



## CNRG WELCOMES COURT RULING ON CHILONGA EVICTIONS

*By Simiso Mlevu Posted March 8, 2021 In Front, News*

The Centre for Natural Resource Governance (CNRG) welcomes the interim relief granted by the Masvingo Magistrate's Court on Friday 5 March, which temporarily set aside the eviction notice against the Chilonga community of Chiredzi. The Minister of Local Government, Urban and Rural Development, July Moyo on the 26th of February 2021 gazetted Statutory Instrument 50 of 2021 Communal Land (Setting Aside of Land) (Chiredzi) Notice, 2021. The S.I. set aside 12 940 hectares of arable land in Chiredzi for the production of "lucerne" grass and declared that 'any person occupying or using the land specified in the Schedule, otherwise than by virtue of a right held in terms of the Mines and Minerals Act [Chapter 21:05], is ordered to depart permanently with all of his or her property from the said land by the date of publication of this notice,...'.

CNRG, acting in common purpose with the Southern African Human Rights Defenders Network and Chilonga villagers on Friday the 5<sup>th</sup> of March 2021 approached Masvingo Magistrate courts seeking an interdict against the evictions. The court granted interim relief and ordered the Minister of Local Government, Urban and Rural Development, July Moyo and his core respondents to appear before the court on the 31st of March 2021 and show cause why he or his agents must not be interdicted from evicting the Chilonga community from their ancestral homeland.

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In the founding affidavit, CNRG and Chilonga villagers argued that in ordering the occupants of Chilonga communal land to vacate the gazetted area forthwith, the Minister Moyo violated the fundamental rights of the affected people. The statutory instrument, the court heard, violates Section 74 of the Constitution of Zimbabwe which states that ‘no person may be evicted from their home or have their home demolished without the order of court after considering all the relevant circumstances.’

The applicants argued that the S. I renders the community homeless without notice and thereby making them illegal squatters from the date of its gazetting. Chilonga communal land is occupied by the minority Shangani people who have lived there since the 19<sup>th</sup> century. The eviction order will lead to the displacement of over 2000 households, denying them the right to shelter and dignity.

## CNRG POSITION

We call upon

- All arms of state to respect the Constitution, uphold the rule of law and stop all pending eviction of Zimbabweans from their ancestral lands.
- The Parliament of Zimbabwe to repeal the Communal Lands Act and in its place introduce a land law that gives Zimbabweans on communal lands security of tenure.
- Parliament to immediately deploy a fact finding mission to Chilonga and investigate reports of a campaign or intimidation against those resisting the displacement.
- The Government of Zimbabwe to, respect the principle of Free, Prior and Informed Consent (FPIC) of local communities in line in line with the African Charter on Human and People’s Rights, e with the African Charter on Human and People’s Rights, that face potential impacts of development, or natural resource projects in their areas



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