



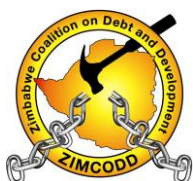
Investing in People for Social and Economic Justice

OUTCOME STATEMENT

Statutory Instrument 50 2020 (Communal Lands Notice) Public Finance Management Reform Indaba, Wednesday 17 March 2021

The Zimbabwe Coalition on Debt and Development (ZIMCODD) convened a virtual Public Finance Management Reform Indaba on the issue of the Chilonga community. The outcome statement provides ZIMCODD's critical reflections, analysis and recommendations of the issues presented during the Public Finance Management Reform Indaba that focused on Statutory instrument 50 (SI 50) Communal Lands Notice.

1. The nation's reaction to SI.50/2021 reflects a broad-based public consensus against internal displacements and evictions in Zimbabwe. ZIMCODD restates its appeal to the Government of Zimbabwe to take urgent action to ensure the free, prior and informed consent of communities at risk of forced displacements; safeguard constitutional rights; facilitate a just and equitable redistribution of the nation's wealth for the benefit of the many and not the few; and Increase transparency and accountability around Public, Private, Partnerships (PPP).
2. Clause 3 of SI 50 gazetted in February 2021 states 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, unless he or she acquires rights of use or occupation to the said land in terms of section (9)(1) of the Communal Land Act [Chapter 20:04].'
3. The Masvingo Magistrate Court has since given an Interim Relief against the possible eviction of the Chilonga Community. Historically, the Chilonga Community has endured three other historical incidences of internal displacement. In 2021 they found themselves at risk of becoming squatters on their own ancestral lands. Yet, Section 74 of Constitution of Zimbabwe protects all Zimbabweans from arbitrary evictions. It 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.'
4. The Minister of Local Government, Urban and Rural Development is expected *'to appear before the courts of law 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.'* The Constitutionality of SI 50/2021 is also being challenged in the Supreme Court of Zimbabwe. These legal challenges necessitated by the Communities' unheeded grievances, reflect badly on Zimbabwe as an attractive investment destination and undermine ongoing Open for Business reforms. An open and inclusive Parliamentary led consultative process involving the Chilonga Community could have and perhaps can still help address the legitimate concerns of the Community without jeopardising the potential long-term benefits of the \$60 million lucerne grass Project by Dendairy.
5. Calls for the boycott of Dendairy products brings into perspective the broader question of Investors' moral obligations to safeguard the rights and collective interests of host communities. Increasingly conscious consumers have in the past weeks been confronted with the disconcerting choice to boycott a local company in order to protect the rights of fellow Zimbabweans. This must not be so. Dendairy, has a moral obligation both to its Zimbabwean customer base and shareholders to outline measures to safeguard community rights from eviction, equitably share wealth with locals and protect the local environment.
6. A subsequent amendment of clause 2 of SI 50 identifies the establishment of an irrigation scheme and not the establishment of the proposed US\$60 million lucerne grass Project by Dendairy as the basis for the possible displacement of people. The clause now reads:



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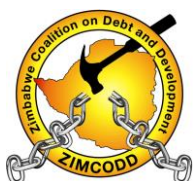
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'The area of land described hereunder in terms of the Schedule shall be set aside with effect from the date of publication of this notice for the purpose of establishment of an irrigation scheme.'

Further clarifications from the Minister of Local Government, Urban and Rural Settlement, Hon. July Moyo, indicates that displacements will impact about 2 298 families in order to make way for irrigation pipes and canals on 6000 hectares of the 12 000 hectares gazetted. In his own words, the Minister reassured the nation that 'there will be no dislodging of anybody' rather there will be a re-organising and replanning.' Also, according to Minister Chadzamira "affected people will still be resettled in the same area and will benefit from the project as lucerne grass out-growers." Other expected benefits of the Project include the construction of a new railway lines, modern highway and all-weather bridge. These promises ring hollow to a community that has endured years awaiting the fulfilment of promises for the provision of basic amenities for a decent life.

7. The free, prior and informed consent of the Chilonga Community should have been sought before the gazetting of SI 50/2021. Host Communities' rights both to accept or decline major investment must be respected. The unresolved historical grievances of the Chilonga and other communities with a history of displacement warrant concerted national attention spearheaded by the National Peace and Reconciliation Commission. Government's stated commitment to the non-repetition of forced displacement and evictions should be accompanied by equalising public investment and public service delivery to help marginalised regions make up for lost development. A special Fund to support, compensate and provide social security for Zimbabweans affected by economic development projects should be established to pay for the foreseeable and unforeseen impacts of economic development projects on host communities.
8. The Government of Zimbabwe anticipates an 11.3% growth rate from the Agriculture and Forestry sector. Zimbabweans will have invested ZWL46 289 millions of public funds through the 2021 National Budget allocation to the Ministry of Lands, Agriculture, Water, Climate and Rural Resettlement. Zimbabweans will also have to pay for the loans and debts that Government will acquire in order to pay for infrastructure development Projects. A Parliamentary Inquiry into the Ministry's technical plans and recommendations leading to the award of 6 000 hectares of communal lands to a private sector company is paramount to restore public confidence in Government's commitment to upholding the rule of law, facilitating democratic participation and safeguarding sovereign wealth. It will also illuminate much needed reforms to Public, Private Partnership arrangements. Legally enforceable guarantees of Community benefits from Public Private Partnerships must be standardised across mining, agricultural, energy, wildlife and other major investments.
9. The centrality of the land question to Zimbabwe's shared future cannot be ignored. As Government actively facilitates the transfer of communal lands into the hands of private investors there is need for a Reform of the Communal Lands Act in order to institute measures to secure the tenure of communal landowners and safeguard landowners from loss through land-grabbing by speculative capital and other interests. Orderly and sustainable long-term interventions to unlock the value of Communal lands must have in mind the employment, social protection and public service needs of future generations. It is their country too.

*The views and perspectives expressed in this statement are wholly attributed to ZIMCODD. Panellists and participants who participated in the PFMR Indaba may not be associated with the Statement in a personal or professional capacity unless explicitly stated. ZIMCODD is indebted to the esteemed Public Finance Management Reform Indaba panel of **Hon. July Moyo** (Minister of Local Government and Public Works); **Hon Allan Norman "Rusty" Markham** (MP for Harare North and Committee Member of Zimbabwe's Parliamentary Committee of Local Government, Public Works and National Housing); **Francis Mukora** (Research and Advocacy Coordinator at the Community Alliance for Human Settlements in Zimbabwe) and **Dr Solomon Mungure** (Peace and Governance Specialist). ZIMCODD is also grateful to **Mr Andy Hodges** and the **ZTN Team** for hosting and broadcasting PFMR Indaba. The Indaba would not have been possible without the inputs and active participation of ZIMCODD Social and Economic Justice Ambassadors, concerned citizens and various stakeholders.*



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