



Defending free expression and your right to know

Media Watch on the Constitution

November 1 – November 30, 2013

A product of the Media Monitoring Media Monitoring

This Media Watch on the Constitution is a monthly report that assesses the media's coverage of the government's performance with regard to its obligation to adhere to the terms of the new Constitution and with particular emphasis on the Declaration of Rights. The objective is to establish whether the media is providing sufficient and accurate information about government's role in promoting and protecting fundamental human rights, such as food security and education, health care and shelter; as well as other socio-economic and political rights.

1.1 Background to Study

THE new Constitution of Zimbabwe declares the provision of shelter to all citizens and freedom from arbitrary eviction as fundamental human rights.

Section 28 of the Constitution compels **“the State and all institutions and agencies of government at every level”** to **“take reasonable legislative and other measures, within the resources available to them, to enable every person to have access to adequate shelter”**.

In addition, this right is also guaranteed under Chapter Four (Section 74) of the Declaration of Rights, which stipulates: **“No person may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances”**.

1.2 Justification of Study

THIS study is significant because shelter is a fundamental human right that is not only protected under the provisions of the new Constitution, but also by the African Charter on Human and People’s Rights, the Universal Declaration of Human Rights, and other international instruments to which Zimbabwe is a signatory.

In its July election campaign ZANU PF promised to prioritize the provision of adequate, decent and affordable housing and social amenities for Zimbabwe’s hard-pressed citizens.

For instance, its election manifesto pledged the party would **“embark on a vigorous housing programme to address the housing backlog of 1,25 million”** if it won the elections. It promised to build **“250,000 low income housing units”** and to rehabilitate **“1,250 public houses and buildings”** over the next five years, as ZANU PF was of the view that the provision of adequate shelter and social amenities was a vital **“part of human civilization”**.

In line with this, ZANU PF pledged to **“reduce the urban housing backlog”** by, among other interventions, **“urgently regularizing the tenure of urban dwellers that were allocated housing and commercial stands on peri-urban farms under the land reform programme”**.

This study is important because Zimbabwe has been experiencing acute shortages of accommodation and social amenities, especially in its burgeoning urban centres.

However, since its July election victory, the ZANU PF government has embarked upon urban “clean-up” exercises reminiscent of its 2005 post-election “Operation Murambatsvina”, which destroyed more than 700,000 urban households, instead of addressing the critical housing shortage. In recent weeks, for example, the

government began demolishing “illegal” dwellings in the capital’s dormitory towns of Ruwa and Chitungwiza, but aborted these operations following a public outcry.

The media, as the Fourth Estate, have a responsibility to ensure that the government fulfils its constitutional obligations. So it has come as no surprise that the new government’s threats to clear these and other urban areas of “illegal structures” has attracted significant media attention.



CHAPTER TWO

Summary of Findings

THE media carried 84 stories relating to issues of shelter and accommodation in November.

Of these, 63 (75%) were contained in the private media. The remaining 21 (25%) appeared in the State-run media.

- Fifty-two (62%) of the 84 reports were on the demolition of illegal structures in Ruwa and attempts to extend the programme to other urban centres.
- Twenty-five (30%) were on efforts by the government and municipalities to provide housing for ordinary Zimbabweans, especially the poor.
- The remaining seven (8%) were on the “exposure” of land barons. The so-called land barons were mostly businessman aligned to ZANU PF who

allegedly acquired large tracts of land through questionable means. This coverage included the prosecution of some land barons for illegally acquiring the land and selling it to desperate home seekers.

PROVISION OF SHELTER

Promises vs Reality

During the period of this study, the state media failed to pay attention to its own duty to inform the public about government's constitutional obligations to provide adequate, decent and affordable housing and social amenities and to ensure that citizens are protected from arbitrary evictions.

Of the 28 reports the media carried on issues relating to shelter, just five (18%) appeared in the state-controlled media. The remaining 23 (82%) appeared in the privately owned media.

It should also be the duty of all the media to provide the public with a record of government's efforts to provide housing measured against the promises the ruling party made in its election manifesto, as outlined earlier in this report.

However, instead of assessing the adequacy of government's efforts to meet its constitutional obligations to provide shelter and independently investigating the prevalence of the problem, the state media largely limited themselves to rehashing pledges made by senior ZANU PF officials promising that the government was doing all in its power to provide adequate housing to the people.

In one case, ZTV (14/11, 8pm) passively reported Local Government Minister Ignatius Chombo saying government ***“will provide land for needy home-seekers, adding that public-private sector partnerships are encouraged to provide low-cost housing units”***. Chombo said this while addressing councillors, council technocrats and ministry officials from Mashonaland West at a meeting in Chinhoyi. However, ZTV did not question when government would start doing this.

In another, *The Herald* (13/11) reported Deputy Minister of Lands and Rural Resettlement, Tendai Savanhu, accusing Harare City Council of failing to provide adequate housing, clean water, clinics and roads for the people. Savanhu said this while addressing hundreds of new home-owners at Eyecourt Township in Harare. Savanhu claimed ZANU PF was ***“for the development and the welfare of the masses”*** and would provide accommodation for the people in line with his party's ***“ideologies”***.

The private media questioned government's capacity to provide adequate accommodation in view of serious budgetary constraints.

This was expressed in 22 (96%) of their 23 reports on the topic.

NewsDay (13/11), for instance, expressed concern over promises by Local Government Deputy Minister Joel Matiza that government could afford to demolish illegal structures as it lacked the capacity to provide decent and affordable alternative housing for the victims.

Matiza had told the private daily that the government would not back down on the demolition of illegal structures: ***“People can join the housing waiting list. We have a national housing programme that will be launched soon. We have the land for the programme, but I cannot pre-empt details until it has been launched.”***

The paper criticized Matiza for not indicating where resources to fund this programme would be found, considering that the country was reportedly facing a debilitating economic crisis, which had seen a critical shortage of cash in the market amid reports that several banks had fallen on hard times.

The paper observed that several companies were also facing a serious liquidity crisis which had resulted in some downsizing, while others have closed altogether, and that the government itself had failed to present the national budget as scheduled, with economic experts indicating that ***“there was no money to budget”***.

But there was one report in the *Daily News* (4/11) that was of the view that ZANU PF’s housing policy was bearing fruit.

The daily reported that it appeared as if the ZANU PF government was ***“delivering to long-suffering Zimbabweans”*** in terms of the provision of housing to impoverished and low income earners, which the party said was among its top priorities when it was campaigning for the elections.

According to the *Daily News*, ***“judging by what is unfolding in post-July 31”***, ZANU PF appeared to be on course to meeting its housing pledges. The paper cited the construction of 3,000 houses in Harare’s high density suburb of Budiriro by a local building society following the signing of a Memorandum of Understanding with Harare City Council to set up a \$15 million housing project. Reportedly, the building society also had projects worth \$101 million, which have been approved for low, medium and high cost housing projects (*Daily News*, 4/11).

The same edition of the paper also cited another project involving US billionaire computer software tycoon, Bill Gates and his wife, Melinda, whose philanthropy was set to provide 480 houses for impoverished communities in Dzivarasekwa.

The paper reported that this project was being spearheaded by women, through the efforts of the Zimbabwe Homeless Peoples Federation, and commended the partnership between Harare City Council and the Bill and Melinda Gates Foundation, for ensuring that the beneficiaries would only contribute \$1 per month.

The *Daily News* also commended efforts by the government and its partners, ***“as they come at a time when slums were beginning to mushroom in almost every township”***. The daily argued that while there was still a long way to go to

achieve housing for the greater part of the population, signs were there that with honesty and transparency, Mugabe's government could ease the living conditions of many poor Zimbabweans.

DEMOLITIONS

THE demolitions of illegal structures in Ruwa and plans to extend the exercise to Harare, Chitungwiza and other cities and towns across the country attracted outrage in all the media.

Although they paid attention to this issue, they failed to explain clearly who was responsible for the exercise and sufficiently inform the public that the demolitions appeared to contravene Section 74 of the Constitution.

Only two stories out of 84 made reference to the Constitution.

However, all the media exposed contradictions within the ZANU PF government and some urban councils, such as Ruwa and Chitungwiza, over the government's intention to demolish "illegal structures" in these areas. The notable example was that of Local Government Minister Ignatius Chombo and his deputy, Joel Matiza, who were widely reported expressing support for the exercise, while others, such as Deputy Minister of Lands and Rural Resettlement, Tendai Savanhu, were quoted fiercely opposing the move.

Notably, the government media did not investigate the circumstances under which most of the land with the so-called illegal structures was acquired. It gradually emerged through the private media that most of the land in question was acquired, legally and illegally, by people aligned to ZANU PF and distributed to thousands of urban dwellers as a way of mobilizing support for the party ahead of the country's next national elections (which were eventually held last July).

The private media and the sources it quoted indicated that ZANU PF was aware of the illegal and partisan nature of the land hand-outs in the cities and towns and tacitly supported it, as the party sought to boost its urban support for the elections.

In a case that appeared to demonstrate sharp policy contradictions and disagreements within the ZANU PF government, *NewsDay* (13/11) reported Matiza defending the demolitions, saying the government was not going back on the issue.

He told *NewsDay* (13/11) that the government "**will demolish illegal structures and build new houses for the victims**", but would "**stand guided by an audit report**" to be presented to his principal, Chombo, the following day.

This position had earlier been expressed by Chombo in an interview with ZiFM (31/10). Chombo told the station that the government had set up a commission of inquiry to look into the illegal allocation of stands in Chitungwiza and Seke communal lands, among others.

The minister justified the demolitions on the grounds that people living in such areas were **“at risk of diarrhoeal diseases since their houses do not have sewer reticulation systems, as well as tap water”**.

Notably, the government had not yet released the findings of the audit report by the time this report went to print.

However, *The Herald* (13/11) reported Savanhu apparently contradicting Matiza over the demolitions.

The paper reported Savanhu declaring: **“ZANU PF ministers can never order the demolition of people’s houses because their party is for development and the welfare of the masses”**.

He said this while addressing hundreds of house owners in Harare’s Eyecourt Township.

Savanhu told the gathering: **“You voted for ZANU PF because you know it is the only party that has the people’s welfare at heart, we are there to solve and not create problems”** adding: **“It is unconstitutional to destroy people’s houses”**.

The *Zimbabwe Independent* (15/11), through its op-ed: *No lessons learnt from Murambatsvina*, criticized the government for embarking on such an exercise **“without a full assessment of the socio-economic effects of the destruction”**.

The editorial argued that government’s decision to stop the exercise following a public outcry **“left the authorities with egg on their face”**. Instead of rushing to demolish the illegal structures, the editorial argued, the authorities should have conducted comprehensive research to ensure it got to the root cause of the problem and that those guilty of corruptly awarding land should be prosecuted.

After all, the editorial noted, most of the structures sprouted under the noses of government and party officials, and sometimes abetted by them, a situation that Chombo was answerable to.

Such constructive criticism of a senior ZANU PF government official in the state-owned daily indicated a significant change in attitude at the paper following the party’s overwhelming election victory.

Parliament expresses concern over demolitions

THE unpopularity of government's exercise of demolishing illegal structures in Ruwa and plans to extend the programme to other urban centres across the country was also reflected in the debates and motions that were moved in both Houses of Parliament during the month.

MMPZ monitored bulletins by *Veritas*, an independent legal and parliamentary watchdog, and discovered that the issue was debated at least three times this month.

In one such case, *Veritas* reported Deputy Minister of Local Government, Public Works and National Housing Joel Matiza as having been **“subjected to a lengthy grilling on this subject but defended the government’s determination not to allow illegal settlement, for instance on wetlands”**. This happened during Parliament’s *“Question Time”* session on November 20. According to *Veritas*, Matiza promised that a proper report on the matter would be given to MPs, a position he repeated the following day during the same session. But the deputy minister did not indicate when the report would be released.

During another *“Question Time”* session on November 21, *Veritas* reported Matiza as having been grilled again over the “clean-up” exercise. The deputy minister reportedly told Parliament that **“although government did not want to frighten people, it intended to put an end to the illegal settlements that had sprung up over the last five years”**.

Veritas reported Matiza as having said: **“What we want is to bring order and that order will surely come”**. He identified the **“erection of houses in wetlands, along sewer lines, under power lines and on roads, and setting up tuck-shops without regard to planning and public health regulations”** as examples of illegal structures.

Veritas also reported the issue as having been part of the 13 motions on the Order Paper for November 19 (*Bill Watch*, 57/2013).

On this day, *Veritas* reported that a motion on illegal land development had been moved **“express(ing) dismay about the swindling of desperate home-seekers by illegal land developers and unregistered cooperatives, and call(ing) for action against them and settlement plans that are sustainable and pro-poor”**.

Recommendations

MMPZ urges the media to pursue their efforts to assist the authorities to develop sustainable solutions to address Zimbabwe's housing crisis and avoid demolishing any illegal structures in urban centres until the authorities provide alternative accommodation, according to the provisions of the country's new Constitution.

Additionally, our media should:

- Investigate the causes of the mushrooming of the illegal structures and the prevalence and effects of the problem, and expose those illegally trading in land, especially public officials.
- Identify and assess the adequacy of measures by government, local authorities, building societies, housing cooperatives and other stakeholders, to address the intensifying accommodation shortage in Zimbabwe's urban centres.
- Remind the nation and the government that the provision of shelter and the protection of people from arbitrary eviction are fundamental human rights, which are guaranteed by the Constitution.
- Avoid exaggerating the crisis or playing down government's limited ability to deal with this critical issue.
- Remind government of the urgent need to align laws that deal with the provision of housing and social amenities with the provisions of new Constitution so that Zimbabweans can fully enjoy their rights to shelter.

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