



THREAT OF DISPLACEMENT REMAINS FOR CHILONGA VILLAGERS

By Simiso Mlevu Posted March 20, 2021 In Front

. . . despite Govt repealing Statutory Instrument 50/2021

The threat of eviction for Chilonga community remains despite the government repealing Statutory Instrument 50/2021 which had ordered them to depart permanently from their ancestral land. On Thursday 18 March 2021, the Government of Zimbabwe gazetted Statutory Instrument 72A repealing SI 50/2021 but maintained S.I 51 which excised 12 940 hectares from Chiredzi Communal Lands.

SI 50/2021 and SI 51/2021 were gazetted simultaneously on the 26th of February 2021. The former set aside the 12 940 ha for the purposes of Lucerne grass farming and was later amended through SI 63A which substituted 'purpose of Lucerne (sic) production' with 'establishment of an irrigation scheme'. In the SI 51/2021, President Mnangagwa, through Section 6 (1)(b) of the Communal Lands Act, cut out the same hectares of land making it state land, thereby effectively rendering it not part of Chiredzi Communal Land anymore.

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The repealing of SI 50, in as much as it provides relief to the affected villagers does not extinguish the threat or uncertainty lingering above the Shangaan community because the land remains excised from Chiredzi Communal Land. The land remains grabbed from the people and thus, their right to that land remains taken away. The land was grabbed through SI 51 and there has not been any declaration what the land is reserved for. It is being held in suspense by the President. The uncertainty created by Statutory Instrument S.I 51/2021 infringes the right to agricultural land and property rights of the occupiers of the land. The fact that excised land is now state land means that with effect from the 26th of February, inhabitants of the piece of land are now squatters and can be evicted anytime. The only reasonable action needed is for government to repeal SI 51/2021 and return land to its original owners.

The Government of Zimbabwe backtracked after CNRG, acting in common purpose with the Southern African Human Rights Defenders Network and Chilonga community members approached Masvingo Magistrate courts seeking an interdict against the evictions. The court granted interim relief and ordered the Minister of Local Government, and Public Works, July Moyo, Chiredzi Rural District Council, the District Administrator and the Provincial Administrator to appear before the court on the 31st of March 2021 and show cause why they must not be interdicted from evicting the Chilonga community from their ancestral homeland.

CNRG and Chilonga community members 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 50/2021 rendered 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 19th 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:

- President Mnangagwa to repeal SI 51 which leaves a cloud of uncertainty on the future of the Shangaan people on their ancestral land.

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- 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.
- The Government of Zimbabwe to respect the principle of Free, Prior and Informed Consent (FPIC) of local communities in line with the African Charter on Human and People's Rights.



