

UN instrument can protect small-scale farmers against eviction

NewsHawks by Nathan Guma

16 May 2024



A resettled farmer opens a furrow in his field with an ox-drawn plough on Eden farm on November 27, 2017 in Beatrice, Zimbabwe. - Standing outside the gates of the farmhouse from which he was evicted from in 2008, white Zimbabwean Deon Theron knows that he will never get his land back. But he does believe that Robert Mugabe's fall after almost 40 years in power could lead the new government to encourage white farmers to play a part in reviving the country's key agricultural sector. (Photo by Jekesai NJIKIZANA / AFP)

The Zimbabwe Smallholder and Organic Farmers' Forum (Zimsoff) has urged farmers to use the United Nations Declaration on the Rights of Peasants (UNDROP) to push back against injustices that include displacement from ancestral land and discrimination.

The UNDROP, which was adopted by the United Nations in 2018, protects the rights of peasants, small-scale farmers, agricultural workers, indigenous peoples, and other rural populations.

Several villagers across the country are facing displacement to pave way for national projects, with no clear plan on compensation.

In February, the Zimbabwe Lawyers for Human Rights (ZLHR) announced it was representing 327 villagers from Mahachi area in Chipinge, Manicaland province, who were facing eviction amid accusations of illegally settling in the area.

Up to 80 of the villagers from Munyokowere Village, in ward 5 of Chipinge Rural District Council under Chief Mutema, have also been accused of illegally settling in the area.

Zimsoff says while many smallholder farmers are facing displacement across the country, the UNDROP provides for their protection.

The organisation has been training trainers who will educate other smallholder farmers on the UNDROP across the country.

“We have 27 articles in the document (UNDROP). These articles outline the right given to farmers. Let us look at one of them. I will take article 17, which gives the right to land. If a farmer is being moved from their land, they can defend themselves using this document,” said Delmah Ndlovu, the Zimsoff national chairperson.

“If they are claiming their land in Zimbabwe and they can prove ‘my ancestors were born here and this is our land’, they can claim it and the government is obligated to give it to them using this document. So it gives people power to own land, to be on the land.”

“So, it gives people power to own land, and to be on the land. Knowing that makes you know that I have the right to be protected when you are being pushed. We have realised that over the past years, the Chinese have been coming with mining ventures. Before I am moved, I must be really informed and must be told where I should go.”

Zimbabwe signed the UNDROP in 2018.

Article 17 of the charter says that peasants and other people living in rural areas have the right to land, individually or collectively, including the right to have access to, sustainably use and manage land and the water bodies, coastal seas, fisheries, pastures and forests therein, to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures.

“2. States shall take appropriate measures to remove and prohibit all forms of discrimination relating to the right to land, including those resulting from change of marital status, lack of legal capacity or lack of access to economic resources.

3. States shall take appropriate measures to provide legal recognition for land tenure rights, including customary land tenure rights not currently protected by law, recognizing the existence of different models and systems,” it reads.

More families are facing displacement across the country.

For instance, families from Manhize’s Mushenjere Village who are settled at Inhoek Farm in Mvuma are facing displacement from land they have occupied for over 40 years, as concerns continue to be raised over weaknesses in the land tenure system that have seen mass evictions.

Since 2021, more than 100 families from Manhize’s Mushenjere Village have lost their land to Dison Iron and Steel Company (Disco)’s* operations, with the villagers, once self-sufficient, now unable to produce enough food for the family unit, according to a governance watchdog, the Centre for Research and Development (CRD).

138 families from Kwaedza Village are also facing a similar predicament as Disco has already set pegs in their village.

Victims who spoke to *The NewsHawks* say they are harvesting way smaller yields as most of their farmland has been taken over by the company.

Woes are also continuing to mount for the villagers in the Chilonga area of Chiredzi district, who are facing renewed efforts to evict them from their ancestral land, to make way for Dendairy's controversial irrigation project to cultivate cattle fodder.

The land in question has been inhabited by the Hlengwe Xangani (Chilonga) community since the pre-1890 era, downstream of Tugwi-Mukosi Dam. Due to abundant water, the government has earmarked over 12 000 hectares for an irrigation project.

In some instances, villagers have been successful.

For instance, villagers in Mutoko district, Mashonaland East province, last year heaved a sigh of relief after a magistrates' court ordered Chinese mining company Labenmon Investments to vacate their land, after it emerged that the firm had flouted legal procedures in acquiring environmental impact assessment (EIA) certification.

Labenmon had pegged out 150 hectares of land, entirely covering the four villages, encompassing grazing pasture, cultivation land and traditional and cultural shrines, raising an outcry.

The villagers said the company's mining operations were likely to expose locals to unmitigated environmental hazards as the firm did not have a proper EIA.

Zimsoff says smallholder farmers can defend themselves if they know the legal instruments that can protect them in times of distress.

<https://thenewshawks.com/un-instrument-can-protect-villagers-against-eviction/>

*Dinson Iron and Steel Company (DISCO) is an Integrated Steel Plant based in Zimbabwe. It is a subsidiary of Tsingshan Holding Group of China, one of the world's largest stainless steel producers.