

PETITION

A petition of Community leaders affected by SI 72A of 2021 which set aside of Communal land to pave way for "establishment of an irrigation scheme" in Chiredzi District

ADDRESSED TO:

1. MINISTER OF LOCAL GOVERNMENT AND PUBLIC WORKS
2. MINISTER OF LANDS, AGRICULTURE , WATER , MINATE AND RURAL RESETTLEMENT
3. DISTRICT ADMINISTRATOR: CHIREDDI DISTRICT
4. THE CHIEF EXECUTIVE OFFICER: CHIREDDI RURAL DISTRICT COUNCIL

WE THE UNDERSIGNED WOULD LIKE TO BRING YOUR ATTENTION TO THE FOLLOWING ISSUES WHICH WE FEEL MUST URGENTLY ADDRESSED

Background Information

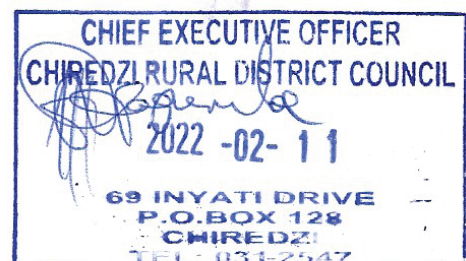
As you are well aware of, on 26 February 2021, The Government through SI 50 Of 2021 set aside a piece of land covering 12 940 hectares of land in Chiredzi District to pave way for what was initially described as Lucerne production. The SI went on to order immediate eviction of the occupiers and users of that land. On the same date, SI 51 of 2021 declared that the land on which we have been occupying for decades had ceased to be part of Communal land. This was followed by the enactment of SI 63A of 2021. The later changed the purpose of setting aside of the land from "lucerne production "to "establishment of an irrigation scheme".

As victims of the setting aside and the immediate eviction envisaged in SI 50/21, we went on to file a court application at Masvingo High Court. We then withdrew the application after SI 72A of 2021 was enacted to repeal SI 50/2021. The major reason why the court application was withdrawn is because the immediate eviction initially sought through 50/2021 was abandoned by virtue of SI 72A of 2021.

We went on to file a Constitutional court application at Harare High Court challenging the Communal lands Act. (*Chikutu and Ors v Minister of Lands and Ors HH 02/22*) The later was dismissed and we have to put it on record that we respect and abide by the court's decision.

Cause of Action

The court judgment (HH 02/22) hinted that "Those that may be affected will be compensated accordingly in accordance with the provision of the Act". It is now apparent that a section of the community will ultimately be evicted from their homes to pave way for the mentioned irrigation scheme. We, the petitioners are community leaders but we are only hearing through grapevine that



the government has started doing what appear to be consultations. We are aggrieved in the manner in which this has been unfolding. The following are our main concerns which we need to be addressed

- I. There is no certainty or clarity as to which specific areas are likely going to be affected by the proposed irrigation scheme. We have tried several times to access the map mentioned in SI 50 /2021 but we have been failing. .
- II. We are reliably informed that a delegation from the Ministry of Local government had a meeting with July Guvele in which the latter was tasked to call a meeting for village heads. July Guvele is neither a village head nor a chief. He is also not a councilor. He does not hold any known leadership position in the community. We are therefore left wondering why the government is calling for a village heads' meeting through this individual. In light of the above. We, the petitioners submit that your offices must ensure that proper communication procedures are followed and due notices for any consultations that will be conducted should be given.
- III. We are reliably informed that the government through the District Administrator's office is inviting only four village heads per Ward for the purpose of consultations. The criterion which the four are being or will be chosen is not clear. Be that as it may, we submit that 4 village heads per Ward is not a proportional representation of the affected communities. There are at least 20 village heads per each ward and all the affected villagers must be consulted.
- IV. The Consultations meetings which have already been done have been done in a partisan manner. We are reliably informed that ZANU Pf DCC members were invited to these meetings in their capacities as Zanu PF members. There is no basis whatsoever for inviting ZANU PF members in their official capacities to the meetings.
- V. The meetings are being done in Chiredzi Town, far from where the affected people are domiciled. To worsen the situation, the meetings are being done at a time when Chilonga river is overflowing at the Chilonga Bridge. As you might be aware of, cars do not cross the bridge when the river is overflowing and one has to use a boat to cross the river. The people who help people to cross the river with boats are now charging 50Rands. The total cost of travelling will be at least 200 ZAR for the trip. We humbly submit that if there are any consultations that are to be done, it is the government that should travel to the people to conduct the consultation and not vice versa.
- VI. The land question is a very sensitive issue which affects a number of fundamental human rights. To this end, where possible, all affected persons must take part in consultation meetings that are to be done. While village heads can be used as mediums of communication, where possible the responsible government authorities must engage villagers on a village to village basis.