

CIVIL SOCIETY STATEMENT ON STATUTORY INSTRUMENT 50/2021 ON THE EVICTION OF THE CHILONGA COMMUNITY

We, the undersigned civil society organisations, stand in solidarity with the Chilonga Community in Chiredzi, facing unlawful eviction by the government of Zimbabwe from their ancestral land.

On the 26th of February, 2021, the Minister of Local Government, Rural and Urban Development, Hon. July Moyo issued Statutory Instrument 50 of 2021 – Communal Lands (Setting Aside of Land)(Chiredzi) 2021, for Lucerne production. Citing the Communal Lands Act (1981), Chapter 21:05, the Minister ordered ‘any person occupying or using the land specified in the Scheduleto vacate permanently with his or her property from the said land by the date of publication of this notice...’. The statutory instrument did not specify where the affected people must go. Also, it did not give the affected villagers time to seek clarification.

As civil society, united in our diversity, we strongly condemn the arbitrary action taken by the Minister in total disregard of the rights of the affected persons and their community. Chilonga community is dominated by the Shangaan people who have lived in the area since the 1830s. The established traditional leadership structures and internal land heritage systems rooted in local customs and oral history and the peculiar local language spoken by the Chilonga people bear testimony to the old, time honoured and revered cultural dynamic of this community. These people have adapted to their climate, terrain and environment.

We applaud the response by the community of speaking out against this unlawful eviction. We further applaud the work by fellow civil society groups in support of the Chilonga community. The Center for Natural Resources Governance (CNRG) and the Southern Africa Human Rights Defenders Network (SAHRDN) filed an application at the Masvingo Provincial Magistrates Court seeking to stop the eviction on 5 February 2020. We welcome the order by the Court barring the eviction of 12 000 villagers and obliging the authorities to show cause why the Chilonga community must be evicted from their land without a court order.



The Zimbabwe Environmental Law Association (ZELA) and Masvingo Centre for Research Advocacy and Development (MACRAD) also approached the High Court challenging the constitutionality of the law relied on by the government. Veritas has done a thorough analysis of the notorious Statutory Instrument and concluded that it is unconstitutional and fatally defective. MACRAD has carried out research and advocacy on the issues and provided much needed accurate information on the case. We salute and support these brave efforts.

We note with concern the distress the eviction order has brought upon the Chilonga community. Social media has been awash with video clips of Chilonga villagers publicly expressing their undying love for their area. They also express shock and disbelief at the news of the impending displacement and social dislocation. We are equally concerned that thousands of people are being sacrificed to pave way for the economic interests of a few individuals. We note that some of the government leaders involved in this unfortunate plan were recently named in a report to have links with the company that is now set to benefit from the unlawful eviction of the Chilonga villagers.

We note with concern the increasing use of statutory instruments by the Executive, overthrowing the Parliament from its law-making function. We further note that several communities in Zimbabwe are facing displacement to pave way for commercial projects which they will never sustainably benefit from. Some of the threatened communities are Dinde and Cross Dete in Hwange, Sese in Masvingo, Ward 12 and 14 in Dotito and the Kusena community in Marange, just to mention a few.

Civil society calls upon the Minister of Local Government, Rural and Urban Development to:

- Withdraw SI50/2021 with immediate effect
- Identify alternative land for such a project - land that is not currently inhabited by humans. It is our understanding that there are several underutilised A2 farms that can be used for the lucerne project.

We call upon the Parliament of Zimbabwe to:

- Take back its law-making function and put to an end the ongoing usurpation of law-making powers by the Executive
- Investigate the increasing cases of displacement of communities throughout Zimbabwe and make policy recommendations to the Executive
- Repeal the Communal Lands Act (1981) (Ch 21:05) which is repeatedly abused to withdraw communal people's land rights and enact new land legislation in line with the 2013 Constitution that gives Zimbabweans in rural areas land titles
- Expedite parliament's legislative role in ensuring all Zimbabwe's laws align with the 2013 Constitution.

Issued by: Centre for Natural Resources Governance (CNRG), Citizens' Manifesto (CM)

Masvingo Centre for Research Advocacy and Development (MACRAD), Women and Law in Southern Africa (WILSA), Zimbabwe Coalition on Debt and Development (ZIMCODD), Zimbabwe Human Rights Association (ZimRights), Zimbabwe Human Rights NGO Forum (NGO Forum), Zimbabwe Peace Project (ZPP)