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Masvingo District Land Evictions: A Necessary Evil or a Disjuncture from Liberation Ethos

Nyahunda Struggle Desire¹, Mbetu Thomas², Mureri Martin³, Dr Chidarikire Munyaradzi⁴

¹ DPhil Student, MA Development Studies, Postgraduate Diploma In Higher & Tertiary Education, Bsc, Peace Conflict & Governance, KADOMA INSTITUTE OF THEOLOGY, <https://orcid.org/0009-0003-7480-6840>

² DPhil Student, MA Development Studies, BA Media Studies, <https://orcid.org/0009-0001-9708-871X>

³ DPhil Student, Master Of Business Administration, LLBS, <https://orcid.org/0009-0005-5436-0583>

⁴ Phd in Educational Psychology- Snr LECTURER GREAT ZIMBABWE, MASVINGO ZIMBABWE. <https://orcid.org/0000-0003-3507-8329>

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Abstract: The study expounds the rationale behind the evictions in Zimbabwe in Masvingo district as to whether these state sanctioned evictions are a necessary evil or were a product of vengeful and vindictive retribution. The study explores the diverse schools of thought which borders from the assumptions as espoused in the doctrine of necessity or a paradigmatic disjuncture from the liberation ethos. The second position suggests the rationale behind eviction specifically in Masvingo district. The point of contrast therefore in the research reveals that the government of Zimbabwe haphazardly redistributed land to people within the jurisdiction of urban future development versus country's laws which empowers the lands minister to evict citizens from any land deemed for any use by the government.

Keywords: Evictions, liberation ethos, school, Zimbabwe.

Introduction

Land has been a topical issue in the history of both pre and post-colonial Zimbabwe. Land was one of the major reasons why the liberation war fighters went to war against the colonial settlers in the then Rhodesia of the southern part. The people were dispossessed of their land, some were moved to dry lands which were unproductive and not suitable for farming purposes. It was however pity that those who were on the battle front remained impoverished 20 years down the line and the piecemeal arrangement in the name of Zimbabwean independence was just but an elitist arrangement aimed at hoodwinking the general citizenry.

This research focuses on the evictions that happened in Masvingo district spearheaded by the government. The evictions started in 2023 and crossed in the year 2024 in areas like Bondolfi, Clipsham, Manyama, Mushandike, Bhuka, Nemamwa, Bere in Mashava, and other low lying areas around Chidzikwe resettlement areas. These areas are near the city of Masvingo and the land under these areas was under the jurisdiction of the traditional Chiefs. Because of the housing demands in the urban areas and the fast growing population, government seems to have stepped up to evict the people who are settled in areas they consider wetlands, state land, and non-habitable land under the guise of unlawful settlement.

The major question behind this research is to establish the reasons behind the evictions, whether the evictions were a necessary evil or a disjuncture from liberation war ethos. Like it has been said before, land question was the most topical issue behind the Chimurenga in Zimbabwe. However in no uncertain terms, the same people are being evicted and the question is the rationale behind the evictions.

Evictions

According to Raymond et al. (2018), eviction is defined as the removal of a tenant from a rental property by the land and in some jurisdictions, it may mean the removal of persons from premises that were foreclosed. Eviction can further be unlawful, summary possession, summary dispossession, ejectment or repossession of a property.

Necessary Evil

Cambridge dictionary defines a necessary evil under the whims of the doctrine of necessity which is a principle or an emergency situation or exigent circumstance to be done even if the action would be unlawful. The legal maxim supports the doctrine of necessity as, “that which is otherwise not lawful is made lawful by a situation or a necessity”.

Review of Literature

It is not a secret that the discourse of evictions is defined using a multipronged approach by various scholars depending on the circumstances and situations. A variety of scholars were read in an attempt to arrive closer home at the most appropriate and nearest definitions of evictions. Du Plessis (2006) argues that the rationale behind evictions is multipronged and must be treated depending on a variety of factors. It is important to consider the fact that people are evicted either on political grounds or urban development. By and large, the South African citizens have faced evictions in various areas on the basis of a necessity but Du Plessis (2006) said that racism and segregation was behind most of these displacements. However, the Human Rights Watch defenders in 2020 Dewa Mavhinga argued that it is imperative for government to consider any eviction process be carried out only when it is necessary, following due process, prior consultation with those affected, adequate compensation and provision of alternative land (Human Rights Watch, 2020). This solidifies the view raised that land eviction can be carried guided by the doctrine of necessity. The evictions in its undertaking might be necessary but the evil behind it must be sanitized by a legal process. In carrying out this research, we were further guided by the leading and contentious question at hand as whether the evictions happening in Masvingo district are pushed by a vindictive agenda or a sinister point of departure hiding behind a political conundrum of the day or doctrine of necessity. It was considered that the evictions should and must be understood from a chieftainship perspective, political factions of the ruling elites fighting for a hegemonic agenda, punishment of residents who seem to have voted for opposition political parties in the areas under research as well as rotten corruption steered by the blue eyed boys of the enablers eyeing vast tracts of lands suitable for urbanization and other purposes other farming.

Conceptualisation and Evictions Dichotomy

The evictions are understood on three dimensions as found from other previous studies. It was found that most evictions are undertaken on the basis poorly coined colonial planning laws, corruption and failure of development and the land reform. Zimbabwe ratified the “African union convention for the protection and assistance of internally displaced persons in Africa” but the country without shame evicted the residents behind the necessity doctrine. The article 3.1 of the convention compels a member state to refrain from, prohibit and prevent arbitrary displacement of population. The allocation of land to people on areas earmarked for urban expansion was an error on the part of the government. The land audit which was deployed in Masvingo unearthed all these unholy matrimonial alliances between offices of the government and barons and the government now embarks on the doctrine of necessity to correct these

ills. The occupiers of such stands and land were arrested and given eviction orders whilst those that allocated the stands are walking scot free, an indication of an evil necessity wrongly executed.

Theoretical Exploration of Evictions

This research utilized the traditional game theory in understanding the dichotomy of evictions. The work of John Von Neuman lays foundation for strategies in dealing with two sum people in a dispute in an attempt to arrive at a conclusion which was named game theory. The lose-win scenario where the government wants to win it all is a clear exposition that the winner take all strategy is the reason behind the acrimony at hand. According to Tirivangasi et al. (2020), it was argued that transitional justice is the center pivot of any rationale agreement and post arrangements if peace is to be sustainable. This relates to the vindictive nature of the evictions on the land by the government in Masvingo district as these moves begets instability and disagreements in whatever the arrangements might be.

Research Methodology

The researchers used the qualitative desktop research method. The use of Google scholars in accessing a variety of information and rationale around the eviction discourse helped much to arrive to the much needed concepts. The researchers made use of press releases from the Masvingo resource centre, community action platform (MACRAD) amongst other many organizations as well as the data as availed by the Amnesty International (2005). According to Bondarouk and Ruel (2004), they opined that the discovery and understanding of relationships between current and past discourses is very important as this shapes the narrative and rationale behind a research.

Research Results and Discussion

The researchers analyzed and engaged various communities to reach to the crux of the matter and have a better comprehension of the matters at hand. It was found that there were divergent views on the evictions and how the communities also took the same policy. It was found that there must be a multiple stakeholder engagement in resolving the impasse as this would give a lasting solution. There is need for the involvement of lands office, council representatives, parliamentary representatives, local chiefs, the affected families, the policy, army and political parties, not leaving out the land barons. These actors and players are critical actors in the long lasting solution and plausible agreement to avoid a confrontational approach as well as well magnanimity and unanimity. The involvement of the perpetrators who in this case are the politically connected individuals in the habit of illegally allocating land, the village heads who are also selling state land to unsuspecting home seekers, land barons who are illegally parceling out land on prohibited sites and wet lands, corrupt council and lands officials who are milking poor citizens by double allocating the land to many people serves the purpose to address the eviction question.

Conclusion

The rationale behind the land evictions in Masvingo district largely exposed the government underhand dealings and its unholy alliances with its supporters. We have noted the rationale behind the doctrine of

necessity indeed as urban expansion is necessary, underutilized land, corrupt land scandals which are derailing government efforts to protect the wetlands among other reasons. It is therefore an evil necessity to evict all illegally settled people to clear the messy and correct the past social ills in urban and peri-urban areas.

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