provincial Head for EMA in Chinhoyi, an engineer from Zimbabwe National Water Authority (hereinafter referred to as ZINWA) as well as the Secretary for Provincial Affairs and Devolution (hereinafter referred to as SPAD). Such interviews were key in understanding the root of the matter concerning the cement plant being established in Magunje.

2.2. Focus Group Discussion (FGD)

The ZHRC conducted group discussions with villagers from Kapere and Chasara villages. The objective of the FGDs was to identify key issues and concerns of the affected communities. Further, the ZHRC sought to get a clear understanding on who was still farming in the area and had been affected, who was arrested and why, who had not been consulted and why. The affected communities were able to articulate their challenges and experiences, explore opinions and suggestions concerning the existing concerns.

2.3. Desktop Research

The ZHRC conducted extensive legal research into the national, regional and international human rights instruments governing civil and environmental rights. The purpose was to gather and analyse information from existing laws to gain a deeper understanding, as well as a bid to assess the nature and extent of the human rights that were allegedly violated by the administrative bodies concerned.

3. The Complaint

3.1. Villagers from Ward 11

The ZHRC interviewed Cornelius Murisa, Joy Chasara, Village Head Kapere and Village Head Chasara among others. They alleged the following facts:

- 3.1.1. In December 2023, a helicopter landed in the field in Ward 11 out of the blue. Since this was not a usual occurrence in the rural areas, people rushed from all over to see what was going on. On arriving at the site, they realised that the occupants of the helicopter were Chinese people, together with the ZANU PF District Chairman, Mr Ziko and some Members of Parliament. When they saw the community gathering around them, the Members of Parliament began to explain that they had brought investors with a wonderful development opportunity for Magunje which would create jobs. Initially, on hearing this good news, everyone was excited and they welcomed the visitors as they awaited further meetings for in-depth explanations and consultations.

- 3.1.2. The Chinese then applied to Hurungwe Rural District Council for land, and on 24 January 2024, they were awarded 50 hectares of land in Magunje Growth Point, close to the Grain Marketing Board.

NB: The offer letter to WIH ZIM for 50 hectares of land by Hurungwe District Council is attached as annexure 1.

- 3.1.3. This is the known and designated industrial zone in the area. However, the company did not take up this offer and instead approached Chief Chanetsa for an alternative space from which to operate. The younger Chief Chanetsa then came with the Chinese for them to pick out from his area where they would prefer to work. Ultimately the land in which the complainants' communal field were housed was chosen, it also happens to be located upstream of Magunje Dam, 1.5 km away from the dam.
- 3.1.4. Before the villagers had been served with any documentation nor afforded consultations, the company begun to peg its boundaries in the fields and residences of the villagers and this is where the dispute arose. The Kapere and Chasara villagers heard through rumours that there was a consultative meeting with other village heads that was held concerning these developments but to their surprise they were never invited to these consultative meetings and yet they were the people who would be significantly affected by this development.
- 3.1.5. The District Development Coordinator-Hurungwe District (hereinafter referred to as the DDC) noticed this anomaly and directed that it needed to be rectified. This was never done. After a while, the villagers in ward 11 began to question why Chief Chanetsa was the one to have granted this land to the Chinese, when to their knowledge, Ward 11 had always traditionally belonged to Chief Nematombo. In trying to get this answer they approached the DDC's office to ask about the boundary issue between Chasara and Nematombo. The DDC responded and came for this meeting to explain the boundary demarcations, however, during this meeting, he then changed topics and begun to speak about the Chinese investment. When the villagers realized this, they refused to engage in that conversation saying they needed a proper meeting dedicated to just that issue as people had a lot of grievances.

- 3.1.6. On 17 July 2024 at 8pm in the evening, villagers close to the site of the cement plant saw lorries coming into the village and some of the men went to investigate what was going on. On arrival they found men offloading bricks at the site and they asked them what this was about. These investigating villagers were informed that they were trespassing on private property and they were reported to the police. They were arrested and taken to Magunje Police Station that very evening.
- 3.1.7. On another separate occasion, in Chasara Village, women had their gardens where they planted vegetables and legumes all year round. These gardens were burned down without warning to make room for the cement plant. The women asked for paperwork authorizing this, but none was produced. They then congregated at the site, where poles had now been erected to barricade that area, they were singing in protest and demanding audience. During this protest some of the poles were uprooted by the mob. The police were immediately notified, and three women who were identified by the Company's guard were arrested for malicious damage to property and spent 3 nights in the police cells before going for their initial appearance at Karoi Magistrates Court. One of the women had a 3-year-old child who was also held in the police cells with her during this time. The other woman who was arrested is partially blind and needed constant assistance during this time. No food nor blankets were provided.
- 3.1.8. In August 2024, a stakeholder consultative meeting was held at provincial level in Chinhoyi. All stakeholders interested in the matter, including EMA, ZINWA, Community representatives, police and governmental ministries were present to air out their concerns and get feedback from the company concerning the raised concerns. Again, this meeting was not communicated to the Kapere and Chasara villagers and they had to smuggle themselves into the meeting. When the concern of relocating villagers was raised, a letter was produced having been written by Chief Chanetsa to the effect that people had been moved from this area to pave way for the Magunje Dam and thus the people residing and farming there were illegal settlers because everyone was relocated. The conclusion during this meeting was that EMA was going to go on the ground to conduct their inspections and come up with a resolution.

3.1.9. The villagers explained that, through ZNOART they had written to various offices seeking help concerning their plight. The offices approached included the Director-General for EMA, the Parliamentary Portfolio Committee on Lands, the DDC, the Minister of State for Mashonaland West and the President's Office. Out of all these letters the only institutions to respond were the Parliamentary Portfolio on Lands and the Zimbabwe Human Rights Commission. They shared that the Parliamentary Portfolio Committee had come and listened to their story in 2024 but since then no response had been received from them.

3.1.10. It was also pointed out that they had asked for a site plan of the plant so that they understand where it begins and ends but this has not been availed. This document was important for them because at least they would not just wake up with graders in their fields, such as one tobacco field, which was again unilaterally graded by the company with no prior notice to the owner of the field.

3.1.11. At the end of 2024, they were invited by the RDC to attend an inception meeting for the plant. The Kapere and Chasara villages rejected this invitation since they had not been a part of the consultations, so they did not see why they should now attend the inception meeting. However, they wrote a letter stating that they did not want to participate in this meeting and attended only to make their objections clear. They also requested the minutes of this meeting, but they have not been provided by the RDC.

3.1.12. EMA claimed that a consultative meeting was held in Birimahwe, but this was just a ward-level meeting that did not include the complainants. In any case, the company began to implement the project way before they saw any Environmental Impact Assessment (hereinafter referred to as EIA) papers. Now their fears of contamination were being proved to be true because in the previous week, the water coming out of taps was brown.

3.1.13. The villagers had also approached the courts for an interdict against WIH ZIM, represented by Zimbabwe Lawyers for Human Rights, and they had won this case. However, to their surprise, the company continues to operate despite the interdict being served on them. The company had also begun to put electricity lines within their yards and cutting down their trees to make way for this electric line.

NB: The court order is attached as Annexure 2

3.1.14. Furthermore, the complainants alleged that the RDC claimed it did not recognise that many people were living in the Chasara and Kapere Villages, however, the complainants contended that the RDC collected levies from them each month. In fact, on record, the Chasara village was awarded a prize by the RDC as the best levies and rates paying village for which they were drilled a borehole, and the Village Head was awarded a bicycle. This shows that the authorities are not being truthful when they say the whole area was not inhabited.

3.2. Testimony of Walter Chasara – ZANU PF Secretary for Media, Information and Publicity – Hurungwe District

- 3.2.1. He is the resident of the one family claimed to have been left in the area when others were relocated in 1993. However, he clarified that this is not true. Some people in Ward 11 were left because they fell outside the boundary that was drawn to represent the catchment area of the dam, and they have continued to live in Chasara village ever since. In addition, even after the relocation of some families in 1993, people were given the area to use as grazing land and for subsistence farming.
- 3.2.2. He also explained that the Magunje Dam is fed by four tributaries, these are, Kamukamba River, Mureresi River, Chisape River and Chizhombe River. The fence that WIH ZIM constructed is actually 70 meters away from the Kamukamba River. As a result, the enterprise is not only affecting the dam itself but also the tributary rivers.
- 3.2.3. From 1991 to 1994, it was Chief Nematombo who was in charge of Ward 11, and Chief Chanetsa was still a Village Head. After his promotion to Chief, he now wants to usurp Ward 11, claiming that the road that was constructed with the Dam is the demarcation line. This Chieftainship matter is currently before the courts. However, the bone of contention is that Chief Chanetsa is already giving out land in an area that is contested.
- 3.2.4. He also aired his suspicion that there was corruption at play and that Chief Chanetsa and members from the HRDC had received bribes from the Chinese

to give them that land. Further, to silence dissent from villagers, they had relied on a letter from the Vice President supposedly supporting the project. He also alluded to the fact that the area they chose is rich in gemstones, a fact that people in Magunje have always known, and the cement plant is a cover-up for the actual mining of gemstones. He said that he had tried to apply and get approval for the mining of these gemstones in previous years but had not succeeded since it was deemed a volatile area due to the proximity of the dam.

- 3.2.5. A new master plan is now being drawn up to include the site awarded to WIH ZIM as an industrial area. This new designation of the area as industrial is now being done after many questions were raised about the location of the plant.

3.3. Testimonies of the arrested women whose gardens were destroyed

- 3.3.1. The ZHRC also interviewed the women who were arrested and charged with malicious damage to property whilst trying to reclaim their gardens. These are Mercy Siringwani, a 36-year-old woman who was arrested with her 3-year-old son, Byitty Chasara; a 70-year-old woman, and Eunah Mufuriranwa, a 57-year-old woman.
- 3.3.2. Their testimony is that after they heard that their gardens were being vandalized, they went as a village to see for themselves what was happening, and whilst doing so, they were chanting ruling party slogans. During this period, 3 poles were uprooted, but when this happened, the security guards had gone to the offices to notify the site managers, so he did not see who had uprooted the poles. However, when the police came, the security guards randomly picked these women and accused them of uprooting the poles.
- 3.3.3. They were arrested on a Friday, spent the weekend in police custody, and were taken to the Magistrates Court in Karoi on a Monday. During their stay, they were not given any blankets.
- 3.3.4. At court, they were represented by Zimbabwe Lawyers for Human Rights, but the case was currently stalled because the guard who had identified them had run away, so the State had no witness. This same guard had come back and apologized to them, saying he had not seen them do anything but was just acting under pressure. Since then, they have not seen him.

3.4. Testimonies from the arrested men

Gift Kapere

- 3.4.1. The ZHRC team also interviewed 3 middle-aged men who were arrested by the police. These were Gift Kapere, who is the village Head, Cornelius Murisa and Godfrey Chasara.
- 3.4.2. One Gift Kapere stated that on the 11th of January 2025, he was in his field and he heard a grader behind him. He went on to say that he approached the operator of the grader to inquire what he was doing in his field, and he was advised that the grader was opening a road for WIH ZIM.
- 3.4.3. He went on to say that he blocked the grader from continuing operations because they had no papers from the Ministry of Roads nor any other authority to authorise them to open a road across his fields.
- 3.4.4. Further, he was called by the police and upon arrival at the police station, he was arrested and charged with trespassing.
- 3.4.5. He highlighted that his case was still pending before the courts.

Cornelius Murisa

- 3.4.6. One Cornelius Murisa, a 42-year-old male, stated that one night around 8 pm in August 2024, he saw vehicle lights and heard a rumbling sound of trucks.
- 3.4.7. He added that he proceeded to the site together with Godfrey Chasara and four other men from Chasara village who refused to mention their names.
- 3.4.8. He indicated that they proceeded to the site holding knobkerries and sticks. Upon arrival at the site, they were asked to drop the weapons they were carrying by the Officer in Charge of Magunje, who was at the site.
- 3.4.9. He went on to say that there were some Chinese men at the site, the police, including the Officer in Charge - Magunje and some men who were clearing land and off-loading some building materials from the trucks.
- 3.4.10. It was his testimony that they were taken to the police station and detained until 1 am before being released.
- 3.4.11. They were charged with trespassing.

Godfrey Chasara

- 3.4.12. One Godfrey Chasara, a male adult aged 54, corroborated Cornelius Murisa's account that indeed they were arrested and charged with trespassing. Their case is pending before the courts.

4. The Response

4.1. WIH ZIM / Lebanman Investments – Charles Chitimbe, Operations Manager

- 4.1.1. The Manager reiterated that there were ongoing legal issues, so he could not comment on the issue and directed the ZHRC to their lawyers located in Chinhoyi for further assistance.
- 4.1.2. He, however, confirmed that the location of their plant was about 1.9km away from the dam and that they had drilled a borehole on their site to avoid getting water from the dam and muddying it. He added that they had paid ZINWA in order to be able to draw water from the dam whenever their boreholes were not functional. He also stated, to his knowledge, no pollution had resulted from their operations so far.

Mr. Murisi - WIH-ZIM Lawyer

- 4.1.3. The ZHRC also interviewed Mr Murisi, a legal practitioner representing WIH ZIM. Mr Murisi commenced by indicating that indeed they had received an interdict, and they had stopped the operations. He went on to say that he had advised his clients to comply with the interdict and stop the operations pending EMA to provide its investigative report as directed by the courts.
- 4.1.4. He highlighted that the courts had requested EMA to furnish the courts with a report addressing the questions that were raised by the villagers.
- 4.1.5. Mr Murisi also highlighted that the land was a communal land which belonged to the State, and HRDC had allocated the land to WIH ZIM since the RDC administers the land.
- 4.1.6. He added that the land does not belong to the complainants who were staying on the land since it is a communal land.

- 4.1.7. Mr Murisi also indicated that an Environmental Impact Assessment was done, but there was a clause in the EIA report which prohibited the WIH ZIM from operating before they had compensated the villagers who were going to be displaced.
- 4.1.8. He added that, however, there were no people to compensate because people staying on that piece of land were squatters. It was not their land. He indicated that the rightful people who used to stay on the land had been relocated to other areas when the dam was constructed.
- 4.1.9. He added that the complainants were not lawfully settled on the land, but they had been farming on the land since it was not being used.
- 4.1.10. He concluded that he argued that the clause in the EIA was absurd because there were no people to compensate.
- 4.1.11. He added that he had requested a list from the village heads of people who had been displaced, but that list had not been provided, implying that the complainants were not rightful settlers on that land.

4.2. Hurungwe Rural District Council CEO – Mr Luke Kalavina

- 4.2.1. He shared that he was not in the best position to give fine details because when the land was awarded, he was not in office, however he was privy to the fact that WIH ZIM was first awarded land within the RDC close to Grain Marketing Board silos which they did not take up and instead opted for the area in Ward 11 close to Magunje Dam. However, this was done through the Chief as it is communal land, and the Council was only there to ensure that all the processes were followed. Chief Chanetsa himself wrote to the Council and informed them that the land was vacant and that he had consulted with all the village heads, and they had agreed to give the land to a project which would bring investment into the area.
- 4.2.2. He also mentioned that these investors had also approached the Presidium and had the backing of a letter from the Vice President Mohadi directing the Council to facilitate the acquisition of a piece of land from which to operate for the company. However, the letter did not specify where exactly they were to be situated; it only asked that they be granted land, which the Council did.
- 4.2.3. Concerning the people in Ward 11, he explained that they were living and farming in that area illegally because people had been resettled from that area

in 1993 when the Magunje Dam was being constructed. The only house that was left in that area was the one belonging to the Chasara family because, at that time, the Council did not have the money to compensate for the house they had built.

4.3. District Environmental Officer (DEO) Hurungwe – Environmental Management Agency

- 4.3.1. The ZHRC interviewed Mr Rugara, the DEO for EMA in Karoi, to understand whether the EIA process was followed. He confirmed that WIH ZIM submitted all its EIA papers, and consultations were made with the communities. He also confirmed that a stakeholder engagement was conducted in Chinhoyi, where all stakeholders aired their concerns and received answers from the company engineers. The assessment was to the effect that there will be no direct impact from the operations of the cement plant on the Magunje Dam.
- 4.3.2. He also explained that when EMA was doing their review process for an EIA, they rely on experts, and in this instance, they relied on the water preservation and catchment area experts from ZINWA, who submitted a hydrological report. The hydrological report clarified that the mitigation measures proposed by WIH ZIM during their operations would mean that there would be no resulting contamination on the dam. The company also explained that their cement-making process was mostly dry, and thus, the main environmental issue was air pollution from all the dust. The company also proposed mitigation measures for dust containment.
- 4.3.3. Further, EMA had also recently conducted a follow-up inspection and noted that WIH ZIM had opened a new road and was putting in place a power line, all of which had not been included in the EIA. They were stopped and asked to submit an EIA addendum with the additional components. They also noted that the new road that the company was constructing would be in a wetland. The company had tried to put gravel on the road, but due to the heavy rains, this gravel had been washed off into the dam, risking the siltation of the dam.
- 4.3.4. A district stakeholder visit was pending at the site, but it had been put on hold because they had heard that there was a court case currently going on between the villagers and the company.

4.3.5. He also made it clear that WIH ZIM did not start any operations before an EIA was issued. What the villagers may have seen was not project implementation according to how EMA describes project implementation, but rather just preparatory works.

4.4. Provincial Manager for Environmental Management Agency, Chinhoyi – Mr Chitotombe

4.4.1. The ZHRC also engaged the Provincial Manager for EMA, who corroborated what the District Environmental Officer had said, in that they issued an EIA for WIH ZIM after considering all the factors and potential problems. The EIA document submitted by WIH ZIM detailed the environmental management plan with the recycling and conservation measures. The proposed mitigation measures were sufficient. He also pointed out that it was not possible to eliminate 100% of pollution; the goal is to reduce it.

4.4.2. He also explained that as EMA, their main concern was the possible dust emission but mitigation measures had been suggested.

4.4.3. However, he shared that WIH ZIM had violated the condition of compensating and relocating the affected people. He also understood that there was a court order on a case instituted by the villagers concerning this issue.

4.4.4. Concerning the power line, he shared that this was not a transmission line and, as such, did not need an EIA. Rather, it is a distribution line, and the loads that it carries are not that worrisome.

4.4.5. Concerning the new road that the company was constructing. EMA gave them a ticket for constructing an unsanctioned road, and the matter escalated to the Provincial Roads Engineer because the road was passing through a wetland. The company is being prosecuted for that and, in fact, has halted operations on that road.

4.5. Zimbabwe Water Authority (ZINWA)

4.5.1. The ZHRC managed to engage Engineer Nyamunda from ZINWA offices in Karoi to understand whether the hydrological report produced by them was to the effect that there would be no disturbances on the Dam, even though the cement plant was upstream. The Engineer commenced by reiterating that

overall, it is advantageous to have such an investment in the area as it brings growth and development, which is necessary; however, with every development, there are some negative effects.

- 4.5.2. In this case, the fact that the cement plant is situated a mere 1.5 km from the dam and that there is already an indication of runoff into the dam which was worrisome. There had also been reports that muddied water recently came out of the taps in Magunje. ZINWA had to go and raise the inlet point of the dam as a result to get less muddied water, which is an indicator of siltation. So, two concerns arose in this regard, which are the fact that siltation will occur and the fact that the water quality would be affected. ZINWA had also previously challenged the location of the cement plant.
- 4.5.3. However, it is true that the company had given control measures for both dust and water pollution. It must be understood, though that some of the control measures may require a lot of electricity, and if there is limited electricity supply, the proposed control measures could not be implemented. They therefore foresee problems with the site as it will need constant and thorough monitoring.
- 4.5.4. He also mentioned that a cement plant involves heavy crushing activities, which are power-intensive, so the company had proposed to also build a thermal power station on the site. This has not yet been approved but is still on the table. Such a power station may also cause ecological problems because it will disturb the rain pattern. It means if there are farmers in the area who banked on the reliable rainfall in Magunje, their livelihood would be affected. All these are important points to consider.

4.6. Secretary for Provincial Affairs and Devolution (SPAD) Mashonaland West – Mr. J. Jaji

- 4.6.1. Mr. Jaji stated that he had nothing much to add since the Minister of State, Honorable Chombo, had already provided the Commission with a written response on the matter. The only update he gave was that on the day ZHRC met with him, they had just held a Joint Operations Command (JOC) meeting concerning this matter, and in this meeting, EMA was answering questions and concerns about the project. The resolution was that the whole JOC Committee was going to visit the site and come up with their own conclusions and recommendations.

4.7. Minister of State, Mashonaland West Province- Honourable M. Chombo

The ZHRC inquired about the issue from the Minister of State, and she guided as follows;

4.7.1. Issue 1: Displacement of Villagers

No villagers were displaced for the cement plant; the area was vacant, and previous displacements occurred due to dam construction. Land allocation to the investor was made through a Council resolution (number 1035) by the Hurungwe Rural District Council, not by the Chief.

4.7.2. Issue 2: Consultation of Villagers

The investor conducted consultations with affected communities as part of the Environmental Impact Assessment (EIA) process. Key meetings took place on May 16, 2024, and August 16, 2024, with significant community representation.

4.7.3. Issue 3: Use of Grazing Lands and Agricultural Fields

The plant would not take over villagers' grazing lands or fields; the area has been empty since prior displacements. The establishment received consent from local authorities and community leaders, with villagers having alternative lands. The cement plant's establishment involved extensive consultations and aligned with national rural industrialization goals as outlined in Vision 2030, with EIA concerns duly addressed.

4.8. Chief Chanetsa (Adam Katsvere) and Godwin Katsvere (Son)

- 4.8.1. The ZHRC interviewed Chief Chanetsa, the elderly father and his son, who is currently relieving him of some of his duties since he is experiencing medical problems. They both clearly stated that Ward 11 falls within their purview, and anyone who says otherwise is wrong. They, however, acknowledged that the Chieftainship boundaries matter was before the courts between him and the deceased Chief Nematombo.

4.8.2. They also explained that the Magunje Dam was initially constructed to cater for irrigation projects for the people under Chief Chanetsa and Chief Dendera. The three main villages which were affected were the Chasara Village, the Kapere Village and the Charuma Village. All these people were relocated and compensated, some were relocated to Nyangahwe and others to Ziyambe. Except for one family, which was the Chasara family, because they had built a modern house that the Council could not compensate them for. This was the reason why, as the Chieftainship, they had confidently written a letter citing that the area that the company wanted to operate in was vacant. Even the people farming there were doing so illegally. He was also one of the people who had been farming there, but he had always known that the land did not belong to them.

4.8.3. The young Chief also expressed his shock that Walter Chasara was now against this investment because he was the one who had brought these Chinese investors to him. He mentioned that when a helicopter landed in the Magunje area, he was not even informed; he had to drive there after people called and apprised him of the development. When he got there, it was Walter Chasara who met him and apprised him of the good opportunity that had been brought into the area. The Chief then proceeded to show the ZHRC team videos of Walter Chasara, Village Head Kapere and Chasara all sharing their excitement and endorsement of the proposed investment opportunity. He explained that Minister Chombo also came and endorsed the project, and he referenced the letter from Vice President Mohadi. He further highlighted that the Kapere family is a descendant of Chief Nematombo, with whom there is a boundary dispute with Chief Chanetsa. The Chasara family are descendants of Chief Dendera, but they are being housed by Chief Chanetsa.

4.8.4. It was also shared that all the necessary consultations were done with the affected village heads and Chiefs, no one was left behind, as was being alleged by the Kapere and Chasara Villages. Stakeholder engagements were also conducted with the Hurungwe RDC. It was explained that Chiefs had no right to sell land or get any monetary benefit; they were simply custodians of communal land and could only authorize the use of land, which they did in this case after consulting the subjects and believing that everyone was happy with the development.

NB: The letter drafted by Chief Chanetsa authorizing the construction of a cement plant and power plant in Ward 11, Magunje is attached as Annexure 3.

4.8.5. They informed that ZACC had also come on the ground to investigate the matter, but no feedback had been given ever since.

5. APPLICATION OF LEGAL AND HUMAN RIGHTS STANDARDS AND NORMS TO THE FACTS

This section analyses the applicable legal and human rights standards and norms that are applicable to the facts. Reference shall be made to the Constitution of Zimbabwe, the relevant legislation or acts, as well as international law and best practices.

5.1. Property Rights

5.1.1. The Constitution of Zimbabwe in section 71 provides for property rights, including occupation and land use rights. Section 71 (2) and (3) provides thus;

(2) Subject to section 72, every person has the right, in any part of Zimbabwe, to acquire, hold, occupy, use, transfer, hypothecate, lease or dispose of all forms of property, either individually or in association with others.

(3) Subject to this section and to section 72, no person may be compulsorily deprived of their property except where the following conditions are satisfied—

(a) the deprivation is in terms of a law of general application;

(b) the deprivation is necessary for any of the following reasons—

(i) In the interests of defence, public safety, public order, public morality, public health or town and country planning; or

(ii) in order to develop or use that or any other property for a purpose beneficial to the community;

(c) the law requires the acquiring authority—

(i) to give reasonable notice of the intention to acquire the property to everyone whose interest or right in the property would be affected by the acquisition;

(ii) to pay fair and adequate compensation for the acquisition before acquiring the property or within a reasonable time after the acquisition;
and

(iii) if the acquisition is contested, to apply to a competent court before acquiring the property, or not later than thirty days after the acquisition, for an order confirming the acquisition.

5.1.2. Despite the lack of ownership rights, Magunje residents have occupation and land use rights that are legally protected. Before these rights can be withdrawn, the government must follow proper procedure. WIH ZIM's arbitrary removal of Magunje communities from their common land violates their property rights. The fact that some persons were relocated while others stayed means that administrative authorities must explain, using the statutory Instrument, the boundaries of the catchment areas to determine whether other families remained before arbitrarily declaring the region fully unoccupied. This disrespect for dissent goes against the norms of transparent and accountable governance. According to property rights, the community has the right to make submissions to the RDC and request reciprocal consultation to settle the issues. As a result, the RDC should engage the impacted parties, offer transparent documentation, and provide equitable compensation.

5.2. Freedom from arbitrary evictions

5.2.1. Section 74 of the Constitution provides that "no person may be evicted from their home, or have their home demolished without an order of court made after considering all the relevant circumstances." Article 17 of Universal Declaration of Human Rights (UDHR) also provides for freedom from arbitrary eviction. It states that:

1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property.

5.2.2. Arbitrary eviction can be defined as the act of being removed or expelled from a property without any reasonable or justifiable cause or reason. The UN Economic, Social and Cultural Committee defines it as the permanent or temporary forceful removal of individuals, families and or communities from their homes or land which they are occupying.

5.2.3. Resolution 231 of the African Commission on Human and Peoples Rights¹ also states that State Parties must, before resorting to eviction, ensure availability of alternatives, ensure that legal procedures are complied with, and take concrete measures to ensure security of tenure.

5.2.4. In line with the above, the RDC and Chieftainship must ensure that engagements are done inclusively and thoroughly, with any dissenting voices recorded and given their due regard. If indeed consultations were made, including the Kapere and Chasara villages, then their dissent must be put on record instead of bringing forward a seemingly unanimous vote of approval whilst thwarting the voices of those who will be significantly affected by the proposed developments.

5.3. Access to Information

5.3.1. Access to information is a fundamental principle of transparency and accountability in governance. Section 62 (1) & (2) of the Constitution of Zimbabwe provides that:

“(1) Every Zimbabwean citizen or permanent resident, including juristic persons and the Zimbabwean media, has the right of access to any information held by the State or by any institution or agency of government at every level, in so far as the information is required in the interests of public accountability.

(2) Every person, including the Zimbabwean media, has the right of access to any information held by any person, including the State, in so far as the information is required for the exercise or protection of a right.”

5.3.2. The affected persons have a right to access to RDC documents that clearly show the boundaries stated by the SI relocating people from the catchment areas. The Chasara and Kapere villagers claim that when others were relocated some were left behind. They have continuously asked for the document with the boundaries on which the Council relies, but none has been provided. By availing the Magunje Dam Statutory Instrument, the RDC can demonstrate its commitment to accountability, fairness, and transparency,

¹ Resolution 231 of the African Commission on Human and Peoples' rights on the right to adequate housing and protection from forced evictions
<http://www.achpr.org/sessions/52nd/resolutions/231/>

ultimately resolving disputes and promoting a positive outcome for all parties involved.

5.4. Environmental Rights

The Zimbabwe's Constitution, particularly section 73, recognizes the right to a clean and safe environment. This provision supports the notion that individuals have the right to enjoy an environment that is not harmful to their health or well-being. Before any construction, especially for large projects like a cement plant, an Environmental Impact Assessment (EIA) is typically required under the Environmental Management Act [Chapter 20:27]. The EIA process evaluates potential environmental impacts, including effects on local communities, water resources like the Magunje Dam and overall biodiversity. The EIA should involve public consultation, allowing affected communities to voice their concerns. If the EIA is not conducted or is flawed, affected residents may have grounds to challenge the construction legally.

5.5. Right to Administrative Justice

Section 68(1) of the Constitution states that everyone has the right to administrative action that is legitimate, timely, efficient, reasonable, proportionate, unbiased, and substantively and procedurally fair. Section 68(2) requires that the reasons for administrative action be "given promptly and in writing." This position is supported by Section 3 of the Administrative Justice Act [Chapter 10:28]. This is essential to guard against arbitrary decisions. The law requires these reasons to be supplied when an administrative authority's decision affects a person's rights, interests, or legitimate expectations². The right to administrative justice seeks to enhance accountability, transparency, and efficiency for those who wield public power. This includes the right for those who approach public institutions to be given reasons for any administrative actions diligently and with reasonable expedition and promptness.

² Section 68(2) of the Constitution, Section 3 Administrative Justice Act [Chapter 10:28].

5.5.1. In this case, the Chieftaincy and the RDC's actions fell short of these standards because during their consultations, dissent was communicated to them both in writing and verbally during some of the consultations. It was also alleged that the Chasara and Kapere villages were not even invited to the initial consultations. The decisions were made without considering the rights and interests of those impacted. The dispute between the RDC and affected persons over compensation claims reached a stalemate due to the RDC's unresponsiveness. The RDC's failure to engage with affected parties denied them access to crucial information and opportunities to participate in the decision-making process, hence the Complainants' right to administrative justice was violated. To rectify this situation, the RDC must take immediate action to address the violations and ensure that the Complainants' rights are respected and protected.

5.4. Communal Lands Act [Chapter 20:04]

5.4.1. The CLA was designed to regulate the classification, use and occupation of communal land, which carried the notion of communal land tenure. It provides guidelines for allocating land within communal areas. Communal land is defined in Section 3; -

Communal Land shall consist of land which, immediately before the 1st February 1983, was Tribal Trust Land in terms of the Tribal Trust Land Act, 1979 (No.6 of 1979), subject to any additions thereto or subtractions therefrom made in terms of section six.

5.4.2. The definition shows a continuation of the colonial construct of the colonial era, with improvements that it gives powers to the RDCs as part of the democratic reforms and later Traditional Leaders Act, which gives traditional leaders powers to allocate communal land in consultation with the RDCs. Communal land is vested in the President, and the community has no ownership rights except rights of use and occupancy.

5.4.3. Persons who are entitled to occupy and use communal land are those who had acquired such rights before the law came into force in 1983. Communal land occupiers have usufruct rights, which are granted by the Chiefs. Section 8 of the CLA, a person may occupy and use communal land for agricultural or residential purposes with the consent of the RDC, while the traditional Chiefs

have powers to allocate land with the approval of the RDC after consideration of the customary law relating to the allocation, occupation, and land use in the area.

5.4.4. The government has the power to acquire communal land for any purpose guided by the CLA, it should also take into account a number of key and instrumental human rights and take a human rights-based approach, which includes—

i. **Consultations** - The Magunje community had to be adequately consulted and their concerns taken into consideration in terms of Section 10 of CLA which provides for setting aside of Communal Land for certain purposes. It states the following:

1) *Subject to this section, the Minister shall set aside land contained within Communal Land for the establishment of—*

(a) a township, village, business centre or industrial area, where such land is—

(i) designated for any such purpose in terms of a rural development plan approved by him and the Minister responsible for lands after consultation with the Director of Physical Planning and any rural district council established for the area concerned; or

(ii) the subject of a layout approved in terms of section 43 of the Regional, Town and Country Farming Act [Chapter 29:12]; or

(b) an irrigation scheme, where such land is designated for such purpose in terms of a rural development plan approved by him and the Minister responsible for lands after consultation with the Secretary as defined in section 2 of the Environmental Management Act [Chapter 20:26] and any rural district council established for the area concerned.

(2) Subject to this section, after consultation with any rural district council established for the area concerned, the Minister may set aside any land contained within Communal Land,

other than land referred to in subsection (1), for any purpose whatsoever, including a purpose referred to in subsection (1), which he considers is in the interests of inhabitants of the area concerned or in the public interest or which he considers will promote the development of Communal Land generally or of the area concerned.

- ii. **Adequate notice-** In the event that the Government decides to carry out a project and the families have to move they should be given adequate notice to vacate their homes and land as opposed to just hearing that people had already begun work in their fields.
- iii. **Compensation- Section 12** of the CLA provides for compensation. It states that any person who is dispossessed of or suffers any diminution of his right to occupy or use any land must be given a right to occupy or use alternative land and if no alternative land is available and no agreement has been reached as to compensation, Parts V and VIII of the Land Acquisition Act [Chapter 20:10] shall apply. If indeed everyone was moved then the documents must show, if there were remnants and the remnants are being affected then they must be compensated and relocated.

5.4.5. The Committee on Economic, Social and Cultural Rights' General Comment 7 is applicable in this case. It provides that State Parties shall ensure, prior to carrying out any evictions and particularly those involving large groups such as in this case, that all feasible alternatives are explored in consultation with the affected persons. Furthermore, State Parties shall also see to it that all the individuals concerned have a right to timely and adequate compensation for any property which is affected.

5.6. Principles of Compulsory Acquisition and Compensation

5.6.1. The Food and Agriculture Organisation (FAO) sets out the main principles for the compulsory acquisition of land and compensation. These may be followed by the Magunje Rural District Council in any acquisition exercise, should it become necessary;

- i. **Good faith:** A government has a primary responsibility to properly plan an acquisition programme in good faith so that those affected do not

suffer any injustice. The acquisition, for example, must be reasonably necessary, and the government should invite owners to participate and submit their own compensation claims. In particular, the law must guarantee their right to receive reasonable notice of acquisition and be given a reasonable time to leave their property. In the case of acquiring farms, owners should be allowed sufficient time to harvest their crops or receive full compensation for them.

- ii. **Valuation:** A fundamental requirement of compensation is the principle of equivalence. It holds that owners must be neither worse nor better off after the acquisition of their land. It involves a fair and equitable valuation process to determine just compensation based on the genuine value of their land. Owners are also entitled to compensation for disturbances to their livelihoods, such as removal expenses and other losses.
- iii. **Appeal:** Owners have the fundamental right of notice, the right to be heard, and the right to appeal in an impartial, competent, and independent court of law. Appeals may be made against the purpose of the programme and the reasonable necessity of acquiring the land, against the procedures (such as improper notice or processing of claims) as well as delays in payment or against the compensation offered by challenging the principles, methods, process or date of evaluation.

6. FINDINGS

From the investigation, the following findings were made;

- 6.1. In 1994, certain people in Magunje were relocated from the Magunje catchment areas where the Magunje Dam was built. This was marked as an ecologically sensitive area; thus, neither industrial nor farming activity was to be conducted. However, the boundary areas with the information of who was moved and who remained have not been made available. Hence, there is confusion as to whether the people still living in the area were relocated but refused or were legally left behind as they fell outside the borders of the designated Magunje catchment area.
- 6.2. In 2024, a company named WIH ZIM was awarded land in Magunje to establish a cement plant. First, they were awarded land near GMB in the

- designated industrial area; they did not take up this land and were later offered land in Ward 11, upstream of the Magunje Dam, 1.5km away from the dam.
- 6.3. The area granted falls within communal land where the Kapere and Chasara villagers lived and farmed. They were not compensated, relocated, or given due notice. As a result, their gardens and fields were destroyed, and they could not farm in 2025, which has affected their food security.
 - 6.4. Consultations were made, but the Chasara and Kapere villagers felt left out, and their objections, when voiced, were not addressed. Further, various authorities, which included the HRDC, Chief Chanetsa, EMA and the office of the President and Minister, maintained that consultative meetings were held. What remains disputed is whether these consultative meetings were inclusive and substantially fair. This begs the question of whether a defective consultation can still be upheld as a consultation when its purpose is to attend to everyone's views.
 - 6.5. The company, WIH ZIM is constructing a new road and inserting power lines, which had not initially been included in their EIA and which are also cutting through the fields and houses of the affected villagers.
 - 6.6. There exists a boundary dispute between Chief Chanetsa, who authorized the use of land in Ward 11 and Chief Nematombo, who has descendants who claim that Chief Chanetsa had no right to authorize such use of land in their area.
 - 6.7. EMA and ZINWA both confirmed that EIA documents were submitted, and although concerns were initially raised about the potential air and water pollution, the company gave satisfactory methods of containing the pollution.
 - 6.8. Dirty water came from the water taps in Magunje after the company began its operations.
 - 6.9. The WIH ZIM is continuing with its operations despite the High Court interdict, which mandated them to halt the operations.

7. CONCLUSION

In summary, the investigation highlights significant concerns regarding land use, community participation, environmental protection, and adherence to legal and procedural standards in the establishment of the cement plant near Magunje Dam.

The affected residents' rights to proper consultation, fair compensation, and environmental safeguards appear to have been overlooked or inadequately addressed. To promote sustainable development that respects community rights and environmental integrity, it is essential for authorities and stakeholders to strengthen transparency, ensure inclusive engagement, and rigorously enforce environmental and land use regulations. Addressing these issues collaboratively will be crucial in fostering trust, safeguarding livelihoods, and ensuring responsible development in the Magunje area.

8. RECOMMENDATIONS

Based on the above findings, the ZHRC makes the following recommendations:

Ministry of Local Government and Public Works

- 8.1. For the Ministry to issue a moratorium mandating WIH ZIM to halt any further operations until administrative action as recommended to the HRDC³ and the company⁴ have been implemented.

Ministry of Lands, Agriculture, Fisheries, Water and Rural Resettlement

- 8.2. To coordinate and supervise the implementation of recommendations given to ZINWA and to EMA in this report.

Office of the Minister of State for Provincial Affairs and Devolution-Mashonaland West.

- 8.3. Advocate for a thorough Environmental Impact Assessment (EIA) to be conducted before any construction begins, ensuring that potential environmental and social impacts are fully evaluated.
- 8.4. Facilitate community consultations to ensure that the voices of local residents are heard regarding the proposed cement plant. This includes addressing concerns about health, environmental impacts, and potential displacement.

³ Recommendation 8.13 to 8.15

⁴ Recommendation 8.28 which obligates the Police to enforce the Court Order.

- 8.5. Encourage the exploration of alternative sites for the cement plant that are further from sensitive areas, such as the Magunje Dam, to protect vital water resources and local ecosystems.
- 8.6. Highlight the potential economic benefits of the cement plant, such as job creation and local investment, while ensuring that these benefits do not come at the expense of environmental protection.
- 8.7. Foster collaboration between various government agencies, including the EMA, ZINWA, and local authorities, to ensure a coordinated approach to development and environmental protection.

Chief, Councillor and Village Heads

- 8.8. Local leadership must enhance communication with the communities affected by the Magunje Dam and the proposed cement plant. Periodically hold community meetings to provide updates on developments, clarify misconceptions, and collect feedback from residents in Chasara, Kapere, and Charuma villages.
- 8.9. Organize and facilitate inclusive community consultations involving all stakeholders, including those who oppose the cement plant investment. This should include the Chasara family and other concerned groups to ensure all voices are heard and considered in the decision-making process.
- 8.10. Create a documented record of community engagements, including concerns raised and resolutions proposed. Share this documentation with the community to foster transparency and demonstrate responsiveness to local needs.
- 8.11. Continue collaboration with local government bodies, including the Hurungwe Rural District Council (RDC), to ensure that all legal and procedural requirements are met in relation to land use and community development.
- 8.12. Promote Benefits of the Investment by clearly communicating the intended benefits of the cement plant investment to the community, including potential job opportunities, infrastructure improvements, and local economic development. Ensure that these benefits are presented

alongside a commitment to maintain environmental and social standards.

Hurungwe Rural District Council

- 8.13. The Hurungwe Rural District Council is to provide clear, accessible documentation outlining the boundaries of the Magunje Dam and cement plant impact areas, including details of relocations and compensation. This should address past grievances and guide future compensation decisions.
- 8.14. Initiate regular and meaningful community engagement sessions with affected residents and their local leaders. These engagements should facilitate open discussions to clarify project impacts, gather community concerns, and incorporate local feedback into planning and decision-making processes.
- 8.15. Demonstrate transparency in local governance by making all decisions and processes related to the cement plant initiative publicly available. This includes publishing reports and outcomes of community consultations to reinforce public trust in the Council's operations.

District Development Coordinator

- 8.16. To facilitate open and inclusive dialogue between Hurungwe Rural District Council (RDC) and affected communities to address relocation, compensation and environmental issues.
- 8.17. Provide training for local leaders and community representatives on governance, transparency, and advocacy. This capacity-building initiative can empower them to effectively represent community interests in discussions with the RDC and other authorities.
- 8.18. Prioritize local economic development initiatives that can arise from the cement plant project, such as job creation and local business opportunities. Ensure that these benefits are communicated to the community to promote a sense of ownership and collaboration.

Environmental Management Authority (EMA)

- 8.19. Conduct a comprehensive assessment to evaluate the environmental sensitivity of the Magunje Dam area, focusing on its ecological significance and identifying potential risks linked to nearby industrial activities.
- 8.20. Based on the assessment findings, formally assess the viability of the proposed cement plant site, considering its proximity to this critical water resource, its environmental impacts, and the implications for local communities.
- 8.21. Carry out a thorough Environmental Impact Assessment (EIA) for the proposed alternative site to ensure that all potential environmental and social impacts are identified and effectively mitigated.
- 8.22. Incorporate evaluations of how the chosen location will affect local ecosystems and communities, highlighting the benefits of the site to all stakeholders while ensuring transparency throughout the process.

Zimbabwe National Water Authority (ZINWA)

- 8.23. Conduct a thorough and comprehensive hydrological study to identify areas with sufficient water resources that are less vulnerable to industrial contamination. Publish a detailed hydrological report that outlines these findings and potential impacts.
- 8.24. Establish clear and transparent criteria for site selection that prioritize environmental protection. This should include distance from sensitive water bodies, ecological significance, potential impacts on local communities, and compliance with existing water management regulations.
- 8.25. Ensure that proposed sites are geologically suitable for cement production to minimize the risk of soil and water contamination. This assessment should include soil type analysis, permeability studies, and the presence of groundwater.
- 8.26. Implement a monitoring and reporting system to regularly evaluate the water quality and ecological health of the areas surrounding the cement plant. This system should involve collaboration with local communities and stakeholders to ensure accountability.

- 8.27. Develop contingency plans for potential water contamination incidents, including response protocols and community communication strategies to ensure timely and effective responses to any environmental emergencies.

Zimbabwe Republic Police

- 8.28. For the Zimbabwe Republic Police to enforce the provisional order under Case No. HCCC15/25, which stipulates a halt to operations by WIH ZIM until all grievances are addressed.

Adopted by the Commission

Signed by:



MS. F.J. MAJOME (CHAIRPERSON)



ANNEXURE 1: LETTER OF APPROVAL FROM THE HRDC

HURUNGWE RURAL DISTRICT COUNCIL

Head Office
P.O. Box 46
Magunje
Cell: 0712347918

info@hurungwerdc.co.zw

26 June 2024

Mr Chidzamba

WHI – ZIM Construction Material Investments

114 Venturshurg

Msasa

HARARE

Dear Sir

RE: CEMENT PLANT AND THERMAL POWER STATION LAND

We are pleased to inform you that Hurungwe Rural District Council approved the establishment of the above referred plant through Resolution Number 1035 in a Full Council meeting held on 21 June 2024.

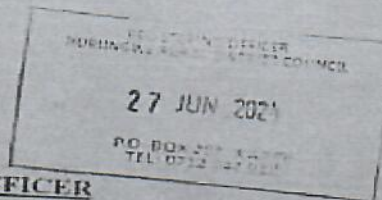
Council is now waiting for the EIA report from Environmental Management Agency (EMA) for it to finalise the issues of contract with your organisation.

Yours faithfully



F Mureta

ACTING CHIEF EXECUTIVE OFFICER



Annexure 2: PROVISIONAL COURT ORDER

FORM 26
Provisional order
Rule 60(11)(a)

Case No. HCCC15/25

IN THE HIGH COURT OF ZIMBABWE

In the matter between:

GIFT KAPERRE
AND
GODFREY CHASARA
AND
JONATHAN CHIMUFOMBO
AND
CONELIOUS MURISA
AND
ESTHER CHASARA
AND
LISTER BEPURA
AND
MEMBER MANZWERU

AND

LABENMON INVESTMENTS (PRIVATE)
LIMITED
AND
ENVIRONMENTAL MANAGEMENT
AGENCY



1st APPLICANT
2nd APPLICANT
3rd APPLICANT
4th APPLICANT
5th APPLICANT
6th APPLICANT
7th APPLICANT

1st RESPONDENT
2nd RESPONDENT

PROVISIONAL ORDER
TO:

TAKE note that, on Tuesday, the 4th day of February 2025 the Honourable Mr. / Mrs.
Justice Honourable Mrs Justice Muzofa J sitting at CHINHOYI issued a provisional order as shown
overleaf. The annexed chamber application, order / s and documents were used in support of the

application for this provisional order.



If you intend to oppose the confirmation of this provisional order, you will have to file a Notice of Opposition in Form No. 29B, together with one or more opposing affidavits, with the Registrar of the High Court at CHINHOYI within 10 days after the date on which this notice was served upon you. You will also have to serve a copy of the Notice of Opposition and order/s on the applicant at the address for service specified below. Your affidavits may have annexed to the documents verifying the facts set out in the order.

If you do not file an opposing order within the period specified above, this matter will be set down for hearing in the High Court at CHINHOYI without further notice to you and will be dealt with as an unopposed application for confirmation of the provisional order.

If you wish to have the provisional order changed or set aside sooner than the Rules of Court normally allow and can show good cause for this, you should approach the applicant / applicant's legal practitioner to agree, in consultation with the Registrar, on a suitable hearing date. If this cannot be agreed or there is great urgency, you may make a chamber application, on notice to the applicant, for directions from a judge as to when the matter can be argued.

(Signature)

..... JUDGE/REGISTRAR

Form No. 26A

Provisional Order

Rule 60(11)(b) (reverse)

TERMS OF FINAL ORDER SOUGHT

That you show cause to this Honourable Court why a final order should not be made in the following terms –

The Respondents should show cause, if any, why a final order should not be made in the following terms: –

1. The Provisional Order be and is hereby confirmed.

2. The 1st Respondent's conduct of commencing works in respect of the Wih-Zim Construction Material Investments Cement Manufacturing in Magunje, Hurungwe without compensating and or relocating the Applicants be and is hereby declared to be unlawful.

3. The 1st Respondent shall pay the costs of suit.

INTERIM RELIEF GRANTED

Pending determination of this matter, the Applicant is granted the following relief -

It is hereby ordered that, pending the determination by this Honourable Court of the issues referred herein above: -

1. Pending the investigations by the 2nd Respondent pertaining to the breach of the special conditions on the Environmental Impact Assessment Certificate L100000343-16 and pending the outcome of such investigations, the 1st, Respondent be and is hereby interdicted from carrying out further commencement works in respect of the Wih-Zim Construction Material Investments Cement Manufacturing in Magunje, Hurungwe.

SERVICE OF PROVISIONAL ORDER

This Provisional Order shall be served upon the Respondents by the Applicants' Legal Practitioners of record.



ANNEXURE 3: LETTER FROM CHIEF CHANETSA

17/24

**CHIEF CHANETSA'S COMMUNITY COURT
MAGUNJE
HURUNGWE**

06 May 2024

**The Chief Executive Officer
HURUNGWE DISTRICT COUNCIL
MAGUNJE**

Dear Sir/Madam

REF: **AUTHORISATION FOR CEMENT AND POWER STATION PLANT
CONSTRUCTION IN MAGUNJE KATENHE TURN OFF WARD 11**

This letter serves to confirm that I Chief Chanetsa of Hurungwe have agreed to offer the proposed ground of 135 hectares located at Katenhe turn off Ward 11 Magunje Constituency Hurungwe to Labenmon Investments for a cement and power station plant within my said area near village head Chasara.

If there is any field affected within these 135 hectares, we have agreed with the company that it shall fully compensate the affected area.

In my capacity as the Chief responsible for the area of the proposed cement and power station plant, I am in full support of this project since it is a development to my area, the constituency and the country at large. The project will mainly contribute towards Vision 2030. The project will boost infrastructural development and rural industrialisation as the President always say "Brick upon brick, stone upon stone the country will develop".

The company values our tradition of ploughing back to the community and has promised to construct 6 classroom blocks, 2 community clinics, installation of 10 community solar boreholes, chief's house, chief court and construction of a 45km concrete road from Chidamoyo to Katenhe via Mukanon since they want to ferry their cars from Chidamoyo. With all these community developmental initiatives which enhance and uplift the lives of my community, constituency, province and nation at large hence I have no objection to such a big project which will contribute more to the vision of My President HE E.D MNANGAGWA.

Your greatest consideration towards this development which can be now viewed as a major landscape changer would be greatly appreciated.

Thank you

**CHIEF CHANETSA
(HURUNGWE)**

SIG.....

**CHIEF CHANETSA
01 MAY 2024
P.O. BOX 552, KACHO
CELL 0772 836 571/0774 836 093**