

ZIMBABWE:

New evictions likely as humanitarian crisis worsens

A profile of the internal displacement situation

20 August, 2007

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OVERVIEW

New evictions likely as humanitarian crisis worsens

In May 2005, the Zimbabwean government initiated an extraordinary campaign of forced evictions and demolitions resulting in the internal displacement of an estimated 570,000 people, many of whom remain in transit camps and have limited access to assistance. Operation Murambatsvina ("Restore Order") targeted informal and legal settlements and businesses across the country, as homes were first destroyed in high-density shanty towns and subsequently in settlements on farms in peri-urban and rural areas. Since 2005, ongoing displacements have been noted by international observers, and the government's eviction programmes have recently reportedly expanded to include students and illegal gold miners. The breakdown of the formal economy has led ever more people to search for livelihood opportunities in urban areas, causing an increased risk of new evictions.

The plight of people displaced by Operation Murambatsvina and of those displaced by continuing evictions and violent farm seizures is virtually impossible to assess, as there has been no national survey of IDPs since 2005. Circumstantial reports indicate, however, that humanitarian needs of IDPs are significant, especially in relation to access to shelter. The overall humanitarian situation is bleak; the government has declared 2007 a drought year, and the UN estimates that 4.1 million people will face serious food shortages in 2008. The HIV/AIDs prevalence rate is over 20 per cent, and in 2003 it was estimated that there were 1.3 million orphans in the country. Hyperinflation has led to falling production and 80 per cent unemployment. While land reforms have long caused large-scale displacement, Operation Murambatsvina and more recent evictions have compounded the vulnerability of the Zimbabwean population.

The operating environment for humanitarian agencies remains exceptionally difficult, both due to a lack of donor support and the continuing authoritarian rule by the government. Access to displaced populations, or "mobile and vulnerable groups" as they are often referred to in Zimbabwe, has only slightly improved for certain agencies in specific locations. While African governments and institutions such as the African Union (AU) and the Southern African Development Community (SADC) have slowly increased efforts to address the situation in Zimbabwe, it is clear that sustainable international humanitarian assistance will be impossible unless accompanied by a political process which addresses the broader questions of governance and democracy.

Background

Since independence in 1980, Zimbabwe has been governed by the Zimbabwe National Union-Patriotic Front (ZANU-PF), led by current President Robert Mugabe. After independence, while the government provided better education and health care as well as higher wages and improved work conditions to the black majority, a number of political and economic problems were left to fester.

Most importantly, the question of land ownership was not addressed, as white ownership of the most fertile land continued post-independence as the Lancaster House Constitution effectively maintained the ownership pattern of colonial settlements. The Constitution included a willing-seller willing-buyer policy, but Zimbabweans and their government lacked the funds to purchase white-owned commercial farms, and many pledges from international donors to help the government buy commercial farms were never honoured (UN, July 2005, p.15). At the time of independence, a total of 15.5 million hectares of land remained in the hands of farmers of

European descent, and only 3.5 million hectares of this land was redistributed between 1980 and 1997. In June 1998, the government set a target for Phase II of its land-reform programme to redistribute an additional five million hectares within six years. In 2000, only about three per cent of the target set in 1998 had been reached, and as pressure mounted on the government to redistribute the land, in mid-2000 it embarked on a “fast track” programme to distribute nine million hectares before 2001, by radically expanding the list of land available for compulsory acquisition from white farmers (UNDP, January 2002, pp. 4-7).

Invasions of commercial farms by pro-Mugabe peasants also began in 2000, some of which were violent. The invasions were due in part to a failed constitutional referendum, which if successful would have empowered the government to acquire land compulsorily without compensation. ZANU-PF argued that by rejecting the proposed constitution, the commercial farmers were rejecting initiatives on land reform, thereby justifying government-led invasions (UN, July 2005, p.15; HRF, July 2007). The farm occupations were often led by groups of militant “war veterans” from the independence struggle in the 1970s. These veterans and ZANU-PF militias invaded not only farms listed for acquisition, but also several hundred non-listed farms (UNDP, January 2002, p.17; UN, July 2005, p.15; HRF, email communication, July 2007).

Displacement caused by land reform

Reports of farm workers being displaced as a result of Zimbabwe’s land reform process started to emerge during the first half of 2002, with many being brutally forced to leave farms and seek shelter in makeshift camps in the bush or in urban areas. Violence against farm owners and workers was widely documented (Amani Trust, 31 May 2002; BBC, 11 July 2002; HRW, March 2002).

Despite the official end of the fast-track land programme, white-owned farms continued to be listed for compulsory acquisition. Farm evictions continued in 2003, and in some cases farmers were reportedly attacked by settlers or gangs (AFP, 28 August 2003). In July 2004, Refugees International reported that due to economic disruption and political harassment, 150,000 former farm workers had become internally displaced (RI, 23 July 2004). In 2004 the government reported that less than one per cent of former farm workers had been resettled as part of the fast-track land programme, with the majority migrating to urban settlements or rural communal areas (IRIN, 6 February 2004). As of mid-2007, farm seizures continue and are on occasion reported to be violent (USDoS, 6 March 2007, p. 7; ECHO, January 2007, p.7; UN, 17 July 2007, p. 7). The UN in July 2007 considered 160,000 vulnerable households of ex-farm workers to require increased attention and focus in 2007, and warned that at least three areas, hosting over 1,500 ex-farm workers, could be cleared for residential reasons some time in July 2007 (UN, 17 July 2007, p. 7, 17). However, as there is virtually no current information on the specific needs and protection concerns of ex-farm workers, formulating an effective mitigation strategy remains a challenge (ECHO, January 2007, pp. 7-8).

Economic collapse and political crisis

The dire economic situation is contributing significantly to the growing humanitarian crisis. Unemployment is currently estimated at 80 per cent (UNOCHA, 10 July 2007, p. 46), and as businesses fail to keep up with inflation, production is falling. In May, inflation was officially estimated at 4,530 per cent (UNOCHA, 17 July 2007) – the highest in the world – and independent estimates are as high as 9,000 per cent (IHT, 9 July 2007). Considering the endemic unemployment, any inflation represents a significant threat to the majority of the population (HRF, e-mail communication, July 2007).

To address the situation, the government ordered in June 2007 that the price of basic commodities be cut by 50 per cent, and deployed the police and ZANU-PF militias to implement

the order by force. “Operation Reduce Prices” resulted in its first six weeks in the arrest of almost 7,500 executives, business leaders and traders (The Guardian, 7 August 2007), and caused production of basic commodities to plummet. Consumers have turned to informal vendors to buy supplies, causing profits from informal trading to rise considerably (IRIN, 10 July 2007).

Growth of the informal sector is not new in Zimbabwe; since the 1990s a number of factors have led to the decline of the formal economy and growth in the informal sector. The factors relate to measures imposed by the post-independence Economic Structural Adjustment Period (ESAP), which led to reductions in skilled and unskilled labour, the closure of many manufacturing industries, prices increases and the deterioration of social services. The resulting decline of the formal sector had a particular impact in Zimbabwe’s towns and cities (UN, July 2005, p.16-17). It was partly in response to this growth of the informal sector within urban areas that the government launched Operation Murambatsvina and more recent eviction campaigns.

The decline of the economy and the resulting humanitarian situation have strong political foundations. The government has consistently displayed an often violent intolerance of political opposition. Its brutal military campaign in Matabeleland in the 1980s, aimed at wiping out the Patriotic Front of Zimbabwe African Patriotic Union (PF-ZAPU), resulted in the deaths of some 20,000 people (UN, July 2005, p.15; ZHRNGOF, June 2005, p.6). Election periods also saw an increase in politically motivated violence and harassment, and the land invasions of commercial farms were to some extent orchestrated by the government in order to drive out the Movement for Democratic Change (MDC) supporters based on them (HRF, June 2005, p.6). As the displaced commercial farm workers moved to towns and cities, informal urban settlements were increasingly viewed by the government as centres of political opposition (UN, July 2005, p.19).

The severe economic climate and increased population of Zimbabwe’s cities has led to a drastic shortage of adequate, legal and affordable housing for low-income households in urban and peri-urban environments. Thus many urban dwellers have been forced to build makeshift shelters or sleep in other people’s homes, often in extremely overcrowded areas. In addition, informal housing settlements have been created in a number of locations throughout the country, often with implicit approval from government officials. Often these informal settlements have included backyard extensions of legal dwellings, which provide affordable rental space and a source of much-needed income to the owner (HRF, June 2005, p.6; UN, July 2005, p.25). The lack of housing is acknowledged by the government, which has estimated the urban housing backlog to be one million housing units (UNOCHA, 30 November 2005, p.9).

Operation Murambatsvina

In May 2005, against this background of a severe housing shortage, a rising urban population, economic collapse and a political climate of violence and intimidation, a nationwide campaign of forcible evictions and demolitions in urban areas known as Operation Murambatsvina exacerbated the worsening humanitarian situation, with grave social and economic consequences for Zimbabwe’s most vulnerable populations.

The official government translation of Operation Murambatsvina is Operation Restore Order, although in the Shona language “murambatsvina” literally means “clean out the rubbish”. Six days prior to the launch of the operation, a municipal representative in Harare announced that an operation was underway to “enforce bylaws and stop illegal activity”. On 25 May, a massive military-style operation began in Harare, Bulawayo, and other cities, with the near-total destruction of informal markets and housing structures alleged to be illegal. Within a week, some 20,000 vendors had reportedly been arrested, and homes bulldozed or burned to the ground, first in so-called shanty towns in high-density suburbs and subsequently in settlements on peri-urban and rural farms. The operation was carried out at more than 52 sites across Zimbabwe (UN, July 2005, p.12; HRW, December 2005, p.10).

Municipal police implemented many of these operations, and the army was also deployed to deter any resistance. The operation was characterised by violence, and owners of structures were forced on a number of occasions to assist in the demolition of their own homes. Informal structures were not the only buildings destroyed: in Hatcliffe, a squatter camp north of Harare, the police also destroyed a Catholic centre for AIDS orphans, a mosque, a secondary school and a World Bank-funded lavatory facility. The police beat those who resisted, and one local rights organisation reported that the government publicly stated that resistance to the operation would not be tolerated (HRF, June 2005, p.8). As many were unable to return to their homes, large numbers of people camped alongside major roads, moved to transit camps or rural areas, or were forced to sleep in parks or other open spaces (HRF, June 2005, pp.8,11; UN, July 2005, p.34). During the operation six deaths were reported, including a child hit by a truck and a child and sick women hit by falling debris (UN, July 2005, p. 35, 62; AI, 30 June 2005).

Many of those either living or working in the structures that were destroyed did hold valid leases. While many displaced may have also not had valid titles, it is clear that the operation did not comply with domestic law regarding land ownership (UN, July 2005, pp. 58-59).

The government has given a number of justifications for the operation, including controlling chaotic urbanisation and its negative health consequences, preventing illegal market transactions including trading in foreign currency, and reversing environmental degradation caused by urban agricultural practices. Alternative motivations have been suggested, including that the operation served as retribution against those who had voted for the opposition during the last presidential and parliamentary elections, that it was a result of general concern over chaos and congestion in Zimbabwe's cities, that it was related to the politics of succession to President Mugabe, or that it was designed to deter a popular uprising by forcing people back out of the cities and into rural areas (UN, July 2005, p. 20; HRF, June 2005, p.17).

Government figures released in July 2005 indicated that 92,460 housing structures had been demolished, affecting 133,534 households, and that 32,538 micro-, small, and medium-sized enterprises had also been destroyed. Using these figures, the UN estimates that approximately 570,000 people lost their homes. Adding those who lost their businesses or other forms of livelihood, the UN further estimates that 650,000 to 700,000 people were directly affected by the operation. Many Zimbabweans were also indirectly affected, by the loss of rental income or the disruption of informal income. In 2005, a fact-finding mission by the UN's Special Envoy on Human Settlements Issues in Zimbabwe, Anna Kajumulo Tibaijuka, estimated that 2.4 million people, or 18 per cent of the population, were directly or indirectly affected by the operation (UN, July 2005, p.34). Since this mission, the UN has not conducted a national IDP survey or assessment; an informed response is thus impossible as the needs of Zimbabwe's IDPs are unknown, and previously documented humanitarian conditions need to be re-evaluated given the current context.

Humanitarian crisis

Zimbabwe's overall humanitarian situation is bleak, with Operation Murambatsvina and forced displacement being only one cause among many. 2007 was recently declared a "drought year" by the government, with the situation in southern Zimbabwe described as especially acute. In one southern province, the government projects a 95 per cent crop failure (UNOCHA, March 2007, p. 1), and the UN estimates that 2.1 million people will face serious food shortages during the third quarter of 2007. This figure is expected to rise during the first months of 2008 to 4.1 million, more than a third of the population (FAO, 5 June 2007). Zimbabwe is also reeling from the HIV/AIDS epidemic, with over 20 per cent of Zimbabweans estimated to be infected with the virus. In 2003 it was estimated that there are 1.3 million orphans in the country, with roughly one million orphaned by AIDS. The cost of basic services has risen dramatically, making them unaffordable for the

majority of Zimbabweans. Transport prices, due to high fuel costs, have also risen considerably, presenting extreme difficulty for people in rural areas to travel to health centres. Within rural areas, only 40 per cent of rural households have access to safe sanitary facilities (UNOCHA, March 2007, p. 1; UNOCHA, 30 November 2006, pp.5, 7). Due to the overall humanitarian situation and in particular the rising cost of living, many families have no choice but to engage in dangerous coping activities for survival, including commercial sex, crime, and illegal exchanges of assets or foreign currency (UNOCHA, 30 November 2006, 7; UNOCHA, UN, July 2005, p.39).

Access to displaced people, or “mobile and vulnerable groups” (MVPs) as they are often referred to in Zimbabwe, has reportedly improved slightly, however this improvement was only noted in a few locations by specific agencies. The issue of shelter provision has become less politicised, which has allowed for more positive dialogue and coordination between the humanitarian community and the government (UNOCHA, 30 November 2006, p. 8; UN, 17 July 2007, p.19). However, one report noted that during 2006 the government blocked international organisations from assisting displaced farm workers (USDoS, 6 March 2007, p.7). The general political sensitivity of assisting IDPs remains, and this hinders the overall response to the needs of displaced people (ECHO, January 2007, p. 7).

Evaluating the humanitarian needs and conditions of IDPs is virtually impossible in Zimbabwe due to the lack of information and baseline data. Considering the circumstantial information that is available, however, it is likely that there are significant unmet humanitarian needs, especially in relation to shelter. While nationwide surveys have not been conducted, in July 2007 it was estimated that 10,500 households are still in need of emergency shelter (UN, 17 July 2007, p.19). Amnesty International, in a report published in 2006, notes that several thousand people remain in the open under makeshift shelters (AI, 8 September 2006, p. 3). Since late 2006, humanitarian agencies have provided 1,000 temporary and 335 permanent shelters, however gaps in provision have continued to emerge due to new evictions and improved mapping tools which have illuminated additional needs (UN, 17 July 2007, p.19).

New displacement likely

Threats and incidences of new forced displacements continue to be reported, but there is no information on the number of people recently displaced. General reports of evictions have been noted by both the US State Department and the European Commission (USDoS, 6 March 2007, p.7; ECHO, January 2007, p.7). The UN has also reported sporadic evictions in parts of Harare, Masvingo, Bulawayo and Manicaland (UNOCHA, 30 November 2006, p. 14; UN, 17 July 2007, p.7). In late 2006, the Harare Metropolitan Governor David Karimanzira was allegedly preparing more demolitions of homes and “illegal” business structures in urban areas and rural areas where Zimbabweans make a living from informal gold mining (ICG, 5 March 2007, p.4). Evictions conducted under Operation Chikorokoza (meaning “end illegal gold mining”) has caused new displacement, sometimes of people who had already been affected by previous evictions (UN, 17 July 2007, p.16).

Many victims of Operation Murambatsvina are reported to have returned to urban areas, and as informal vendors continue to live in “unauthorised” dwellings in urban areas, it is likely that new evictions may soon take place (UN, 17 July 2007, p.7; UNOCHA, 30 November 2006, p. 14; SPT, 30 August 2006, p. 37). Displaced people have also allegedly been subjected to repeated evictions (HRW, 29 March 2007; UN, 17 July 2007, p.16).

Following protests at the University of Zimbabwe over increased lodging fees, the government evicted an estimated 5,000 students from their dormitories. Students were given 30 minutes to vacate their rooms, and student organisations have appealed for humanitarian assistance following the evictions (VOA, 10 July 2007).

National response

During the mission of the UN Special Envoy on Human Settlements Issues in Zimbabwe in June 2005, the government launched Operation Garikai (which means “reconstruction” or “resettlement”) in an effort to address the homelessness created by Operation Murambatsvina. Over two years later, there is little evidence of improvements on the humanitarian situation as a result of Operation Garikai. An NGO Shadow Report submitted to the African Commission on Human and Peoples’ Rights (ACHPR) in May 2007 noted that 3,325 structures had been constructed (AI, May 2007, p.4, chapter prepared by Human Rights Watch), compared to the total of 92,460 housing structures that had been directly demolished during the operation (UN, July 2005, p.34). The construction process has also been problematic; the Government’s Portfolio Committee on Local Government notes that building has been delayed due to shortages of fuel and materials as well as a lack of funding. As a result, some of the housing units are uninhabitable (GoZ, June 2006, pp.5-6). A recent visit by a journalist to Hopley Farm, a government camp for people displaced by Murambatsvina, found that all construction activities had stopped because cement and funds for workers’ salaries had run out (IRIN, 18 July 2007). Regardless of the amount of homes built, most families affected by Operation Murambatsvina are ineligible to receive support via Operation Garikai, as recipients of assistance must prove a source of income, be on a municipal waiting list, and be able to pay rent (AI, 8 September 2006, pp.17-18; HRW, December 2005, p.19). Moreover, of the structures built, 20 per cent are reported to have been allocated to civil servants, police and soldiers, and to people not affected by evictions (AI, May 2007 p.4, and 8 September 2006, p.13).

International response

The international response to internal displacement in Zimbabwe has generally stagnated. As previously noted, since the 2005 visit of the UN Special Envoy on Human Settlements Issues in Zimbabwe, the UN has not conducted a country-wide IDP needs assessment. The absence of reliable information poses a substantial obstacle to effective humanitarian planning. The UN’s 2007 humanitarian appeal for Zimbabwe totals \$215 million, and calls for emergency assistance as well as transitional support to address the causes of vulnerability (UNOCHA, 30 November 2006). As of July 2007, 51 per cent of the overall total was funded, and the protection sector was funded at 28 per cent (UNOCHA, 10 July 2007). The UN’s Office for the Coordination of Humanitarian Affairs did increase its presence in Zimbabwe, resulting in an improvement in the sharing of information among humanitarian agencies (UNOCHA, 30 March 2006, p.10).

In addition to a lack of information, there is also a lack of consensus among the international community in Zimbabwe on issues related to protection and human rights. For example, for some agencies there are no IDPs in Zimbabwe – populations who are physically displaced are referred to as “mobile and vulnerable populations” (MVPs), a more politically-neutral term for a wider group of people. Other organisations use the term IDP, revealing a lack of consistency in humanitarian approach and strategy.

Discussions on implementation of the cluster approach in Zimbabwe began in June 2007 in Harare. As part of the broader humanitarian reform process, through assigning UN agencies responsibility for certain sectors or “clusters”, the UN hopes to increase the accountability and predictability of the overall humanitarian response, especially to situations of internal displacement. In Zimbabwe, following a workshop for humanitarian agencies, it was agreed to begin implementation of the nine global clusters, and it was proposed to continue discussions on three additional clusters, including a cluster on MVPs (UN, 17 July 2007, p.11; UN, 4 June 2007).

On the political front, due to the sustained breakdown of the rule of law and continuing violations of human rights committed by the government, both the United States and the European Union have renewed sanctions against members of the Zimbabwean government (EU, 23 April 2007;

US, 1 March 2007). While African regional bodies and leaders have historically remained silent on the human rights crisis in Zimbabwe, in January 2007 the AU Summit of Heads of States and Governments endorsed a decision of the African Commission on Human and People's Rights (ACHPR), which noted violations of human rights during the land reform programme in 2000 (HRF, 8 June 2007). In May, ACHPR held a hearing on the situation in Zimbabwe and conducted a dialogue with the government in relation to its periodic report (AU, May 2007, p.9; HRF, 2 July 2007, p.10).

At the sub-regional level, quiet diplomacy has also started to give way to a more vocal and proactive approach. The change came after a brutal attack on civic and opposition leaders in March (IRIN, 23 March 2007). Later that month the Southern African Development Community (SADC), the regional inter-governmental body of southern African states, held an extraordinary summit in Dar-es Salaam and appointed South African President Thabo Mbeki to mediate between the government of Zimbabwe and the opposition MDC; however observers branded the summit a "non-event" due to the lack of concrete action or outcomes (IRIN, 30 March 2007). Human rights groups urged the newly-appointed mediator to prioritise human rights during the negotiations. In addition, as civil society groups have been left out of the talks, doubts remain over the capacity of the process to bring about a sustainable outcome (Africa Focus Bulletin, 1 July 2007; IRIN, 21 June 2007).

In May, a group of three human rights organisations urged that the UN Security Council refer the government to the International Criminal Court over crimes committed during Operation Murambatsvina. According to the three organisations, the Centre on Housing Rights and Evictions, Zimbabwe Lawyers for Human Rights, and Zimbabwe Joint Media Watch, many of the human rights violations committed by the government during the operation, including instances of forced displacement, amount to crimes against humanity (COHRE, 23 May 2007). However, on the basis of a preliminary legal opinion, the UN Special Envoy on Human Settlements Issues in Zimbabwe noted that it would be difficult to sustain that crimes against humanity were committed during Operation Murambatsvina (UN, July 2005, p.65).

The humanitarian situation in Zimbabwe requires immediate action; however it is clear that for assistance to be sustainable, it must be accompanied by a political process, one which is supported by the international community and addresses the broader questions of governance and democracy in Zimbabwe.

CAUSES AND BACKGROUND

Failed Land Reform Process

Unresolved land inequity (July 2005)

- Post-Independence, the colonial settlement pattern in Zimbabwe was maintained, resulting continued use of the willing-seller willing-buyer land policy.
- The government of Zimbabwe lacked funds to purchase land from white commercial farmers; international donors did not honor pledges to supply these funds.
- Land reform in Zimbabwe characterized by violence and eventually led to forced displaced of thousands.
- Often land reform targeted farm owners and farm workers affiliated with political opposition groups. Even those farm workers that held no political affiliation were targeted.
- Evictions led to a rise in the informal economy.

UNDP, January 2002, p. 4-6:

"The objectives of land-reform and resettlement programmes have evolved considerably since independence in 1980. Following an agreement with the Government of the United Kingdom, land reform in the 1980s focused on settling people selected by the central government on land sold willingly by large-scale farmers, purchased willingly by the Government of Zimbabwe, and financed with funds from both Governments. At the expiry of that agreement in 1990, a draft National Land Policy was prepared that specified the target for land redistribution for the main land-use categories in Zimbabwe, as shown in table 1. In 1992, the Government also passed the Land Acquisition Act, which enabled the Government of Zimbabwe to facilitate land delivery for subsequent reform phases through compulsory acquisition.

Table 1. Original and Target Allocations of Land among Major Use Categories

Use Categories	Area (million hectares)	
	Actual at 1980	National land policy target
Large-scale commercial farms	13.5	6.0
Small-scale commercial farms	1.4	1.4
Communal farms	16.4	16.4
Resettlement farms	.	8.3
National parks and urban areas	6.0	6.0
State lands	0.3	1.5
Total	39.6	39.6

Source: Ministry of Lands, Agriculture and Rural Settlement, 2001.

Land-Reform and Resettlement Programme - Phase I (1980-1997)

Phase I of the land-reform programme was planned to redistribute 8.3 million hectares through four farm-settlement models of varying sizes and land use. By 1997, only 3.5 million hectares had been either purchased or acquired and 71,000 families from communal areas had been settled,

compared with a target of 162,000. Some larger farms had been allocated to a small number of individuals selected by the Government. Settlers on the small farms had been provided with start-up tillage services and inputs for half a hectare of crops for each family. Infrastructure development included boreholes, schools, clinics, staff houses, cattle dip tanks, toilets and roads. These were relatively small but by no means insignificant achievements, even if the process was constrained by the stringent rules of the Lancaster House Agreement. The progress made was in large part due to the post liberation energy and enthusiasm of the Government in the context of urgently needed reconstruction, but also because the United Kingdom Government GBP 33 million over the decade to cover the acquisition and a portion of the resettlement costs. The results of Phase I have been studied by the Government and others. Some conclusions are summarized in the draft Policy Framework and Project Document for Phase II (1998) of the Land-Reform and Resettlement Programme that was tabled at the Donor Conference in September 1998. That document notes that there were some substantial problems with the earlier settlements. For example, the willing seller-willing buyer approach meant that, inevitably, settlements were scattered. It was therefore difficult to generate economies of scale in the development of both settlement areas and infrastructure. As a result, access roads to farmers' fields were often inadequate; only about 10 per cent of planned roads within the scheme were constructed. Also, while 86 per cent of schools were built, they were often not within walking distance for young children. In addition, only 34 per cent of the planned blair toilets were constructed. The land purchase and acquisition processes were cumbersome and expensive, and there was a lack of transparency in the choice of settlers.⁷ Despite the problems with the earlier settlements, it has been estimated that settlers, many of whom produced high-value crops such as tobacco, cotton and paprika as well as maize, in combination with livestock, earned higher incomes per family than in their previous occupations (often also farming) in communal areas. On the other hand, because family size often increased over time, per capita incomes did not always increase.

The system of land tenure in resettlement areas during Phase I of the Land-Reform and Resettlement Programme was based on the Government of Zimbabwe providing settlers with written permits to reside and use the land on which they settled in a setting overseen by resettlement officers rather than by established local authorities. However, "most settlers feel that the permit system is insecure" because in theory, the permits could be withdrawn without adequate reason or protection of settlers by local institutions. This motivated Phase II to shift the land-tenure policy towards providing 99-year leases."

HRW, March 2002, p. 2:

Human rights abuses due to land reform

"The "fast track" land resettlement program implemented by the government of Zimbabwe over the last two years has led to serious human rights violations. The program's implementation also raises serious doubts as to the extent to which it has benefited the landless poor. The stated aim of the fast track program is to take land from rich white commercial farmers for redistribution to poor and middle-income landless black Zimbabweans. Under the program, however, ruling party militias, often led by veterans of Zimbabwe's liberation war, have carried out serious acts of violence against farm owners, farm workers, and, using occupied farms as bases for attacks, against residents of surrounding areas. The police have done little to halt such violence, and in some cases are directly implicated in the abuses. The process of allocating plots to those who

want land has frequently discriminated against those who are believed to support opposition parties, and in some cases those supervising the process have required applicants to demonstrate support for the ruling party, the Zimbabwe African National Union-Patriotic Front (Zanu-PF). Zimbabwe's several hundred thousand farm workers have been largely excluded from the program, and many have lost their jobs, driven from the farms where they work by violence or laid off because of a collapse in commercial agricultural production. Even those people allocated plots on former commercial farms appear in many cases to have little security of tenure on the land, leaving them vulnerable to future partisan political processes or eviction on political grounds, and further impoverishment. The need for land reform in Zimbabwe is generally acknowledged, even by representatives of the commercial farming sector. Colonial policies of expropriation gave a few thousand white farmers ownership of huge tracts of arable land. About 4,500 large-scale commercial farmers still held 28 percent of the total land at the time the fast track program was instituted; meanwhile, more than one million black families eke out an existence in overcrowded, arid "communal areas," the land allocated to Africans by the colonial regime. Farm workers, many of whom are of foreign descent, have little or no access to land on their own account, and are also vulnerable to arbitrary eviction from their tied accommodation. Many poor and middle -income black people in urban areas, squeezed by rocketing food and transport price hikes and growing unemployment since the mid- 1990s, see land as an alternative source of income and food security. Many land restitution claims relating to forced removals during the era of the white government have also not been addressed. These factors create a significant land hunger in Zimbabwe."

Forced Displacement and Land Reform

Amani Trust, May 2002:

"On the farms listed for acquisition and settled by the "war veterans", the farm workers have been subjected to continual intimidation, theft of personal belongings, vandalism, and destruction of their homes. Before the elections, they were forced to attend all night rallies for 'voter education' by Zanu(PF) supporters, and after the elections they were punished with violence for continuing to live and work on the farms, which was seen as supporting the MDC and the white farmers. The farm workers either then leave rather than live side by side with their new neighbours, or are forced to leave by violence, in some instances with only the clothes on their backs. The police and the army, far from trying to protect the rights of the farm workers are often part of the problem, standing to the side when violence erupts on the farm, and continuing to harass the displaced farm workers, once they have left for the urban centres and refuge. There are even instances of senior police officers and army generals acquiring farms themselves and depriving the farm workers of their homes and employment."

Refugees International, July 2004:

"In Zimbabwe economic disruption and political intimidation and harassment have caused 150,000 former farm workers to become internally displaced. As conditions for the former farm workers deteriorate, the Government of Zimbabwe is imposing restrictions and preventing humanitarian agencies from providing them assistance, resulting in a hidden crisis of internal displacement in the country.

Since 2000, the economic situation in Zimbabwe has progressively deteriorated: production of food has dropped and inflation has skyrocketed to more than 400 percent annually. Unemployment has spread rapidly. An estimated 78% of farm workers, who represented 25% of the national active working force, have lost their jobs. This crisis has been caused by the poor implementation of the Fast Track Land Reform program by the Government of Zimbabwe, compounded by regional droughts that have effected crop production. The crisis has a political dimension as well, as the ruling party, ZANU-PF, has targeted the farm workers as a potential political base for the opposition. The government has implemented special political re-education programs while impeding humanitarian access to organizations deemed to be part of the political opposition to consolidate their political strength in anticipation of upcoming parliamentary elections.”

UN, July 2005, p. 15:

“While the Government successfully provided social services such as education, health care, higher wages and better working conditions to the black majority during the early years of independence, underlying socio-political and economic problems were left unresolved that would eventually produce a national crisis. Of these, the land question was the most profound, as the liberation war was fought over land and the promise to return it to the indigenous African population. Historical inequity was embedded in the constitutional settlement (the ‘Lancaster House Constitution’) that preserved the colonial settler pattern of white ownership of most of the fertile land and, despite legislation in 1992 to address the inequities, the process of redistributing land remained slow and did not produce equitable results for the majority population. Some of the reasons for this failure included ineffectiveness of the willing-seller willing-buyer policy stipulated in the ‘Lancaster House Constitution’, as well as non-availability of funding.

Role of International Community/western donors

With respect to the funding issue, some in the Zimbabwe political elite and intelligentsia, as well as others of similar persuasion around the continent, believe that the international community is concerned more with “regime change” and that there is no real and genuine concern for the welfare of ordinary people. They cite the fact that, following independence, many donors who pledged resources for the reconstruction of the country at the Zimbabwe Conference on Reconstruction and Development (ZIMCORD) held in 1981 did not honour their pledges. To the minds of many Zimbabweans, the international community did this because the ‘wrong party’ had won the elections at independence. Over the years, when Zimbabwe appealed for funds to buy land from white farmers, on a willing-seller willing-buyer basis, the international community is considered to have turned a deaf ear. Even when it was apparent that the African communal areas (former tribal trust lands) were congested and no longer able to sustain the increasing population. Western countries did not provide the necessary funds, even where these had been promised, as in the case of UK.”

Economic Collapse

Economic Collapse (November 2005)

- Failure of Economic Structural Adjustment Period (ESAP) caused closure of manufacturing industries, price increases and deterioration of social services, contributed to rise of informal economy.
- Government's fast track land distribution programme negatively impacts on agricultural production and revenue.
- As a result of targeted sanctions from western countries, tourism declines.
- Majority of Zimbabweans earn income through informal economy.
- Formal unemployment estimated at 80% and expected to rise.
- Inflation reportedly soars to 613% (Mail and Guardian, February 2006)

UN, July 2005, p. 16:

"The background to the current economic crisis has several aspects: the inherited 'colonial economy' of Rhodesia, the post-independence Economic Structural Adjustment Period (ESAP) of the early 1990s, and the result of the economic policies undertaken since. By Sub-Saharan African standards Zimbabwe at independence in 1980 inherited a relatively sophisticated and diversified economy, but it already suffered from a large fiscal deficit, low economic performance, high unemployment, price controls, and a lack of foreign currency. Many analysts point to the failure of ESAP in the early 1990s as a major negative economic turning point. The austerity measures imposed by the ESAP led to, inter alia, the massive retrenchment of skilled and unskilled labour and of the civil service; the closure of many manufacturing industries; general price increases; and the deterioration of social services. These factors, combined with the liberalisation of the economy, led to the gradual but systematic decline of the formal economy and to the growth and emergence of the informal sector, especially in the rapidly growing towns and cities of Zimbabwe.

Three political factors deepened the economic crisis in the late 1990s. First the appeasement policy towards war veterans adopted in 1997 when the Government decided to issue cash handouts to ex-combatants who had threatened to destabilize the government with a public display of discontent at the time. The handout sparked an inflationary spiral from which the economy has still to recover. Secondly, Zimbabwe's military intervention in the conflict in the Democratic Republic of Congo had serious consequences in terms of budgetary allocations and deficits. Thirdly, the 'Fast Track' land distribution programme of 2000 negatively affected agricultural production, the mainstay of the Zimbabwean economy. It prompted the imposition of targeted sanctions from the European Union, the US and several Commonwealth countries.

While these sanctions were not directed against the economy *per se*, they contributed to the polarization of national and international media and the domestic political environment and also led to negative travel advisories that heavily affected the tourism industry. The Zimbabwean economy has been on a downward spiral since, registering a growth rate of 0.9% in 1998, declining to 0.5% in 1999, and negative growth rates since 2000-2001.

There were no "real" economic solutions in sight at the start of 2005, despite the Governor of the Reserve Bank of Zimbabwe declaring an imminent turn-around of the economy. The recent IMF mission, under Article IV of the consultation framework, has indicated that the economy is likely to decline by a further 7% this year (2005), that inflation, currently running at about 140%, would not be arrested to any significant levels, and that foreign currency reserves were down to three days. Foreign exchange shortages have restricted essential imports needed for industrial and agricultural production, fuel, energy and basic commodities, further exacerbating the decline of

the formal economy and the Government's revenue base. The budget deficit is estimated to exceed 14% of GDP and domestic debt is estimated at USD 1 billion. Unemployment currently stands at 75% with over 70 % of the population living under the poverty line. Zimbabwe also has one of the highest divides in Africa both in terms of access to resources and in consumption with about 80% of the population sharing less than 20% of national wealth. Food shortage exacerbated by drought affecting the entire sub-region has been an additional challenge faced by the country since 2001-2002, particularly in the rural areas, leading to a humanitarian crisis. The food deficit is estimated at 1.2 MT of maize for the 2005-6 season.

Rise of the Informal Economy:

In 1980 the informal economy was relatively small, accounting for less than 10% of the labour force. This was attributed to the various laws and bylaws that prohibited the free movement of indigenous people, especially from rural to urban areas. With deregulation after independence and economic stagnation and decline, the informal sector share of employment grew to 20% by 1986/87, 27% by 1991 and an estimated 40% by 2004. The informal economy had effectively become the mainstay for the majority of the Zimbabweans. ILO reported in June 2005²⁴ that 3 to 4 million Zimbabweans earned their living through informal sector employment, supporting another 5 million people, while the formal sector employed about 1.3 million people. Most local authorities derive substantial revenues from fees levied from informal sector activities."

UNOCHA, November 2005, pg. 9:

"Most developing countries in the world are grappling with management of increased rural migration. In Zimbabwe, factors such as the increasingly difficult living conditions in the rural areas, the general economic decline and the immediate effects of the fast-track land reform programme have resulted in accelerated migration to the urban areas, especially to Harare and Bulawayo. While the general population growth is reported to be 1-2% annually in the last decade, the urban growth rate is 5-6%. Consequently, the current urban population is estimated at 4.5 million out of the overall population of 12 million, and is projected to increase to 8 million by 2015. However, the existing policies and resources for land allocation and the provision of infrastructure and housing have not been able to keep up with the urban influx. For example, the Government of Zimbabwe estimates the urban housing backlog to be 1 million housing units. As a result, more and more people have come to live in substandard and insecure conditions in the low-income urban areas. Operation Murambatsvina/Restore Order exacerbated the situation, through the destruction of livelihoods and housing for 133,000 households, many of which require immediate shelter support."

Unemployment

UNOCHA, November 2005, pg 9:

"The steadily declining economic performance of the country is one of the key factors compounding the humanitarian situation. Zimbabwe's Gross Domestic Product (GDP) contracted by an estimated 7% in 2005 due to reduced agricultural production, high inflation rates, lack of foreign direct investment, lack of foreign exchange and regular fuel shortages. This follows the economic contractions of 4% and 10.5% in 2004 and 2003 respectively. The inflation rate peaked in January 2004 at 623% and stabilised in early 2005 at 130%, but soared to 360% in October 2005 and was projected to increase further to at least 400% by the end of 2005. The introduction of the foreign currency auctioning system in 2004 resulted in an acute shortage of foreign exchange and a widening discrepancy between the official and parallel market rates. On 20 October, during the monetary policy statement, the Reserve Bank proposed floating the local currency, the implications of which are yet to be fully assessed.

Despite these economic challenges, Zimbabwe managed to make a first instalment of US\$ 120 million for debt repayment to the International Monetary Fund (IMF) in August 2005 and has

stated its commitment to provide a further US\$ 175 million within the next six months. The debt repayment, however, will likely result in reduced budget allocations for basic social services such as health, education, water and other public sector priorities. International financial institutions have warned that unless bold and drastic measures are taken by the Government to change the current macro economic policies, the economic outlook for Zimbabwe will remain bleak.

The price of fuel in the global market has also affected Zimbabwe. Fuel prices in the formal market increased by 733% from January to October 2005, from Zimbabwean Dollar (ZW\$) 3,000 (almost US\$ 0.05) per litre to ZW\$ 22,000 (almost US\$ 0.34) respectively. However, while fuel shortages were rampant in the country, it was reported that fuel was sold in the parallel market at the cost of up to ZW\$ 130,000 (US\$ 2) per litre. The shortages and the high cost of fuel have impacted all aspects of life, especially the availability and cost of basic food and non-food items, as well as the delivery of basic social services. The resulting increased cost of living has not been matched by a corresponding increase in income.

Formal unemployment is estimated at over 80% and increasing, as many businesses in the formal sector have had to lay off staff, due to declining business opportunities, increased operational costs and declining consumer purchasing power. Consequently, it is presumed that much of the skilled and unskilled labour may move to the informal sector, engage in illegal cross border trade, or immigrate to neighbouring countries. The informal sector, which served as a significant coping mechanism in the past, was significantly affected during Operation Murambatsvina/Restore Order.”

Political Crisis

Political Crisis (September 2005)

- Since independence in 1980, country led by Zimbabwe National Union-Patriotic Front, ZANU-PF, and its leader, President Robert Mugabe.
- ZANU-PF has a long history of using violence and intimidation to suppress political opposition, and have curtailed freedom of the press. Critics are dealt with as if they are committing treason.
- In the 1980s ZANU-PF led a brutal military campaign in Matabeleland aimed at wiping the PF ZAPU opposition group, which is largely drawn from the Ndebele population. The campaign resulted in the deaths of thousands, many others were detained and tortured.
- During election periods violence against opposition supporters and groups, most recently the Movement for Democratic Change (MDC), intensifies.
- ZANU-PF ordered large-scale farm invasions, also partly directed at opposition groups.

HRF, June 2005, pg. 6:

“From 1980 until 1990, ZANU (PF), the ruling party, moved in the direction of establishing a legislated ne-party state, with itself as the sole legal political party in Zimbabwe. Although, in 1990, it dropped from the agenda the idea of creating a *de jure* one party state, it certainly did not abandon the idea of crushing political opposition and establishing a *de facto* one party state.

ZANU (PF) continues to hold the strong belief that by fighting and winning the liberation struggle it earned the right to rule Zimbabwe in perpetuity. Army commanders, the Police Commissioner, and war veterans loyal to the ruling party all subscribe to this view, and have publicly expressed this sentiment. Since it came to power in 1980, ZANU (PF) has displayed immense intolerance of

political opposition, and has treated criticisms and opposition to its policies as being tantamount to treason. The brutal military campaign in Matabeleland, during the 1980s that led to the deaths of thousands of people and the detention and torture of many others was primarily aimed at smashing PF ZAPU, a party that had its main support base in the Ndebele population.

The police force has been transformed into a partisan force that applies the laws on a selective basis. It has increasingly become an instrument of repression used against the ordinary people of Zimbabwe. In the process of reconstructing the police force moderate police officers have been driven out of the force to be replaced with ruling party loyalists such as war veterans and youth militia who have graduated from the National Youth Service Training programme and are considered to bear allegiance to the ruling party.

Before elections, the ruling party had frequently engaged in violence and other forms of intimidation against opposition supporters, and after elections it has exacted reprisals upon those that it believes voted for the opposition³. When a strong opposition party, the Movement for Democratic Change, emerged at the end of the 1990s and this party mounted a real challenge to the rule of ZANU (PF), the ruling party's response was to unleash its supporters to wage an intense campaign of violence and intimidation against the opposition party and its supporters. The ruling party also orchestrated large-scale land invasions of commercial farms. One important reason for these often-violent occupations of white owned farms was to eliminate a support base for the opposition amongst white farmers and their farm workers. These land occupations, and the subsequent compulsory acquisitions of these farms, had the effect of drastically undermining the entire commercial agricultural sector, with consequent severe adverse effects on the national economy.

This compounded the already dire economic situation in the country. It also rendered homeless and jobless large numbers of farm workers. No sensible person would have disputed that there was a pressing need for equitable land re-distribution in Zimbabwe. But many would have argued that there were far more sensible ways of proceeding than simply devastating the commercial farming sector before ensuring that the resettled farmers would have the capacity to farm large commercial farms on a productive basis. There is an element of the same philosophy, that of destroying in order to rebuild, in *Operation Murambatsvina*."

UN, July 2005, pg. 15, 17-20:

"Since independence in 1980, Zimbabwe has been governed by ZANU-PF. Zimbabwean nationalism was forged in opposition to colonialism, and socialism became the basis of party ideology (though not necessarily of the economy) in the years following independence. The ruling party attempted, but failed, to introduce a one-party political system in the late 1980s. However, it maintained a highly centralised style of governance in which dissent and political opposition were hardly tolerated. The historical relationship of ZANU-PF and the minority party Patriotic Front-Zimbabwe African People's Union (ZAPU-PF) during the liberation struggle and the subsequent civil war formed the basis of the ZANU-PF's policy and attitude towards political opposition.

Zimbabwe had been ruled by one political party for 20 years before a real opposition could emerge. The country has been led by a Founding President, a towering and influential political personality, viewed with respect in Zimbabwe and in all of Africa for his historical role in the colonial liberation struggle. A combination of this reverence and the inherited colonial administrative structures contributed to a heavily centralised Government in Zimbabwe and also partially explains the common attitudes of regional leaders who have opted for quiet diplomacy rather than criticize his Government openly. During the 1990s, a number of civil society organizations, especially the Zimbabwe Congress of Trade Unions (ZCTU), emerged as pressure groups to oppose the dominant rule of ZANU-PF, challenging emerging corruption, human rights violations and poor governance in general. This political space for civil society also allowed for the emergence of strong leadership that ultimately led to a powerful alliance of forces that

mobilized Zimbabwe's public opinion. By the time the Government tabled a draft constitution for a popular referendum in 2000, which, among other things, proposed to strengthen presidential powers and to allow the government to expropriate white commercial farmland without compensation, a segment of civil society organizations were successfully mobilised to vote against the constitutional draft. Against the foregoing, the 2000 referendum marked the first political defeat for the leadership of ZANU-PF and became a watershed year in Zimbabwe's political history. It prompted a fierce campaign for the legislative elections in June that year. As ZANU-PF was fighting for its political life, the campaign period provided the perfect opportunity for the war veterans to consolidate their interests in order to augment their political power. It was in this charged political context that land reform became a tool for economic redistribution and political mobilisation. The 'fast-track land reform programme' became an integral part of the campaign process. Many people, including the MDC were supportive of the land acquisition and redistribution exercise. It was, however, expected that the Government would ensure an orderly and fair process, free of corruption. Yet, as a pay-off for their electioneering role, the war veterans were promised ownership of 20% of the land taken over by the state in the period 2000-2002.³¹ The war veterans had become an important (but disgruntled) interest group and became key players in this campaign, mobilised by ZANU-PF as 'political shock troops' on a large scale. The systematic use of intimidation and violence against opposition candidates and supporters became the modus operandi, particularly in commercial farming and communal areas, effectively sealing those areas off from opposition access.

Thus, the MDC emerged, against this background, as a formidable challenge to the ruling party. Although ZANU-PF eventually won the 2000 parliamentary elections, the process was criticised by international observers and many did not consider the elections free or fair. This period also saw increasing unemployment and urban violence, as well as an influx into towns of former employees of recently dispossessed white farmers, all of which became manifest in widespread disenchantment with the Government. Towns and cities emerged as strongholds of opposition to the ruling party and have since been viewed with suspicion by the government.

The presidential elections held two years later further polarised Zimbabwean society as well as the international community. While Western Governments considered the elections not free and fair, the African Union and SADC, considered them as representative of the will of the people. The recent legislative elections of 2005 thus followed years of increased polarisation, politically related violence and mistrust of the ruling authorities. Though election day on 31 March 2005 marked a relative calm and violence free environment, a sense of fear and distrust had prevailed over the entire population. The elections did not resolve the underlying tensions between ZANUPF and MDC.

The 2000 and 2002 elections and the fast-track land reform programme triggered the deterioration of relations with the international donor community and the start of isolation of Zimbabwe from the wider international community. It also prompted the imposition of targeted sanctions by the European Union, the US and several Commonwealth countries.

On the regional front, the Commonwealth suspended Zimbabwe's membership in 2002 and Zimbabwe formally withdrew from the organization after a divided meeting of Heads of Government in Abuja decided to extend the suspension for another year in 2003. That year, Zimbabwe's membership rights in the IMF were also suspended. The Southern African Development Community (SADC) has also shown some division on Zimbabwe, though the majority continue to openly support President Mugabe. While the African Union (AU) has not specifically addressed the situation in Zimbabwe, a Ministerial Meeting in 2004 adopted a report critical of the human rights situation in Zimbabwe for the first time.

The context in which the clean-up operation was conducted, therefore, shows a country with a history of inequities that the national government has not been able to redress, a Government

that inherited difficult structural economic problems that are difficult to solve without support by the international community. Its programme for equitable land redistribution could have been better justified by a transparent and fair redistribution of land to full-time farmers with secure tenure to safeguard investments and productivity. This is yet to happen.”

HRW, September 2005, Pg. 6-7, 11:

Elections:

“Zimbabwe is in the midst of a profound political and economic crisis. Parliamentary elections held in 2000 and presidential elections in 2002 were marred by political disturbances and violence between the opposition Movement for Democratic Change (MDC) and the ruling Zimbabwe African National Union Patriotic Front (ZANU-PF). The government has routinely used repressive legislation and other violent means to suppress criticism of its political and economic policies by civil society activists and the opposition.

ZANU-PF won the elections by a majority but the MDC declared that the elections were not free and fair. The elections were widely criticized by local civil society organizations, international organizations and the international community including the European Union (EU), and the governments of the United Kingdom and the United States. The elections, however, were endorsed by the African Union (AU), the Southern African Development Community (SADC) and South African observer teams.”

In the months after the March 2005 elections, there were a number of peaceful protests by men and women in some urban and rural areas around the country against economic conditions and food shortages. In the process, police arrested scores of people and charged them with violating the Public Order and Security Act.

The government of Zimbabwe has a long history of circumventing and at times blatantly disregarding the rule of law, with state officials on occasion ignoring high court orders. The judiciary has been severely weakened and compromised, and in several instances, judges have reportedly been threatened, harassed or attacked by police and ruling party supporters.³⁶ As a result, internationally agreed fair trial standards are not always guaranteed.”

Housing Shortage

Housing Shortage (November 2005)

- Many Zimbabweans forced to build makeshift structures, such as ‘backyard extensions,’ to live in due to harsh economic climate and lack of affordable, low-income housing.
- Government of Zimbabwe estimates urban housing backlog to be 1 million housing units; Harare resident association estimates that 3 million residents living in makeshift housing.
- Government officials lent tacit approval to growth of informal settlements.
- Colonial era laws still dictate housing and land allocation, regulating basic services (such as water/electricity) for different areas.

UNOCHA, November 2005, pg. 9:

“The Government of Zimbabwe estimates the urban housing backlog to be 1 million housing units. As a result, more and more people have come to live in substandard and insecure conditions in the low-income urban areas. Operation Murambatsvina/Restore Order exacerbated

the situation, through the destruction of livelihoods and housing for 133,000 households, many of which require immediate shelter support.”

HRF, June 2005, Pg. 7:

“As regards housing settlements, the harsh economic climate has meant that Government has been unable to provide adequate accommodation for low-income people within urban and peri-urban areas. Given the huge shortfall in available legal housing facilities, people have been forced to build makeshift structures to house their families, or to obtain lodgings in other people’s houses, often in highly congested conditions. Over the last few years, informal housing settlements have sprung up in many localities, often with the express or tacit approval of high-ranking Government officials. The Combined Harare Residents Association estimated that, prior to the clean-up operation, in Harare alone, over half of the city’s estimated 3 million residents had been living in makeshift housing. In Mutare, Zimbabwe’s fourth largest city, the City Council said that there were less than 30 000 legal housing structures, and the rest of the city’s estimated 1.5 million people lived in wooden shacks. Some of the families living in the shacks in the towns had been living there undisturbed for up to 10 years.

On some farms occupied during the post-2000 land invasions, war veterans and other Government supporters have established housing co-operatives, many of which were registered. High ranking Government officials often encouraged the establishment of these projects or gave their wholehearted approval to their establishment. Many of the persons occupying stands in these co-operatives, such as in Hatcliffe, were granted leases by the local authorities, although these leases had clauses imposing conditions, such as seeking approval for buildings that were to be erected.

Thus, it is evident that the Government had tacitly, and even explicitly, accepted the nature of the informal sector and the informal housing arrangements prior to its current destruction of property and forced removals. Similarly the Government has publicly championed the rights of the landless, certainly in respect of rural land. This is how the Human Rights Forum described how Government itself viewed land resettlement:

“[The Government says it is] fighting a Third ‘Chimurenga.’ This new “war” is a struggle to achieve economic justice for the black majority. The Second Chimurenga war was fought to liberate the country from the yoke of white minority rule. This armed struggle resulted in the political emancipation of the black majority, but not economic emancipation as after 1980 a tiny white settler community continued to dominate the agricultural and commercial economy. In particular, a small number of whites still owned a huge proportion of the most fertile farmland,[...] with the black majority being relegated to poor quality land. This gross social and economic injustice could not be allowed to continue. Thus when the landless people ‘spontaneously’ invaded white farmland to register their protest against this gross injustice, Government then felt compelled to act. It thus embarked upon its fast track resettlement programme.”

It is also the case that the positions adopted by the ZANU (PF) Government since 2000 have generally taken the position that formal adherence to Western, neo-liberal policies is inimical to

the interests of African countries and their peoples. This has evoked considerable controversy, and not-inconsiderable support for the Zimbabwe Government, and thus *Operation Murambatsvina* came as an enormous surprise not only to Zimbabweans but also to external champions of the Government as the operation was destroying the livelihoods of poor black Zimbabweans as opposed to rich white Zimbabweans.”

Unrealistic housing standards

UN, July 2005, pg. 24:

“The combination of economic decline, rapid urbanization, and poverty growth was also evident in the housing sector. Serious shortfalls in housing delivery were recognised by the National Housing Delivery Policy of 2000 which acknowledged a cumulative backlog of over 1 million housing units. It further recognised the need to adopt a more flexible approach to housing delivery and the lack of security of tenure as a causal factor of the housing crisis in Zimbabwe. A subsequent policy document – the National Housing Programme of 2003 further acknowledged the inability of Government to provide decent and affordable housing. It noted that Government plans for housing fell far short of the annual target of 162,000 units between 1985 and 2000 with actual production ranging between 15,000 and 20,000 units per annum. It further noted that the formal sector housing production rate was decreasing and that by 2002 only 5,500 plots were serviced in eight major urban areas compared to an estimated annual demand of 250,000 units.

Government reiterated the need for a broader response, including incremental housing production as a means of responding to demand which was not foreseen in the law.

Inconsistencies between central and local government roles and responsibilities

A variety of instruments were applied to encourage alternative housing supply. These included the allocation of un-serviced stands (plots) to individuals, housing cooperatives and building societies to encourage self-help incremental housing schemes. The Government did not, however, reform the colonial-era Regional Town and Country Planning Act or the Housing Standard Act. This effectively placed local authorities in an impossible situation as these Acts require municipalities to service plots with infrastructure prior to land allocation for self-help building. It further requires local municipalities to ensure strict compliance with minimum standards prior to authorizing occupation. The norms and standards contained in these Acts, which were applied by the colonial regime as instruments of apartheid, include individual connection to water supply and water-borne sewage for high-density low-income neighbourhoods, previously known as African Townships. Water-borne sewer systems, which are particularly costly to build and to maintain, are not only unrealistic in the present economic circumstances, but are not required of medium and low density areas occupied by middle and high-income segments of the population which are authorized to use on-site sanitation and septic tanks. Similarly, the prevailing building codes and standards are also unrealistic and exceed standards currently used in several developed countries.

Despite the gap between supply and demand for housing, Zimbabwean cities remained largely immune to the explosive growth of slums and squatter settlements, characteristic of African cities.

Official statistics compiled by UN-HABITAT showed in 2001 that only 3.4 %of the urban population lived in slums, a figure even much lower than that for industrialized nations that had about 6.2% of their population considered to live in slum-like conditions. The explanation of this unique case for a developing country is attributable to two factors; firstly, the enforcement of stringent building bylaws and standards, and secondly, the lack of access to public land as most of the land surrounding cities was primarily privately owned farms. The acquisition of peri-urban farms during the Fast Track land reform programme in 2000 provided one of the first opportunities for the urban poor to occupy land in the vicinity of the city and establish slum pockets all of which have now been demolished.

Unable to squat on public land, low-income urban dwellers resorted to what is commonly referred to as “backyard extensions” of legal dwellings. These extensions, many of which were built with durable building materials and on serviced plots, proliferated as a form of affordable rental housing catering to effective demand by the majority of the urban population and providing a source of much needed income for their owners.”

Direct Causes of Operation Murambatsvina / Operation Restore Order

Direct Causes of Operation Murambatsvina / Operation Restore Order (December 2005)

- Government provides a number of explanations – maintaining order in urban areas, curtailing illegal and informal transactions, reversing environmental damage.
- The UN and others have noted a number of other motivations, including: retribution against those who voted for the opposition in recent elections, part of a general campaign to forcibly return people to rural areas, part of the politics around the succession to President Mugabe – just to name a few.

UN, July 2005, pg. 20:

“Against the background described above, a number of factors have been advanced as explaining the motivation and timing of Operation Restore Order held 48 days after the general election. The Government of Zimbabwe has given the following main justifications for the Operation: arresting disorderly or chaotic urbanization, including its health consequences; stopping illegal, parallel market transactions, especially foreign currency dealing and hoarding of consumer commodities in short supply; and reversing environmental damage caused by inappropriate urban agricultural practices. From the wide range of individuals and organizations interviewed by the Special Envoy and her team, a number of other alleged motivations emerged. They believed that the Operation:

a. was a result of general concern over increasing chaos and congestion in the central business district of Harare and other major cities over which the Government was being blamed by the middle class; nostalgia over the role of Harare as the “Sunshine City” was on the rise;

- b. was an act of retribution against areas known by the Government to have voted for the opposition during the last few presidential and parliamentary elections;
- c. could have been conceived by a number of individuals as part of the politics of succession to President Mugabe;
- d. was a means of checking the power and influence of the war veterans, or ex-combatants;
- e. was a means to increase the flow of foreign currency through the "Homelink" scheme [...];
- f. was a pre-emptive strategy designed to prevent popular uprising, in light of deepening food insecurity and other economic hardships;
- g. was a mechanism designed to re-possess control of the conduct of business by some political leaders in the ruling party, thus establishing a system of political patronage over urban areas
- h. was a scheme to divert the attention of the President away from his increasing concerns over the underutilization of newly acquired commercial farms in rural areas; and
- i. represented a desire on the part of some political leaders to engineer a reverse urban-to-rural migration process, on the wrong belief that this was good for Zimbabwe's national development.

Many of the individuals holding the views above generally saw Operation Restore Order as a "smokescreen" for motives that had little to do with addressing the problem of informal structures and restoring order within urban areas [...]. Whatever the real motivations behind the Operation, it is clear that Zimbabwe, like most other African countries, is confronted by serious and mounting challenges related to rapid urbanization, including inadequate shelter and rising pressure on urban infrastructure and services. Chapter 2 of this report turns to an examination of these challenges.

Removal of people to rural areas

HRF, June 2005, Pg. 13:

"Government seems to want to induce many of the people who have been living in informal settlements to move back to the rural areas. A substantial number of Hatcliffe residents whose homes had been destroyed were forcibly put onto trucks and moved to a farm outside Harare called Caledonia Farm. Speaking about this, the police spokesman, Wayne Bvudzijena, said:

"People are being accommodated and screened at Caledonia Farm. However, this is not a permanent place and we are holding them for a maximum of three days. It's just a transit camp before they are routed to appropriate places. That is where other stakeholders should come in and come up with a permanent solution [...].

He said the police would arrest anyone who returns to the places that have been destroyed as they seek to maintain the city's cleanliness.

Various Government officials have made statements encouraging now homeless people to return to their rural homes, or intimating that people would be moved to rural areas. For instance, the Minister of Education, Aeneas Chigwedere, said, "People would be moved on to an appropriate place." He went on to say that there is "nobody in Zimbabwe who does not have a rural home." (The Minister is, in fact, incorrect in this regard as many of those living in shanty accommodation are originally from other countries, such as Malawi and Mozambique, who have no right of residence in any rural area in Zimbabwe.)

In an editorial, *The Herald*, the daily newspaper that is a Government mouthpiece, urged “urbanites” to go “back to the rural home, to reconnect with one’s roots and earn an honest living from the soil our government repossessed under the land reform programme”.

There is a degree of confusion in the statements of Government spokesmen: on one hand, there are spokesmen urging people to return home or stressing the need for the “industrialisation of the rural areas”, whilst on the other hand, there are spokesmen, like Didymus Mutasa, stating that people who are illegally settled in the rural areas will be removed. It is obvious that, for the ordinary family that has been displaced, it is not clear where they should go, and it is not obvious, apart from Caledonia Farm, that the Government has established any temporary accommodation to house displaced persons whilst the Government makes up its mind about its policy.

It must be noted that in many rural areas there are already acute food shortages. Forcing more people into these areas will obviously increase this problem.”

HRW, December 2005, pg. 10:

“Zimbabwean authorities claimed that the destruction of homes and other properties was part of a long-term plan to clean up the urban areas, restore order, rid the cities of criminal elements, and restore dignity to the people [...]. However, there were many alternative analyses of Operation Murambatsvina, several of which alleged that the operation was part of the government's efforts to debilitate the urban poor, force them to move to rural areas, and prevent mass uprisings against the deteriorating political and economic conditions in high density urban areas[...].”

Who is responsible? (July 2005)

- While the Government of Zimbabwe is responsible, it remains unclear who ordered and implemented the Operation, reflecting a lack of accountability and good governance.
- Those who ordered and implemented the operation need to be held to account, both by the government and the people.
- Some members of the Zimbabwean government raised concerns about the Operation.

UN, July 2005, pg. 76:

“The Government of Zimbabwe is collectively responsible for what has happened. However, it appears that there was no collective decision-making with respect to both the conception and implementation of Operation Restore Order. Evidence suggests it was based on improper advice by a few architects of the operation. The people and Government of Zimbabwe should hold to account those responsible for the injury caused by the Operation.

Oral evidence heard from senior Government officials, including Ministers, as well as subsequent reports in the local press and discussions in the Parliament of Zimbabwe, suggest that Operation Restore Order was neither conceived collectively in the Cabinet, nor in the ruling party’s (ZANU PF) Politburo and Central Committee. It also appears that there is now a division in Zimbabwe’s political leadership over Operation Restore Order, and that some of the leaders were caught by surprise when it was suddenly initiated as a police and military exercise. While the team was in Zimbabwe, one political leader, Mr. Pearson Mbalekwa, resigned in protest at the Operation from both the Parliament of Zimbabwe and ZANU-PF’s Central Committee. Some senior ZANU-PF politicians were also reported to have expressed directly to President Mugabe their concern and objections to the manner in which the clean-up of cities was being conducted. It has also been reported in the press that the Minister of Local Government had written to the Minister of Home Affairs, under whose portfolio the Zimbabwe Republic Police falls, urging him to stop demolishing houses belonging to several cooperatives that had been established with the blessing of the

Ministry of Local Government, and were, therefore, “legal”. But this was to no avail. Except for Harare, now run by a Government-appointed City Commission following the dissolution of the elected MDC-controlled City Council, the mission confirmed that the local authorities of the affected cities and towns were not consulted. Yet, under Zimbabwean law, matters to do with the enforcement of planning standards and building regulations, and matters dealing with urban management and development, fall generally under the jurisdiction of local authorities. Whilst under the Urban Council Act the Minister of Local Government has powers to overrule local authorities, none of the Mayors met by the Special Envoy said they had been advised, orally or in writing, by the relevant Minister. The police simply moved in with demolition orders. Out of fear, local authorities either complied or watched helplessly as informal trades, businesses and homes were destroyed. A good number of businesses and houses torn down were legal and paying local council taxes.

It is the firm opinion of the Special Envoy that Operation Restore Order was, in all likelihood, implemented on the basis of improper advice and by over-zealous officials, each with their own agendas. The people and Government of Zimbabwe should hold those responsible for providing this disastrous advice accountable. This would have to be done within the context of Zimbabwe’s laws, and in light of the international agreements to which the Government of Zimbabwe is signatory. There is also the need to redress all wrongs committed against evicted households, individuals and businesses. Those whose properties were destroyed unlawfully, and in some instances in contempt of court, should be compensated. This redress would also be consistent with Zimbabwean culture. The mission learned that justice, in local tradition, is premised on the concept of *Zvirikumbwa Nekutsuro*. Literally translated, this means “enjoy eating the rabbit while punishing the dog that helped kill the rabbit in the neighbour’s fence, thereby disturbing good neighbourliness”. This Shona logic implies that the cleaning up of cities is, in itself, not a bad thing and, in some respects, was even long overdue. However, the operation was illconceived, hardly planned and done in such an ad hoc and crude manner causing misery and precipitating a humanitarian crisis. As part of promoting good governance, those responsible must therefore be identified and punished to prevent them from engaging in procedural impropriety and violating human rights with impunity in the future.”

Background

Chronology of key events in Zimbabwe (February 2006)

BBC, February 2006:

"1830s - Ndebele people fleeing Zulu violence and Boer migration in present-day South Africa move north and settle in what becomes known as Matabeleland.

The Shona have already been established for centuries in present-day Zimbabwe.

1830-1890s - European hunters, traders and missionaries explore the region from the south. They include Cecil John Rhodes.

1889 - Rhodes' British South Africa Company (BSA) gains a British mandate to colonise what becomes Southern Rhodesia.

Whites settle

1890 - Pioneer column of white settlers arrives from south at site of future capital Harare.

1893 - Ndebele uprising against BSA rule is crushed.

1922 - BSA administration ends, the white minority opts for self-government.

1930 - Land Apportionment Act restricts black access to land, forcing many into wage labour.

1930-1960s - Black opposition to colonial rule grows. Emergence in the 1960s of nationalist groups - the Zimbabwe African People's Union (Zapu) and the Zimbabwe African National Union (Zanu).

1953 - Britain creates the Central African Federation, made up of Southern Rhodesia (Zimbabwe), Northern Rhodesia (Zambia) and Nyasaland (Malawi).

1963 - Federation breaks up when Zambia and Malawi gain independence.

Smith declares UDI

1964 - Ian Smith of the Rhodesian Front (RF) becomes prime minister, tries to persuade Britain to grant independence.

1965 - Smith unilaterally declares independence under white minority rule, sparking international outrage and economic sanctions.

1972 - Guerrilla war against white rule intensifies, with rivals Zanu and Zapu operating out of Zambia and Mozambique.

1978 - Smith yields to pressure for negotiated settlement. Elections for transitional legislature boycotted by Patriotic Front made up of Zanu and Zapu. New government of Zimbabwe Rhodesia, led by Bishop Abel Muzorewa, fails to gain international recognition. Civil war continues.

1979 - British-brokered all-party talks at Lancaster House in London lead to a peace agreement and new constitution, which guarantees minority rights.

Independence

1980 - Veteran pro-independence leader Robert Mugabe and his Zanu party win British-supervised independence elections. Mugabe is named prime minister and includes Zapu leader Joshua Nkomo in his cabinet. Independence on 18 April is internationally recognised.

1982 - Mugabe sacks Nkomo, accusing him of preparing to overthrow the government. North Korean-trained Fifth Brigade deployed to crush rebellion by pro-Nkomo ex-guerrillas in Midlands and Matabeleland provinces. Government forces are accused of killing thousands of civilians over next few years.

1987 - Mugabe, Nkomo merge their parties to form Zanu-PF, ending the violence in southern areas.

1987 - Mugabe changes constitution, becomes executive president.

1991 - The Commonwealth adopts the Harare Declaration at its summit in Zimbabwe, reaffirming its aims of fostering international peace and security, democracy, freedom of the individual and equal rights for all.

1998 - Economic crisis accompanied by riots and strikes.

1999 - Economic crisis persists, Zimbabwe's military involvement in DR Congo's civil war becomes increasingly unpopular. Opposition Movement for Democratic Change (MDC) formed.

Farm seizures

2000 February - Squatters seize hundreds of white-owned farms in an ongoing and violent campaign to reclaim what they say was stolen by settlers. President Mugabe suffers defeat in referendum on draft constitution.

2000 June - Parliamentary elections: Zanu-PF narrowly fights off a challenge from the opposition Movement for Democratic Change (MDC) led by Morgan Tsvangirai, but loses its power to change the constitution.

2001 May - Defence Minister Moven Mahachi killed in a car crash - the second minister to die in that way in a month.

2001 July - Finance Minister Simba Makoni publicly acknowledges economic crisis, saying foreign reserves have run out and warning of serious food shortages. Most western donors, including the World Bank and the IMF, have cut aid because of President Mugabe's land seizure programme.

2002 February - Parliament passes a law limiting media freedom. The European Union imposes sanctions on Zimbabwe and pulls out its election observers after the EU team leader is expelled.

2002 March - Mugabe re-elected in presidential elections condemned as seriously flawed by the opposition and foreign observers. Commonwealth suspends Zimbabwe from its councils for a year after concluding that elections were marred by high levels of violence.

Food shortages

2002 April - State of disaster declared as worsening food shortages threaten famine. Government blames drought, the UN's World Food Programme says disruption to agriculture is a contributing factor.

2002 June - 45-day countdown for some 2,900 white farmers to leave their land begins, under terms of a land-acquisition law passed in May.

2002 September - Commonwealth committee - including leaders of South Africa, Nigeria and Australia - fails to agree on further sanctions against President Mugabe.

2002 November - Agriculture Minister Joseph Made says the land-grab is over. He says the government has seized 35m acres of land from white farmers.

Protests

2003 March - Widely-observed general strike is followed by the arrests - and reported beatings - of hundreds of people. A BBC correspondent says the evidence points to a crackdown of "unprecedented brutality".

2003 June - Opposition Movement for Democratic Change (MDC) leader Morgan Tsvangirai is arrested twice, amid a week of opposition protests. He is charged with treason, adding to an existing treason charge from 2002 over an alleged plot to kill President Mugabe.

2003 November - Canaan Banana, Zimbabwe's first black president, dies aged 67.

2003 December - Zimbabwe pulls out of Commonwealth after organisation decides to extend suspension of country indefinitely.

2004 March - 67 men - alleged to be mercenaries planning a coup in Equatorial Guinea - are detained and charged after their plane is impounded in Harare. In September their leader, British national Simon Mann, is sentenced to seven years in prison for attempting to buy guns.

2004 October - Opposition leader Morgan Tsvangirai is acquitted of treason charges relating to an alleged plot to kill President Mugabe. He faces a separate treason charge.

2005 January - The US labels Zimbabwe as one of the world's six "outposts of tyranny". Zimbabwe rejects the statement.

2005 March - Ruling Zanu-PF party wins two-thirds of the votes in parliamentary polls. Main opposition party says election was rigged against it.

Urban "clean-up"

2005 May-July - Tens of thousands of shanty dwellings and illegal street stalls are destroyed as part of a "clean-up" programme. The UN estimates that the drive has left about 700,000 people homeless.

2005 August - Prosecutors drop remaining treason charges against opposition leader Morgan Tsvangirai.

2005 November - Ruling Zanu-PF party wins an overwhelming majority of seats in a newly-created upper house of parliament, the Senate. The opposition MDC splits over its leader's decision to boycott the poll.

2005 December - After a four-day visit, UN humanitarian chief Jan Egeland says Zimbabwe is in "meltdown".

POPULATION FIGURES AND PROFILE

General

Global Figures

Between 650,000 and 700,000 IDPs as of July 2005

- 569, 685 people directly displaced by Operation Murambatsvina
- Mission of UN Special Envoy on Human Settlements Issues in Zimbabwe estimates that 2.4 million or 18% of the total population were affected by the Operation

UN, July 2005, p. 32-33:

"Official Government figures released on 7 July 2005 revealed a total of **92,460** housing structures that had been demolished directly affecting **133,534** households [...]. At the same time, the structures of **32,538** small, micro and medium-size enterprises were demolished. Based on average household size derived from the 2002 census, and authoritative studies on the informal economy, the population having lost their homes can be estimated at **569,685**, and those having lost their primary source of livelihood at **97,614**.

[...]

While there is a degree of overlap between those who lost their homes and those who lost their businesses, the total figure of **650,000** to **700,000** people directly affected by the Operation is considered plausible. This takes into account other reports of the number of people arrested for alleged illegal or criminal activities (40,000), the substantial number of street vendors and hawkers who were omnipresent in all cities and towns prior to the Operation, and discrepancies noted between the figures provided by the Central Government, and those provided directly to the mission by Resident Ministers (Governors) and Mayors in the course of on-site visits.

[...]

The above figures does not, however, include those whose livelihoods are indirectly affected by, for example, loss of rental income and the disruption of highly integrated and complex networks involved in the supply chain of the informal economy. The upstream and downstream linkages include, for example, transport and distribution services, suppliers of foodstuffs from rural areas and, conversely, suppliers of inputs to rural areas, formal and informal micro-credit institutions, and a wide range of part-time and casual labour. Based on several studies and surveys conducted in the past five years, a reasonable multiplier effect would bring the number of indirectly affected people to over **2.1 million**.

Another approximation is based on the percentage of the active population engaged in the informal economy. Several authoritative studies indicate a steady growth in the share of the informal economy, from 10% of the labour force in 1982 to 20% by 1986/87, 27% by 1991 and close to 40% by 1998. As the formal economy is estimated to have shrunk by up to 40% over the last six years, it is safe to assume that the informal economy, at the time of the Operation was providing jobs and a source of income for at least 40% of the labour force, compared to 16% for formal sector employment and 44% for communal sector occupations, including farming.

Interviews conducted with a broad cross section of the population tend to confirm that the informal sector has been, for all intents and purposes, wiped out. Assuming that 10% of this

sector was still active at the time of the mission[...], the total population indirectly affected by the Operation would be **2.56 million**.

Based on the above, the mission estimates that the total population directly and indirectly affected by Operation RestoreOrder is about **2.4 million** or 18% of the total population. This figure, which is still increasing owing to ongoing evictions and destruction of structures, will have considerable short-term and longer-term impact in social and economic terms."

Absence of comprehensive data (December 2005)

- The UN has yet to conduct a comprehensive registration of IDPs in Zimbabwe
- Lack of data prevents effective humanitarian programming
- Each humanitarian agency has different figures, further evidencing the need for a country-wide IDP profiling exercise.

HRW, December 2005, pg. 45-46:

"In July, the U.N. Special Envoy noted in her report that "nearly two months into the crisis, the United Nations has been unable to survey humanitarian needs in coordination with the authorities," and that the "lack of information on the number of people affected, their profile, and their whereabouts" made "programming, coordination and resource mobilization extremely difficult and onerous" [...].

Six months into the crisis, the U.N. country team has yet been unable to produce any comprehensive data on the overall numbers of people in need of humanitarian assistance, let alone any disaggregated data on the internally displaced and their specific needs.

In interviews with Human Rights Watch, U.N. staff explained the absence of data by their lack of access to the displaced population and the government's unwillingness to cooperate in the process.¹⁴⁰ While acknowledging the enormous difficulties inherent in working in Zimbabwe, Human Rights Watch is concerned that the documents produced by the U.N. country team contain often wildly inconsistent figures and make no effort to explain the discrepancies.

For example, the Interim Response Plan concluded in July, based on an "informal assessment in selected areas," that approximately seventy-four thousand households (370,000 individuals) have been "affected" by the evictions, noting that the figure was likely to increase, since the evictions were still ongoing. While referring also to the figures cited by the U.N. Special Envoy, which—based on the information received from the government—put the number of the "affected" households at a figure almost two times higher (133,000), the Plan, with no real explanation, designated only forty thousand households as the population targeted for humanitarian assistance[...].

In September, the Common Response Plan, in turn, identified the population in need of "emergency assistance" to be "in the region of 300,000" explaining neither how this figure corresponded to the one in the previous plan nor giving a basis for this estimate[...]. IOM representatives provided Human Rights Watch with yet another document, also compiled in September, which gives a figure of 462,745 as an estimated number of the individuals "affected" by Operation Murambatsvina [...].

An independent countrywide survey, carried out by ActionAid in six urban areas of Zimbabwe in August 2005, concludes that in Harare alone, out of 850,000 individuals "affected" by the evictions, 71 percent—or approximately 600,000 people—lost their homes [...]. One of the

UNICEF statements also mentioned in late July, that 585,000 were made homeless by the evictions [...]. The six-fold discrepancy between the ActionAid's and UNICEF's figures and the Common Response Plan estimates raises serious concerns regarding the accuracy of the needs assessments being carried out by humanitarian agencies.

The figures contained in the U.N. planning documents are of questionable accuracy, considering that the country team has also not yet undertaken a countrywide registration process of persons displaced by the evictions. The vast majority of the internally displaced interviewed by Human Rights Watch said that no agency had ever taken down their names and other details, although a few individuals mentioned that church representatives wrote down their names during the food distribution. The importance of comprehensive data collection cannot be overestimated. The absence of data on the numbers and needs of the displaced population prevents the agencies involved in humanitarian response from setting realistic objectives, and makes their fulfillment virtually impossible. Moreover, in the absence of an accurate assessment, it is impossible to evaluate the impact of the humanitarian operation, and ensure that the programs reach out to the vulnerable populations and meet their needs, as well as to engage in meaningful advocacy with the authorities [...].”

PATTERNS OF DISPLACEMENT

General

Categories of victims (Operation Restore Order) (September 2005)

- Many categories of victims, those who lost their homes and are sleeping in the open, those who returned voluntarily or by force to rural areas, those transferred to transit camps and those sleeping out in the open in parks or on the side of roads.
- Churches assist to shelter many IDPs.
- Forced internal displacement took place throughout Zimbabwe, in all 52 sites across the country were affected, virtually all urban areas were affected.

UN, July 2005, p. 13, 34:

"There are three main categories of victims: those who have lost their homes, those who have lost their livelihoods, and those who have lost both. The impact is particularly severe for vulnerable groups such as orphans, widows, pregnant women, women and child-headed households, the chronically ill, the elderly and the disabled. Among those who have lost their homes [...], there are a number of sub-groups, namely:

j. People who remain where their housing structures were destroyed, sleeping either in the open or in remaining structures. With nocturnal winter temperatures as low as 8°C, many people are likely to fall ill or could die of exposure;

k. People who stay with family and friends in urban areas. While this traditional coping mechanism based on kinship ties is capable of ensuring survival for periods ranging from a few weeks to a few months, it translates into very high densities of occupation, congestion, increased stress, and in the higher propagation of communicable diseases;

l. People who are temporarily being sheltered in churches across the country. While the churches have offered invaluable, life-saving assistance, they often lack the resources to respond to all the needs of the displaced persons over long periods of time;

m. People who have found alternative rental housing in urban areas. As the Operation eliminated a substantial portion of available housing stock, rents have doubled or tripled, exacerbating poverty and forcing households to make trade-offs between expenditure items such as food, schooling, health care and remittances to rural areas;

n. People who have no fixed place to stay, but move around in urban areas and sleep mainly in the open (parks, roadside etc.). This category is likely to suffer the most in terms of breaking up of families, parental care and supervision, spouse abandonment, interruption of education, extreme hunger and destitution. Contrary to the claim of fighting crime, youth in particular are likely to resort to illicit or illegal activities as a means of survival [...];

o. People who have moved to transit points/camps. At the time of the mission, the main such camp was Caledonia Farm near Harare, which held about 5,000 persons. Another camp located in the Sports Oval of Mutare held about 100 persons, while an additional camp was planned in Bulawayo, and;

p. People who have moved to rural areas.

A rough estimate of where people are located is as follows: 114,000 or 20% living in the open with no shelter; 114,000 or 20% having gone or forced to go to rural areas; 170,000 or 30% absorbed by families, friends or the extended family; and 170,000 or 30% seeking refuge within the community in churches and other temporary accommodation.

Those affected include tens of thousands of people of Malawian, Mozambican and Zambian origin who have established themselves for decades, and in some cases for generations, in Zimbabwe. They have no rural home to go to. Similarly, many widows and divorcees have no rural homes to return to, because property often stays with the former husband's side of the family. Others are in need of medical care which is difficult to get in rural areas. The mission was also presented with testimonials of families transported to rural areas had been rejected by traditional leaders who claimed that they did not want to be exposed to "the immorality of urban lifestyles and increased risks of HIV propagation [...]"

Government officials repeatedly asserted in the press and in official statements to the mission that a major expected outcome of Operation Restore Order is the "return" of people to rural areas. It is the informed opinion of the mission, based on two decades of research by UN-HABITAT and its partners, that this is a misinformed assumption. Rural-urban migration is driven by economic factors. It lies in the search for better livelihoods and escaping rural poverty. Moreover, urban rural relocation, whether forced or voluntary, would exacerbate the present situation in rural Zimbabwe, characterized by several years of continuous drought, shortages in food supply and falling incomes."

UN, July 2005, pg 13:

"The destruction and demolition first targeted so-called shanty towns in high-density suburbs and informal vending and manufacturing operations. It was then extended to settlements on farms in peri-urban and rural areas. More than 52 sites were affected and practically no area designated as 'urban' was spared."

HRW, September 2005, pg. 13:

"The criteria used to carry out the evictions were not only extremely broad but poorly defined. The government not only destroyed legal and illegal dwellings but failed to take into account the individual status of the dwellings. The evictions took place in all ten provinces of Zimbabwe, including the cities of Harare and Bulawayo [...]. Over twenty districts and fifty towns and neighborhoods were affected by the evictions and demolitions [...].

The mass forced evictions and demolition of houses and properties included: houses built without a council permit such as unplanned houses built behind legal dwellings; houses built as part of informal settlements after residents were initially moved and resettled there by the government, for example on Porta Farm and at Hatcliffe Extension in Harare; houses built as part of housing cooperatives sometimes on farms appropriated by the government; [...] and legal houses and buildings where the owners had valid leases and planning permission. Flea market stalls and business structures in the informal sector were also destroyed, [...] and hundreds of licensed informal traders operating in the cities' markets had their stalls destroyed by the government [...].

"

Forced removals to rural areas and/or transit camps (September 2005)

- Many left with no alternative but to return to rural areas, areas which suffer from acute food shortages and lack basic services and employment opportunities.
- Concern that transit camps will become permanent, such as Porta Farm. But demolitions also documented within transit camps.

HRW, September 2005, pg. 17:

“Following the evictions, thousands of people—more than 100,000 according to the UN[...]—were left with no alternative but to move to the rural areas, often with traumatic consequences since these areas offer few employment opportunities and suffer acute food shortages. There has also been a reduction in the delivery of social services in the areas of health and education. In addition, many of those forced to the rural areas have no relatives there. This is particularly the case amongst Zimbabweans of foreign origin that were either brought up on farms or grew up in the urban areas. A number of people in this category told Human Rights Watch that they had no place to go to other than the urban areas [...].

Women face particular hardship. One of the reasons many women—especially widows—are likely to have left the rural areas is that many were likely to be evicted by their in-laws when their husbands died. For such women, it would be almost impossible to return to the area where their property was taken from them. They may also face forced widow-inheritance (forced marriage to an in-law) if they return, as occurs in some rural areas of Zimbabwe. In addition, no guarantee exists that these women will have family in their rural homes willing to take them back, especially in the context of food shortages [...].

Since the evictions began, the government has attempted to convince and coerce evictees into relocating to the rural areas. The government provided few transit camps and ignored the thousands of people sleeping in the streets in an attempt to force them to return to the rural areas. For example, at Porta Farm, police told victims that they had a choice: to either go back to the rural areas or end up at the transit camp in Caledonia [...].”

HRF, September 2005, pg. 6:

“Porta Farm, which is outside Harare, became a transit camp in when the Government decided to clear away hundreds of poor urban squatters from various locations in Harare ahead of the Commonwealth Summit in Harare, so that Queen Elizabeth would not have to see squalor as she went through Harare. This was another *Operation Murambatsvina*. The Government later pledged to provide proper housing for the people at Porta Farm, but this promise was never honoured.

The transit camp remained and grew, and Porta Farm became an established settlement as many people transformed plastic shelters into small brick houses. Over the years, Porta Farm evolved into a stable community with clinics, primary and secondary schools, pre-schools, and an orphanage. The numbers at Porta Farm increased to about 5 000 in 1993 when some of those evicted, contrary to a court order, from Churu farm settled at Porta Farm. By 2005, the population at Porta Farm had increased to about 12 000 people.

Several times in the past the authorities have tried to move the squatters from Porta Farm. In 1991, the Harare City Council threatened to remove the residents. The residents then obtained a provisional High Court interdict prohibiting the Council from evicting them until it had found alternative accommodation with the necessary basic services for them[...].

In 1995, the Harare City Council again tried to evict the residents. Another High Court provisional order was obtained preventing the demolishing of houses and eviction of the residents[...].

In August 2004, the Ministry of Local Government then attempted to evict the residents. A High Court order was obtained against the Ministry to prevent the eviction[...].

In September 2004, the Harare City Council brought an application for an order to evict the people at Porta Farm. The court refused to grant the order, saying the 1995 High Court order had not been discharged and was still operative[...].

At 6.00 am, on the morning of 27 June 2005, the police distributed flyers informing the residents that they would be moved to Caledonia farm the following day, so they should pack their belongings. The next morning demolitions of shacks and houses started, an hour after lawyers representing residents had served the Government with a letter reminding it of the November 2004 court order. The police were shown copies of the 1995 and 2004 orders, but they ignored them. The residents reported that the police responded by saying that "they were not in a classroom and that they could not read, and that they were not going to obey any court orders as they are acting on orders from above". After the evictions started, an interdict was obtained from the Norton Magistrates Court to try to stop the evictions[...]. This interdict was also ignored.

It is alleged that that three, or possibly four, people died at the Porta Farm as a result of the evictions. A pregnant woman allegedly died when she fell from a truck on which she was being taken away, a five-year-old boy was allegedly run over by a truck, and a terminally ill woman allegedly died when being bundled into a moving truck[...].

After the police had acted in violation of the court orders, the lawyers for the residents sought to obtain an order holding the police and the City Council Commission and the Ministry of Local Government in contempt. Without giving any reasons, the judge refused to grant this order. [...]. It is difficult to see on what possible basis the contempt order was refused.

On 29 June 2005, the UN Special Envoy's team visited Porta Farm, and witnessed the demolitions and the transportation of residents to Caledonia Farm. The mission said it was shocked by the brutality it witnessed. The next day, the Special Envoy visited Porta farm again, and saw what she described as a serious humanitarian crisis with around 1000 evictees sleeping out in the open.

Many of the evicted people had nowhere else to live, so they started to return to Porta Farm, and a large number of people were living among the ruins of their demolished houses. However, on the morning of 23 July 2005, the police returned to Porta Farm. The ruins of the houses were bulldozed to ensure that they could not provide any remaining shelter for the people. The police told the people that they had to leave the farm by that evening, informing them that they would be back with police dogs to ensure that they had all left. One 65-year man told the press that "They broke our houses, and we ran away, but we came back because we have nowhere else to go. I have been here since I was a child. I have no rural home. I am looking after five grandchildren here because my daughter died. I have no rural home, I want to fix the house they destroyed and live here. Help us please[...]."

IRIN, July 2005:

"The creation of transit camps as a result of the Zimbabwean government's forced eviction campaign has a familiar ring - a homeless people's rights NGO says many of the suburbs in the recent eviction drive arose as transit camps after demolitions in previous years.

In the cleanup campaign, launched in May, thousands of informal settlements have been demolished and at least 375,000 people left homeless; the authorities have claimed it was part of an urban renewal strategy that will eventually build 10,000 homes at a cost of US \$300 million.

The government wants people cleared from illegal settlements to either move directly to their place of birth in the rural areas, or to one of two temporary transit centres outside the capital, Harare, and the eastern city of Mutare. A third facility is yet to be completed in Bulawayo in the south of the country.

Ironically, Porta Farm, one of the suburbs targeted by the authorities, had come into existence as a transit camp in 1992 after one of the first eviction campaigns in Harare, just before the Commonwealth Heads of State meeting, said Beth Chitekwe-Biti, director of Dialogue on Shelter, an NGO affiliated to Shack/Slum Dwellers International.

"Evicted families were relocated to a holding camp in Dzivarasekwa, some 10 km south of Harare; the rest were to be repatriated back to their rural homes. The logic then was: if you could not prove you were gainfully employed you had no business being in Harare. This relocation was always meant as a temporary solution - most of the families who had been ferried to their rural homes came back after a few months and re-established themselves in Porta Farm," she explained.

Dzivarasekwa was affected by the recent eviction campaign, as was Hatcliffe Extension, another suburb in Harare created for previously evicted communities.

According to Chitekwe-Biti, Hatcliffe Extension residents were actually granted leases last year, but because "they were unable to afford services and permanent structures, they were deemed illegal by the authorities, as our housing law states that no land can be allocated to anyone if it has not been connected to services".

She estimated that at least 50 percent of all urban residents lived in informal dwellings, and commented, "Squatting is illegal in Zimbabwe. The only form of housing the poor can get without risking eviction and prosecution is to squat in the backyard [extensions] of formal settlements, where one has access to basic services."

In the early 1980s the government initiated housing projects with the assistance of international humanitarian agencies, in which land was made available to the poor at a nominal cost. "The families had to pay for services and rates ... and in some instances finance was also arranged to help people build permanent houses," said Chitekwe-Biti.

However, the projects slowed down as funds from donors dried up. According to the NGO, there were at least 250,000 people on the waiting list for houses in Harare alone.

"I did a survey two years ago and found that the government had been allocating only 1,000 plots a year. As far as I know, no land has been allocated in the past two years in Harare," she noted.

Dialogue on Shelter, which works with the Zimbabwe Homeless People's Federation, a network of communities, launched its own housing projects in the late 1990s. "We successfully negotiated with the local authorities in the towns of Mutare [on the Mozambican border] and Victoria Falls [on the Zambian border] to make land available for the poor communities," said Chitekwe-Biti.

Funds were also raised to provide services to the plots. However, some of the dwellings in Victoria Falls have also been affected by the recent eviction campaign.

The NGO is critical of the government's plans to build new homes in Harare. "We have seen the models - no poor family will be able to afford the finishes in these homes. It costs at least US \$690 to install plumbing as per the city council's requirements," she pointed out.

Independent estimates show that the majority of poor Zimbabweans earn less than \$200 a month.

Meanwhile, Anna Tibaijuka, the UN Secretary-General's Special Envoy, who is evaluating the impact of the controversial demolition of informal settlements and markets in Zimbabwe, told Zimbabwean officials on Wednesday that rural repatriation did not work. Tibaijuka also heads UN-HABITAT, which promotes every citizen's right to the city.

Sharad Shankardass, spokesman for the special envoy, pointed out that the slum rate in Zimbabwe was much lower than most other African countries.

After her visit to Bulawayo, the envoy also expressed concern that local churches were being overwhelmed by the demand for shelter by displaced Zimbabweans."

PHYSICAL SECURITY & FREEDOM OF MOVEMENT

Physical security

Operation Murambatsvina causes widespread human rights abuses (September 2005)

- Operation Murambatsvina conducted with extreme violence and brutality. The Zimbabwe Police were involved and the Army was also deployed. Thousands of homes and informal structures were demolished, destroyed and burnt to the ground.
- Those who resisted were beaten or arrested, often residents were forced to take part in demolishing their own homes.
- Reported that 20,000 informal vendors country-wide were arrested.

UN, July 2005, pg. 12:

"On 25 May, only a few days after the notice appeared, and in complete disregard of the deadline announced, a massive military style operation started in Harare, Bulawayo and other cities, targeting first and foremost vendors' markets, flea markets, other informal market premises and "illegal" housing structures. Twenty thousand vendors countrywide were reported arrested within a week of the operation. The operation involved the destruction of flea markets and housing used for many years by informal traders and vendors. It also involved the bulldozing, smashing and burning of structures housing many thousands of poor urban dwellers.

Eyewitnesses said the police beat some people who offered resistance, or who did not demolish their houses quickly enough[...]. Throughout the month of June the operation targeted practically every town and business centre in the country, as well as countless homes, leaving a trail of destruction in Bulawayo, Chinhoyi, Gweru, Harare, Kadoma, Kwe Kwe, Marondera, Mutare, Rusape and Victoria Falls. The destruction and demolition first targeted so-called shanty towns in high-density suburbs and informal vending and manufacturing operations. It was then extended to settlements on farms in peri-urban and rural areas. More than 52 sites were affected and practically no area designated as 'urban' was spared. The most devastating and immediate effect of this operation was the fact that hundreds of thousands of people were rendered homeless and left without any viable form of livelihood. People were told to return to their 'rural origins', but many simply did not have a rural home to go back to. Civil society and humanitarian agencies tried to reach people who had been affected to protect and assist them. They were denied full access by the police."

HRF, June 2005, pg. 8:

"In a military style operation, sometimes conducted in the early hours of the morning, police officers dressed up in riot kit and armed with automatic firearms loaded with live ammunition descended on poor urban people in high-density suburbs, in and around towns and cities, all over Zimbabwe. The operation involved the bulldozing, smashing, and burning of structures housing many thousands of poor urban dwellers, and destroying flea markets and stalls that had been used, in some cases for many years, by informal traders and vendors. Municipal police assisted in some of these operations, and the army was also deployed in a show of force to deter people from putting up resistance to the police action. The owners of the structures and passers-by were also press-ganged into assisting in breaking down these structures[...].

Many of the people affected were given only a minimal period of time within which to dismantle their structures or to remove their meagre possessions from inside these structures, in some cases only a few hours. In this orgy of destruction, the police destroyed not only flimsy shacks and shanties but also brick houses, some of which were quite large brick buildings. For instance, David Coltart, an MDC Member of Parliament, said that houses which the police destroyed in the Makokoba suburb of Bulawayo were not shanties, but were small four-room houses built with Government approval as long as 70 or 80 years ago[...].The buildings destroyed included buildings for which the owners had proper plans or in respect of which the occupants held valid leases.

In Hatcliffe, a squatter camp in north Harare, the police destroyed not only a Catholic refuge for Aids orphans, but also a secondary school, a World Bank-funded public lavatory, and a Sunni mosque. The people affected by the police action included 375 orphans and vulnerable children attending a local primary school whose fees were being paid by AIDS Service Organisations, and 103 adults living with AIDS who started on anti-retroviral therapy under the care of the local clinic which has now been closed. Amongst the homes destroyed were those of at least 6 child-headed households and 40 grandparent-headed households providing shelter for orphans.

Informal vendors and traders, in both the high-density areas and the central business districts, had their stalls and markets destroyed by the police. Huge markets, like a sprawling market at a place called Siyaso in Mbare, Harare, were razed to the ground. During the operations against vendors and traders, the police confiscated large quantities of goods. Quite a number of vendors were particularly unfairly affected by the campaign as they held valid vending licences.

Allegations were made that some of this property was misappropriated by police officers[...].Zimbabwe Lawyers for Human Rights maintained that, "Most of the traders forcibly evicted by the police were licensed to operate at their various premises by the City Council, which also billed them for such services as water supply and refuse collection". (According to figures supplied by the Ministry of Small and Medium Enterprises Development Harare had 20 000 registered informal traders and there were 50 000 others who were operating illegally. As regards tuck shops, the Ministry said that there were a total of 6 862 tuck shops in Greater Harare but only 15 of these were "conforming to the City of Harare's tuck-shop prototype plan." [...]).

This operation was conducted in a brutal and ruthless fashion. The police beat people who offered resistance to what they were doing, or did not comply quickly enough with orders to remove property from inside their structures or assist in dismantling these structures. In some instances, it was reported that people were not given enough time to remove their possessions from inside these structures, and the structures were simply destroyed with their possessions still inside. Property worth millions of dollars was destroyed, in many cases this constituting an investment of the life savings of families.

The destruction of illegal settlements has not only taken place in the towns and cities, but has been extended to settlements on farms in peri-urban areas, and finally to farms in rural areas.

During this operation, over 30 000 people have been arrested on a variety of charges, ranging from hoarding of basic commodities, illegal dealing in foreign currency, and various other alleged crimes.

Throughout Zimbabwe there has been a trail of devastation. The campaign has affected such urban centres as Bulawayo, Chinhoyi, Gweru, Harare, Kadoma, Kwe Kwe, Marondera, Mutare and Victoria Falls. The main targets of destruction in the towns have so far been shanty townships in the high-density suburbs, informal settlements in peri-urban areas and informal vending and manufacturing operations throughout the towns. But the campaign is now being widened. Didymus Mutasa the State Security Minister who is also in charge of land reform in

Zimbabwe, said the Government was compiling lists of former white farms from where “illegal settlers” would be evicted. Mutasa said the police had already evicted 50 families from Lowdale farm in Mazowe district and added that more black families, regardless of political affiliation would be thrown out of farms in the coming days if they did not have documentation to prove they were lawfully settled there by the government [...].

The latest target is offices and businesses that have been unlawfully set up in low-density suburbs in areas zoned as residential areas. According to the newspaper reports, in Harare, Mutare and Gweru cities, armed police raided business offices quizzing occupants about the nature of their operations and whether they were licensed to operate from the various premises. The police have already ordered the closure of a number of such businesses. A police spokesman justified this action, saying, “We cannot stand aside and look while people run out of accommodation when houses are being turned into offices[...].”

This massive exercise by the police backed up by the army has consumed huge quantities of fuel at a time that there is a critical fuel shortage.”

HRW, September 2005, pg. 20-21:

“Human Rights Watch conducted interviews with many people who were affected and displaced as a result of Operation Murambatsvina. They represent a vivid cross-section of the Zimbabwean population in the affected areas. Women, children, persons living with HIV/AIDS and persons of foreign origin were particularly hard hit by the evictions as documented in the accounts below. While the victims who spoke to Human Rights Watch have unique stories, their accounts share a common thread: all cited a similar process of forced, indiscriminate and often violent displacement at the hands of police and consistent orders to move to the rural areas.

In contrast to government claims that people voluntarily destroyed “illegal” houses, 91 many of those affected by the evictions informed Human Rights Watch that the police forced them to destroy their own houses often at gun point. One interviewee told Human Rights Watch:

“When the police came they were forcing people to demolish their homes or they would beat them up. I saw them beating people up and forcing them to demolish the house. They were beating them up with baton sticks. Some of the police were armed and they were threatening people. At some houses they would sit by the house and wait until it was demolished. They announced on loudspeakers that they would be coming on Sunday so I demolished the house before they came [...].

Police also destroyed houses and structures without care for the safety of people or their possessions. A number of people reported that they had to risk their lives trying to retrieve their belongings while police demolished their houses [...].

Human Rights Watch interviewed a number of people who were beaten by the police and others who witnessed the police beating people who refused to destroy their houses or did not do so quickly enough. To date, no investigations into the brutality and excessive use of force of the police have taken place and those responsible brought to justice.

Tapiwa told Human Rights Watch about the brutal methods use by police to evict her from her home, “The police are showing no mercy. They have given us a deadline that we must destroy our houses. They were beating us with baton sticks and their boots if we didn’t destroy our houses quickly enough. It doesn’t matter, women, children, and elderly people. They were all beaten up. What we want to know is why is God doing this to us? [...].”

Operation Murambatsvina causes fatalities (July 2005)

- Amnesty International and other rights organisations report a number of deaths due to the demolitions and evictions.
- Death allegations coming from a variety of quarters warrant the need for an independent investigation since the police and army carried out the operation.

Amnesty, June 2005:

"Amnesty International has received information that at least three have died -- including a pregnant woman and a four-year-old child -- during a chaotic mass eviction of at least 10,000 people from Porta Farm, an informal settlement on the outskirts of Harare established by the government more than 10 years ago.

"Over the last 48 hours, Porta Farm -- a settlement of at least 10,000 people -- has been obliterated. People have watched their lives being completely destroyed -- and many are now being forcibly removed in trucks by police. At the moment we are not sure where they are being taken," said Kolawole Olaniyan, Director of Amnesty International's Africa Programme.

Some residents have resisted the attempt to forcibly remove them and have been injured in clashes with the police. Local human rights monitors report that during the attempted forced removals this morning two women -- one pregnant and the other extremely ill -- fell off the trucks into which they were being herded. A four-year-old child was reportedly run over by a truck. There are unconfirmed reports of a second child dying -- circumstances are not yet clear.

Amnesty International called for an immediate halt to the mass forced evictions.

This week's mass evictions and today's deaths take place as United Nations Special Envoy Anna Kajumulo Tibaijuka visits Zimbabwe to look at the evictions and their impact. Human rights groups in Zimbabwe have reported on the situation at Porta Farm to Anna Kajumulo Tibaijuka.

An AU representative will also arrive in Zimbabwe today to carry out a fact-finding mission. Bahame Tom Nyanduga, Special Rapporteur of the African Commission on Human and Peoples' Rights responsible for Refugees, Asylum Seekers and Internally Displaced Persons in Africa, will be in Zimbabwe between 30 June and 4 July 2005. Amnesty International welcomes this move by the AU to examine the humanitarian and human rights crisis in Zimbabwe and strongly urges the Special Rapporteur to investigate the situation at Porta Farm and to engage with civic and human rights groups as fully as possible.

"Although we welcome this visit by the AU representative and look forward to seeing his report, we are concerned that his time in Zimbabwe is very brief," said Kolawole Olaniyan. "We urge the AU representative to see as much as possible in affected communities – and not just visit those areas designated by the government. We hope that he will have unfettered access to all areas."

Background

The Zimbabwean government attempted to evict the residents of Porta Farm last September using tear gas and excessive force. At least 11 people died following police misuse of tear gas. Amnesty International called for a full investigation into the deaths, but none is known to have taken place.

From 1 June this year, Amnesty International members have been sending urgent communications to the Government of Zimbabwe calling for an end to the mass forced evictions and expressing concern that Porta Farm could once again be a target.

Although it is not clear where the Porta Farm residents are being taken, reports indicate that some are being transported to Caledonia Farm, which has been described as a transit camp. Amnesty believes that conditions at Caledonia Farm are extremely poor with insufficient space, shelter, water and sanitation."

“Several allegations have been made of deaths in connection with Operation Restore Order by organisations such as Amnesty International, Human Rights Watch, Zimbabwe Peace Project and Zimbabwe Lawyers for Human Rights [...]. Of the six deaths alleged to have occurred as a result of demolitions, three involve a child hit by a truck, and another child and sick woman hit by falling debris alleged to have occurred at Porta Farm, Harare while the Special Envoy was present in Zimbabwe [...]. The Special Envoy had arrived at this demolition scene and was presented with a distressed crying baby whose mother could not be located in the commotion caused by the demolition[...]. In all of these death claims the Government is yet to issue a certificate of confirmation or negation [...]. Death allegations are coming from so many quarters that they warrant an independent inquest since the police carried out the operation. There also has been wanton destruction of properties. In some cases properties have been seized and even auctioned off with no accounting for the goods or the proceeds[...]. Arbitrary takeover of assets is happening against a backdrop of rhetoric of maintaining law and order [...].

Far less drastic measures could have been taken by the police implementing the enforcement order. It is a general principle of administrative law that when public authorities are exercising powers, they should do so in a manner that will seek to minimize loss. It appears this principle was not adhered to during the Operation, paving the way for holding those entrusted with implementing orders to be held accountable, including for criminal negligence charges where deemed appropriate by the Government.”

Freedom of movement

Freedom of Movement Denied (December 2005)

- Displaced forced into transit camps or to return to rural areas.
- Many Zimbabweans displaced are of foreign origin, and thus do not have rural homes to return to.

UN, July 2005, pg. 63:

“The fact that a large number of people were evicted and their homes destroyed without any alternative accommodation is, in itself, unlawful. The movement of evictees has also been restrained in that those who are in camps can only go to the rural areas or other destinations of the Government’s choice and are not allowed to move freely. The Government’s policy stating that all Zimbabweans have a rural home, and that all those who have been evicted should return to their rural homes, implies a lack of freedom to choose one’s own residence. This has particularly serious implications for those Zimbabweans of foreign origin who have no rural home.

The mission visited Caledonia Camp, which was set up by the Government. The camp manager confirmed that the residents were waiting to be transported back to villages [...]. They are not being allowed to leave the camp, but children were allowed to go to school in the city, a considerable distance away. The proportion of people in the camps compared to the total number of evictees is however limited and this has implications for issues under the Rome Statute [...].”

HRW, December 2005, pg. 11:

“Zimbabwean authorities arbitrarily forced hundreds of thousands of people to destroy or cede their property without due notice, process or compensation; they restricted their freedom of movement by confining them to holding camps, and forcibly displaced many of the evictees to the rural areas where they had little or no access to basic services and means of economic support.. The Zimbabwean government also took no measures to investigate allegations of abuses during the operation and to provide adequate remedies to those whose rights had been violated[...].”

SUBSISTENCE NEEDS

Food

Food shortages following poor harvest – three million people require food assistance (December 2005)

- Food insecurity in 2005 following drought and poor harvest has caused deterioration in the nutritional situation – leaving three million people, 36% of the rural population, in need of food assistance.
- Displaced people have limited access to food, owing to loss of income and rising prices, often being moved to rural, food-insecure areas, where there is little humanitarian presence.
- Many IDPs have reportedly received no or insufficient food assistance.

UNOCHA, November 2005, p. 32-34:

“Zimbabwe faced serious food shortages in 2005, following a poor harvest, which is expected to carry over into 2006. While the Government has been importing significant amounts of food in order to address the shortfalls, to date these efforts do not meet the total requirements. Moreover, distribution networks for bringing the grain to those who need it the most are not guaranteed. Given the difficulties farmers face in accessing inputs, and taking into account the limited amount of tillage available, prospects for the April 2006 cereal harvest are not promising. A policy environment conducive to surplus grain production and marketing is required to minimise the recurrence of food shortages. As in other countries in Southern Africa, the triple threat of food insecurity, high prevalence of HIV/AIDS and weakened capacity for governance continues to take its toll.

[...]

There has been a steady deterioration in the nutritional situation of children over the past six years. However, high levels of food distribution and supplementary feeding arrested part of this decline until 2003. Despite this, recent information suggests that nutritional status is again on the decline, and may be further exacerbated by increasing food insecurity due to drought, low availability and declining purchasing power. Furthermore, the operating environment in Zimbabwe is highly complex, unstable and challenging due to the erosion of human resource capacity, the deterioration of health services, the potential shrinkage of humanitarian space, a rapidly changing economic situation and a shortage of basic supplies in all sectors.”

UNOCHA, November 2005, p. 11:

“The ZIMVAC 2005 estimated that 2.9 million people or 36% of the rural population would not be able to meet their food requirements of 2100 kilocalories a day during the 2005/6 marketing year. This estimate was based on a market price of ZW\$1,300(US\$ 0.02)/Kg of maize, which has since risen almost fourfold. [...] Some food insecure households are engaging in negative coping mechanisms, such as reductions in meals per day (62%), expenditure on education (41%), expenditure on health (36%), and expenditure on agricultural inputs (35%).”

UN, July 2005, p. 38:

“The displacement of people has reduced access to food, owing to loss of income as well as loss of supply from the informal sector, the latter having been largely dismantled. Furthermore, commodities such as bread, oil and sugar are in short supply and prices have been rising. In the

month prior to the Operation, prices of sugar and cooking oil went up by 61% and 53%, respectively.[...]

It is therefore likely that a high number of affected households will be hard placed to purchase food and to ensure adequate nutrition in coming months. [...]

This will have considerable impact on pregnant women, breast-feeding mothers and children. Because many among the displaced remain scattered in different locations and are highly mobile, it is difficult to identify all those in need of immediate food assistance. Furthermore, many among those being moved to rural areas are arriving in communities that are already food insecure, where there is little humanitarian presence.

The UN interim response plan is targeting 27,000 households (135,000 persons) for food assistance over three months, at a cost of USD 1.1 million. Priority interventions include: the provision of food packs to particularly vulnerable households; distribution of cooked meals at transit camps; interventions to prevent deterioration of nutrition among children; and the establishment of a nutrition surveillance system in areas where people have resettled."

HRW, December 2005, pg. 53-4:

"In the vast majority of places visited by Human Rights Watch, internally displaced persons said that they had either received no food assistance whatsoever, or had received assistance once in July, and have received nothing since. Only in one of the townships in Harare, a local official told Human Rights Watch that Catholic Relief Services (CRS) had distributed food on a monthly basis from July to September. Yet, according to the official, when she asked CRS about further distributions in late September, she was informed that there was no food left and that from then on food packages would be provided only to families relocating to rural areas."

Government forbids FAO food and supply assessment (April 2006)

- Due to a report by the World Health Organisation (WHO), which found that women in Zimbabwe have the shortest lifespan in the world, the Zimbabwean government called off a joint crop and food supply assessment.
- Government maintains it will conduct assessment on its own using government security agencies.
- Lack of assessment and proper information further exacerbates food security situation.

IRIN, April 2006:

"The Zimbabwean government has called off a joint crop and food supply assessment mission with the UN's Food and Agricultural Organisation (FAO), said humanitarian sources.

FAO was prevented from carrying out similar surveys in 2004 and 2005. Humanitarian agencies in Zimbabwe said the government's decision to call off the FAO mission was related to a UN World Health Organisation (WHO) report, which said the country's women have the shortest lifespan in the world.

"They [Zimbabwean government] are very upset about it ['The World Health Report 2006' by WHO]," said an aid worker. The study results released earlier this month were based on 2004 statistics indicating that Zimbabwe's women now have an average lifespan of 34 years - the lowest in the world - while that of men is 37 years. The Minister of Health and Child Welfare, David Parirenyatwa, has reportedly declared these statistics false.

Agriculture Minister Joseph Made told IRIN that the government was going to conduct crop and food supply assessments on its own, without the involvement of local and international NGOs. "The government has the capacity to do the task at hand. We will only invite others where we need help." Last week, he insisted that the only legitimate surveys would be those carried out by a special government committee headed by the Central Statistics Office.

The FAO said it was aware of press accounts that Made was not pleased with "backdoor" assessment missions, but was still awaiting an official response. "FAO is always ready to assist member countries with such missions but the organisation must maintain its credibility and capacity to speak freely and openly regarding the mission's findings," said John Riddle, FAO spokesman.

"These statistics are needed by the government and the people of Zimbabwe - not all these other foreign agencies competing to [be part of] the assessment. Once the figure is given, it will be up to us to decide on what to do next," Made told IRIN. He refused to be drawn into giving a crop estimate, but insisted that the harvest would be better because the rains had been good.

The Ministry of Agriculture has started sending officials into the countryside to carry out this year's pre-harvest food security survey.

"We are deploying officers to all provinces, districts and wards. We need one week to carry out the assessment. If all goes well, the results will be ready by late next week, but only through the Ministry of Agriculture," Dr Shadreck Mlambo, a senior official with the Agricultural Extension Services, told local media at the weekend.

Deployment of the officials comes amid concerns that Zimbabwe, which is facing acute food shortages, will have another serious grain deficit this year.

Although the government insists that this year will see improved harvests, independent food security organisations have warned that the country may not produce enough to be food secure in 2006. The last two independent surveys published were conducted by the US-funded Famine Early Warning Network and the US Department of Agriculture. Both forecast deficits, with maize production estimated at between 700,000 mt and 900,000 mt, compared to a domestic demand of 1.4 million mt."

Health

Displaced lack access to medical care (December 2005)

- General decline in health services in Zimbabwe, due to under-funding, emigration of staff. Child mortality has doubled from 59 to 123 per 1,000 live births between 1989 and 2004. Lack of qualified health professionals in rural areas is also a major problem.
- Many displaced persons report serious health problems, related to living and sleeping outdoors, lack of clean sanitation facilities and clean water.
- Due to congestion of displaced people, spread of communicable diseases unavoidable. Chronically ill, those living with HIV/AIDs and pregnant women most at risk.

UNOCHA, November 2005, p. 35:

"Over the recent years, the quality of health services in Zimbabwe has been deteriorating as a result of under-funding, emigration of health staff, and the impact of HIV/AIDS. These three

factors have increased the pressure on available resources, with impacts on access and quality of services.

Among the key indicators on deterioration are increases in maternal and under-five child mortality. According to a recent global UNICEF report, Zimbabwe had one of the largest increases in under-five mortality in the Southern African region. Child mortality has doubled from 59 to 123 per 1,000 live births between 1989 and 2004. The maternal mortality ratio, a measure of the robustness of the health services, deteriorated from 695 per 100,000 live births in 1999 to more than a 1,000 deaths per 100,000 live births in 2002. Recent ante-natal care data show a reduction in attendance, and increases in abortion complications and home deliveries attended by un-skilled birth attendants. A critical shortage of Emergency Obstetric Care (EOC) equipment and drugs at all service levels, but most critically at the rural health centre level, has exacerbated the situation.

[...]

In terms of infrastructure, equipment and services considered essential for effective functioning of the health services, the deterioration in the situation was clearly reported by the facilities assessed, with less than 50% of equipment available. This includes the radio communication system, which is vital in health service delivery, especially in emergency situations. According to the MOHCW, as of September 2004, 56%, 32% and 92% of the posts of doctors, nurses and pharmacists were vacant, respectively. The lack of qualified health personnel is worse in rural areas, and represents increasing challenges to the provision on ART within these areas. Annual mortality amongst staff was a startling 2.5%, of whom 60% were chronically ill prior to death. Drug and transport availability were also reported as problematic.”

HRW, December 2005, pg. 55-56:

“[...] in areas visited by Human Rights Watch, no health facilities or arrangements for the provision of medical care were in place. Most of the IDPs interviewed by Human Rights Watch reported having health problems, resulting from their stay in the open as well as chronic life-threatening diseases. Not a single person in places visited by Human Rights Watch has received any medical assistance from any international organization. In all of the areas visited by Human Rights Watch, potable water has not been distributed to the internally displaced, and they had no access to sanitation facilities.

In most locations, the spread of diseases has been unavoidable, given the congestion of the population and the absence of sanitation, sewage systems, waste disposal facilities, and access to water or water purification equipment.

The U.N. country team documents designate the World Health Organization (WHO) as the lead agency for delivery of health services, and UNICEF as responsible for water and sanitation. However, based on the documents, it is hard to determine whether any progress has been made in the delivery of health services and sanitation to the displaced population. The Interim Response Plan contained no quantitative assessment of the health needs, listing instead only the intended activities, including “a rapid assessment to determine the health needs of the affected population,” and stating that “an immediate response (6-8 weeks) will be arranged for.” Ironically, the September Common Response Plan once again repeated the same set of objectives, and again promises the “immediate (6-8 weeks) response,” containing no clarification as to what happened to the immediate response planned back in July.

The October humanitarian response matrix mentions one mobile clinic established by WHO “to benefit 1,000 in Hopley farm;” “mobile health services” provided by MFSHolland in Chitungwiza, Epworth and Hatcliffe Extension (the number of beneficiaries is not specified); and 467 female beneficiaries who received reproductive health kits/sanitary wear provided by United Nations Population Fund (UNFPA).

Human Right Watch observation regarding the lack of potable water are corroborated by the October humanitarian response matrix, which reports UNICEF delivering water and sanitation facilities only to Hopley farm and Hatcliffe Extension, thus making it clear that, as of yet, the provision of water and sanitation has been limited to these government-recognized IDP settlements, while the vast majority of IDPs are being deprived of these services.”

UN, July 2005, Pg. 38-39:

“The combination of overcrowding for evicted persons living with friends and relatives and hardship for those sleeping out in the open will have a direct consequence in terms of other communicable diseases such as pneumonia and tuberculosis. Anecdotal evidence suggests that this trend is already emerging with reported deaths among displaced children due to respiratory infections. The most affected group will likely be the chronically ill and people living with HIV/AIDS, while pregnant women as well as young children will also be at high risk. Furthermore, several cases of women giving birth in the open [...] after being cut off from reproductive health services were reported in the areas visited by the mission. In Caledonia Farm, the mission observed that some of the people were infected with scabies.”

Lack of Food and Water causes immense trauma amongst the displaced (November 2005)

- Those affected by Operation Murambatsvina experienced significant amounts of trauma and thus many of those affected may have psychological disorders.
- Lack of mental health treatment a problem.

Action Aid, November 2005, pg. 16:

"4.1 Trauma and Operation Murambatsvina

In the following sections, we present the findings related to trauma prior independence to date.

4.1.1 Prevalence of psychological disorders

The results of the SRQ-8 indicate an exceptionally high prevalence of psychological disorder. A total of 824 persons gave responses in the clinically significant range, 4 or more, which gave a prevalence rate of 69%. The mean score for the whole sample [n=1195] was 4.8[sd.2.5]. This is nearly 3 times higher than previous rates obtained from a general setting in Zimbabwe, and is much more in keeping with the rates obtained from populations with obvious trauma, such as refugees or victims of war.

Table 2: Prevalence of psychological disorders: Comparison of sample sites.

	Number & Percentage
Harare <i>n=570</i>	458[80.4%]
Bulawayo <i>n=556</i>	196[35.3%]
Mutare <i>n=256</i>	170[66.4%]

As can be seen from Table 2 above, the prevalence rates were variable of the three sites, with the highest prevalence being found in Harare. Additionally, the mean scores were highest in Harare, and, together, these two indices show greater severity for this site. This supports the earlier finding by ActionAid that Harare was more severely affected by Operation Murambatsvina than other areas in Zimbabwe.

As regards an estimate of how many people will need assistance, it can be conservatively estimated that about 820,000 individuals are in need of psychological assistance, but the actual

figure is likely to be higher, as we only interviewed one person per household, and whole households are likely to have been as affected as the persons interviewed.

4.1.2 Types of trauma

Statistical analysis indicated a number of significant relationships between psychological disorder, as measured by the SRQ-8, and trauma. Here we derived a number of different scores: a Total Trauma Score [the total number of different trauma events experienced, irrespective of time], a score for items reflective of organized violence and torture [OVT items], a score for items reflective of Operation Murambatsvina- type events [OM items], and a score for the number of different time periods in which trauma was experienced [Different years affected].

Table 3: Comparison of scores over sample sites

	SRQ-8	Total Trauma Score	Score on OVT items	Score on OM items	No. of different years affected
Harare <i>n=170</i>	5.4[2.9]	6.9[4.5]	1.5[1.7]	3.4[2.2]	3.8[1.4]
Bulawayo <i>n=180</i>	3.7[2.5]	5.2[3.7]	1.2[1.5]	2.6[1.7]	4.1[1.4]
Mutare <i>n=119</i>	4.9[2.5]	6.7[3.6]	1.5[1.5]	3.1[2.05]	4.5[1.5]
Total:	4.8[2.5]	6.3[4.2]*	1.4[1.6]*	3.1[2.63]*	4.03[1.4]*

As can be seen in Table 3 above, there are regional variations in the scores derived from the questionnaires, but, overall, there are significant relationships between the probability of psychological disorder and the total number of trauma events reported [Total Trauma Score], the number of trauma events indicative of violence [OVT items], the number of trauma events indicative of displacement [OM items], and the number of different time periods in which trauma was experienced. As can be seen [footnote 24 below] the strongest relationship was with OM items on the Trauma Questionnaire.

Therefore, our data show the following:

- A significant relationship between current psychological disorder and the number of trauma events reported;
- A significant relationship between current psychological disorder and trauma due to OVT [organized violence and torture];
- A significant relationship between current psychological disorder and trauma due to displacement events [OM items];
- A significant relationship between current psychological disorder and repeated exposure to trauma.

Thus, our data indicate that the severity of trauma, the effects of OVT and displacements [OM items], and the number of times trauma is experienced are all significantly related to psychological disorder. There is, thus, a “dose-response” effect found, and Operation Murambatsvina has contributed significantly to this effect.

Motor traffic accident	306	24.5% [12]
Industrial accident	152	12.7% [19]
Natural disaster (flood, fire, etc)	438	36.7% [6]
Any other situation that was very frightening or you felt that your life was in danger	586	49.1% [2]

Finally, as can be seen from Table 4 above, there are interesting relations between psychological disorder and the contribution of trauma reported by time period. The strongest relationship is with trauma reported in 2005, but the trend is towards increasing levels since the 1990s."

Water and sanitation

Breakdown of water and sewage system exacerbates health risk (November 2005)

- Drought, general economic decline, and lack of government capacity have caused an acute water shortage in Zimbabwe. Problems of inadequate water and lack of sanitation facilities are most severe amongst those living with HIV/AIDs.
- Zimbabwe continues to experience cholera epidemics, epidemics associated with shortage of safe drinking water and poor hygiene.
- Water and sewage systems in urban areas have broken down. As a result large volumes of sewage have entered into natural water courses. Bulawayo City has virtually run dry.
- Those displaced by Operation Murambatsvina live with severe risk of outbreaks related to water-borne diseases such as diarrhea, dysentery and cholera, threat is made worse by lack of access to safe drinking water.

UN, July 2005, p. 37-38:

"Many of the displaced are staying in overcrowded conditions or out in the open without adequate access to water and sanitation. Unless their situation is improved, there is a serious risk of transmission of disease and of epidemic outbreaks related to water-borne diseases such as diarrhea, dysentery and cholera. This threat is exacerbated by the lack of access to safe drinking water and basic sanitation. Many displaced persons were observed to be collecting drinking water from rivers, streams and unprotected shallow wells while using open areas for sanitation. The risk of an epidemic is likely to increase dramatically with the start of the rainy season towards October-November."

UNOCHA, November 2005, Pg. 42-43

"Zimbabwe has experienced a decline in access to safe water supply and basic sanitation due to a plethora of reasons, including: i) persistent droughts between 2002 and 2004 resulting in severe stress in both surface and underground water; ii) general economic decline; iii) eroded institutional and community capacity; and iv) the effects of the HIV/AIDS pandemic. Close analysis of the major causes of poor health in the country indicate that most ailments (over 80%) that people suffer from and get hospitalised for are directly related to contaminated water supplies and poor sanitation. Given the prevailing scenario, human health cannot be complete without an adequate and safe water supply coupled with basic sanitation services. The unfortunate situation has been compounded by the current drought, which has left many boreholes, family wells and other sources dry. This in turn has left villagers with no option but to get water from whatever source available. The problems of inadequate water and sanitation are most severe in families with PLWHA, as the quantity of safe water and excreta disposal facilities required are more than triple for this group. As primary caregivers, women bear the brunt of this burden, especially for HBC. OVCs and Child-Headed Households (CHH) are also affected, due to the lack of household coping mechanisms. Girls and young women are among the most vulnerable, as they carry the burden of fetching water from long distances, in addition to their other household chores; this leads many of them to drop out of school.

The Water and Sanitation Working Group, which was established by the United Nations Country Team and coordinated by UNICEF, is responsible for the coordinated planning and implementation of water and sanitation-related humanitarian actions in the country. As a result of this coordination, best practices and experiences are shared among sector agencies.

Rural areas

Despite efforts to restore water supplies through the mechanical rehabilitation of water supply systems during the last 3 years, the operation and maintenance systems of water and sanitation facilities have collapsed, resulting in 30% (12,636) of water supply facilities not functioning[...]. As result, there is an acute shortage of safe water supply for drinking and other domestic purposes amongst approximately 2,500,000 people in rural areas. In the low rainfall areas of the southern and western parts of the country, where surface water has run dry, the frequency of the breakdown of borehole pumps has drastically increased, due to the high pressure on the few water points, which are shared by humans and livestock. The situation is compounded by the decline in access to sanitation, from over 30% in 2001 to 25% in 2004.¹⁹ The combination of these factors further compromises the health of a population already affected by high levels of food insecurity and an HIV/AIDS pandemic. Zimbabwe continues to experience cholera epidemics, which now affect areas that have not had outbreaks before, such as the northern parts of the country along the Zambezi valley, in Kariba and Binga districts. A total of 207 cases and 14 deaths (Case Fatality Rate (CFR) 7%) were reported in Manicaland Province between January and July 2005[...]. The epidemics have been associated with shortage of safe drinking water supply, and poor hygiene and sanitation in the affected districts. The situation in the whole country is expected to get worse with the start of the rainy season. Therefore, accelerated efforts in prevention and control actions will be required.

Urban areas

Water and sewage systems in most urban areas have broken down due to ageing, excessive load, pump breakdowns, and poor operation and maintenance. The breakdown of sewage systems has resulted in large volumes of raw sewage being discharged into natural water courses, which ultimately feed into major urban water supply sources. For example, all the sewage pumps in Chitungwiza Town are broken down, resulting in raw sewage being discharged directly into the environment and residential areas, thereby causing heavy environmental pollution. The town is forced to discharge 50 million litres of raw sewage daily into Manyame River and eventually into Lake Chivero, which supplies water to the 4 million combined populations of Harare, Chitungwiza, Norton, Ruwa and Epworth. This has put the entire population of these towns, particularly the children, at very high public health risks for water and sanitation-related diseases, such as cholera and dysentery. This scenario has created a high demand for water treatment chemicals, which places a large strain on the meagre resources of the local authorities. Bulawayo City has virtually run dry, as all its water supply dams have dried up. Out of a backup of 208 boreholes drilled within the city in 1992, only 14 are functional. In contrast, 44 are not functional, and 150 have not even been equipped. The city therefore currently relies on small quantities of water carted from the 14 boreholes, and less than 5,000 cubic meters of water per day supplied by the Zimbabwe National Water Authority from a few boreholes in the Nyamandlovu Aquifer. This state of affairs poses a serious threat to the health and well being of approximately 1,000,000 city residents. The situation could substantially improve if all the 208 boreholes were functional. The Government's Operation Murambatsvina/Restore Order of May 2005 has rendered hundreds of thousands in the urban areas highly vulnerable due to an acute lack of safe water supply and basic sanitation services. Harare alone has over 10,000 poor families in urgent need of these basic services, with remote chances of improvement in the next 12 months unless appropriate action is taken."

Shelter and non-food items

Government blocks shelter-related assistance (December 2005)

- At the time of Operation Murambatsvina, large numbers of people staying in the open, near their former homes or along roads. Currently, due to a lack of information, shelter-related needs remain unclear.
- In one area police force aid agencies to tear down tents for IDPS. Government also blocks provision of tents fearing that 'tent cities' would expose the scale of the crisis.
- Procedures for land provision in urban areas not able to keep up with rising urban population.

HRW, December 2005, pg. 54:

"Six months into the crisis, international agencies have been unable to overcome the resistance of the government and provide temporary shelter to any of the people displaced by the evictions, leaving hundreds of thousands of the internally displaced in appalling conditions amidst the rainy season. U.N. officials suggested in interviews with Human Rights Watch that the major reasons for the Zimbabwean government's emphatic opposition was related to the government's fear that extensive tent camps throughout the country would reveal the true scale of the humanitarian crisis, and that the availability of temporary shelter would allow the displaced to stay in cities instead of moving to the rural areas in accordance with the government's plan. None of the shelter-related objectives set forth in July by the Interim Response Plan have been met by the U.N. country team or by the IOM, leading the U.N. team to conclude in September that of people displaced by the evictions, "the majority are still homeless in either a relative or absolute sense of the word [...]."

On July 30, 2005, U.N. Habitat, UNDP, and IOM launched a "pilot project" in Headlands, Manicaland, providing "shelter packages," including tents and food "to some 123 families" [...]. UNICEF spokesman James Elder described the project as "a case of U.N. best practice, with all U.N. agencies and IOM pushing in the same direction under difficult circumstances to help the people of Zimbabwe[...]."

The pilot project, however, did not last long—on September 28, 2005, an IOM representative told Human Rights Watch that the tents in Headlands "had been put down by the police," and that the government "said 'no' to any tents or plastic sheeting [...]."

The IOM representative interviewed by Human Rights Watch did not provide any details of the incident when asked about the project, but mentioned that the IOM "wrote a protest letter through the U.N. country team," to which the government never responded [...].

A new plan proposed by IOM to government suggested providing temporary shelter in the form of wooden cabins to the people who had been allocated stands by the government through Operation Garikai; 2,500 cabins were supposed to be built during the first phase of the program[...]. Although the plan was devised to fully accommodate the requests of the Zimbabwean government rather than to effectively address the needs of the displaced population, it was not until mid-November that the government reportedly finally accepted the U.N. offer to build 2,500 "units" for people made homeless by the evictions campaign[...].

However, given the realities of Operation Garikai, described earlier in this report, the vast majority of the displaced are not likely to benefit from the plan. Moreover, formally, the proposed wooden cabins will be no more legal than houses destroyed during Operation Murambatsvina, as they would hardly conform with the existing housing regulations, and the beneficiaries may thus be still vulnerable to further evictions [...].

Some U.N. officials also admitted to Human Rights Watch that "this will not be a comprehensive program at all." [...] Indeed, the 2,500 shelter units would, at best, accommodate a little over 10 percent of the "approximately 100,000 most vulnerable individuals" in need of shelter mentioned in the September Common Response Plan."

UNOCHA, November 2005, pg. 30:

“Between May and July in 2005, the Government of Zimbabwe embarked on Operation Murambatsvina(OM)/Restore Order, an urban cleanup campaign involving the destruction of thousands of housing structures deemed illegal. This operation resulted in a massive increase in homelessness and thousands of people staying in the open. As such it led to an urgent need for the immediate provision of temporary shelters. OM further exposed the underlying problem of rapid, unplanned urbanisation and the subsequent acute shelter problems.

A first large urban influx of population occurred at independence when the urban areas were opened up to the majority black population. Increasingly difficult living conditions in the rural areas due to drought, general economic decline and structural changes caused by the land reform programme accelerated migration to the urban areas, especially to the larger urban centres of Harare and Bulawayo. While the general population growth has been between 1-2% in the last decade, the growth in urban population has been 5-6%. The urban population is today about 4.5 million of the total population of approximately 12 million. At the present growth rate, the urban population will be close to 8 million by 2015[...].

Existing procedures and resources for land allocation, urban planning, provision of infrastructure and housing have not been able to keep up with the urban influx and increasing numbers of people have come to live in substandard and insecure conditions in low-income urban areas. The urban migrants have been renters, living in backyard shacks, overcrowded hostels or developed squatter settlements outside of formal planning and building control. The Government of Zimbabwe estimates an urban housing backlog of 1 million housing units.

While the Government claims OM sought to address some of the symptoms of this rapid and uncontrolled urban growth, the immediate short-term effect has been to increase the problem of substandard housing for the poor by making a large number of people homeless.

Needs of the persons affected by Operation Murambatsvina/Restore Order

The people affected by OM were among the most vulnerable of society, and most earned their living in the informal sector. The loss of homes affected life in more ways than increasing the number of people without a roof over their head; it also interrupted income activities, schooling and ARV treatment for people living with AIDS[...]. The Special Envoy on Human Settlement Issues in Zimbabwe reported approximately 130,000 households to be affected by OM, but there are no certain figures on the number of people needing immediate assistance, and uncertainty remains as to how many have already found a solution to their housing situation on their own.

Ex-farm workers

Another group of people in need of shelter is ex-farm workers who have lost their homes and livelihoods as a result of the fast-track land reform. Currently, this group is estimated at approximately 150,000 families, but while this process was most intense between 2000 and 2002, it is expected that the number will increase following the 17th Amendment in 2005[...].

General housing needs among the urban poor

In addition to addressing the immediate housing needs of those affected by the above-mentioned evictions, there is an urgent need to address the underlying problems related to the provision of housing for the urban poor. As noted, the lack of secure tenure and housing hinders the establishment of livelihoods, education, and access to other basic services. Health and social problems have followed the densification of low-income urban areas.

Several issues of human settlement must be addressed in order to solve the general problem of homelessness and to avoid a repetition of evictions such as those during OM. To this end, a dialogue should be established between the Government and communities on how to provide homes with secure tenure, as well as houses and services that are affordable to the urban poor.

Response strategy

The immediate needs of the most vulnerable among those affected by OM will be addressed through the provision of temporary shelters. Similarly, assistance to evicted ex-farm workers will include shelters. In parallel, the general problem of homelessness will be addressed through supporting communities and organisations of the homeless poor and entering into a policy dialogue with the Government.

The most vulnerable populations targeted under this sector include the chronically ill, elderly, orphans, the handicapped, female or child-headed households, families who lost their only source of livelihood, and HIV/AIDS affected households.

Immediate temporary shelter

The strategy aims to secure stands on planned and legal land for families affected by OM, who will also receive a basic shelter structure, which permits them to claim occupancy for the purpose of securing tenure. This temporary shelter will be simple enough to allow for targeting a large number of people. Similarly, the shelter needs of ex-farm workers will be addressed through securing land, on which assistance will support them to establish their permanent homes and livelihoods [...].

Policy engagement and strengthening of CBOs

The strategy involves engaging with Government directly on human settlement policy issues, such as land allocation procedures and in this context, the roles of central and local Government, savings and financing arrangements, appropriate technical standards and their linkage with town-planning and building legislation. This will be done by exposing Government officials to best practice pro-poor housing policies from other countries. In addition, local best practices will be promoted through piloting concrete solutions to policy and technical questions, thus influencing policy through practice. This will be done by strengthening community-based organisations, both in their advocacy on human settlement policy and as service providers. The strategy thus seeks to enhance the access to public land for development of human settlement areas for community groups and housing cooperatives. These groups will be supported in developing solutions for affordable housing and infrastructure to the poor.”

UN, July 2005, p. 36-37:

“A large number of displaced persons are staying on or near the site of their demolished homes with very limited shelter. Tens of thousands are in immediate need of tents and blankets, especially with the onset of winter. The shelter situation at Caledonia Farm, which now holds an estimated 5,000 persons, is woefully inadequate. In urban areas such as the Mbare neighborhood of Harare, the mission observed a large number of plots where there had previously been one main house surrounded by 3 to 4 additional housing structures. In most cases only the main house remained and was becoming overcrowded as the community had sought to absorb as many evicted families as possible. Because of overcrowding in what have now become multi-family homes, many men reportedly sleep outside at night, while women and children sleep inside.”

Vulnerable groups

Some 80,000 displaced living with HIV/AIDS lack adequate care and treatment (December 2005)

- Some 80,000 persons living with HIV/AIDS have been displaced, leading to a disruption in ARV treatment, care and prevention
- Displacement could lead to an increase new infections, spread of TB, declining health and ultimately death.
- Since Operation Murambatsvina the HIV/AIDS households have seen significant and negative changes in the area of care and treatment.
- Access to medical treatment for a significant proportion of displaced living with HIV/AIDS has been disrupted by Operation Murambatsvina as local NGOs have been unable to trace or reach many of their displaced clients.

UN, July 2005, p. 39-40:

“An estimated 24.6% of adult Zimbabweans are infected with HIV/AIDS.[...] Assuming that the displaced population had an HIV/AIDS prevalence rate similar to the rest of population, the mission estimates that over 79,500 persons over 15 years of age living with HIV/AIDS have been displaced. The Operation has led to an increase of vulnerability and, probably, risky sexual practices and gender-based violence. It has also led to a disruption in HIV/AIDS services, particularly ARV treatment, home-based care and prevention. Immediate consequences likely include shortened life expectancy and death owing to lack of treatment and care in a situation where life expectancy has already dropped to only 33 years, malnutrition and exposure to the elements. Medium to long-term consequences include increased transmission of HIV, leading to higher infection rates and a more rapid progression of the disease that may only be detected over the next few years.

Testimonies from the affected population and service providers indicate that a number of AIDS patients have had their ARV treatment disrupted as a result of the evictions. Several hundred persons receiving such treatment have been reported displaced in Harare alone.[...] As many displaced persons are reported to have requested formal transfers to alternate ARV treatment providing sites, it is difficult at this point to assess to what extent the Operation has led to higher ARV treatment default rates.

In cases where ARV treatment has been interrupted, this could result in drug resistance, declining health, and ultimately death. Furthermore, displacement could affect the ability of ARV patients to maintain a healthy and balanced diet, thereby undermining the treatment regime. The Zimbabwe Association of Doctors for Human Rights have expressed grave concern that the displacements could lead to an increase in HIV across the country, and that a large proportion of the new infections could be resistant to first-line treatment (Nevirapine).[...] Other medical groups have also expressed concerns that a more aggressive strain of TB[...], which was previously only found in Harare and requires more expensive, complicated treatment, could spread to other parts of the country.”

Action Aid, November 2005, p. v-vi:

“The effects on those with HIV/AIDS have been extremely severe. In almost every area, this sample has experienced a loss of care and treatment. The group has even lost access to nutritional support.

Our data also showed that, in every area of care and treatment, the HIV/AIDS households have seen significant and negative changes [...]. There is little change in access to clinics, but it must be remembered that most clinics can offer little in the way of medical treatment, except for opportunistic infections. However, very large percentages have lost access to care and treatment, with significantly high numbers receiving no care or treatment.

Care and Treatment of members with HIV/AIDS

	Before OM	After OM
Who was providing care?		
Family members	74%	68%
Trained home-based care providers	63%	24%
Clinic	35%	33%
No-one	5%	21%
What treatment were/are you on?		
Nevirapine	20%	7%
ART	61%	33%
Opportunistic treatment [eg. TB]	19%	11%
No treatment	19%	46%
Other treatments	39%	40%

[...]

Our data on the consequences for the sufferers of HIV/AIDS are a cause for the deepest concern. The picture is wholly negative, and ranges from loss of care, even from families, and loss of nutritional support, through to the loss of vital medication, and finally to higher rates of psychological disorder. These are not unexpected results, and could have easily been anticipated in the planning of Operation Murambatsvina; certainly these consequences could have, and should have been pointed out by the Ministry of Health if it had been consulted."

HRW, December 2005, pg. 25:

"In June 2005, Human Rights Watch documented how Operation Murambatsvina disrupted access to medical treatment for a significant proportion of persons living with HIV/AIDS. As of October, many displaced persons living with HIV/AIDS were still unable to access anti-retroviral, tuberculosis or opportunistic infection treatment. Local NGOs working with those living with HIV/AIDS have been unable to trace or reach many of their clients and informed Human Rights Watch that the government had made no attempts to locate their displaced clients and facilitate access to treatment, food and shelter for those living with HIV/AIDS.

[...]

A representative of a Harare-based, international humanitarian NGO informed Human Rights Watch that they were particularly concerned about the impact of the lack of shelter on the condition of HIV/AIDS and tuberculosis patients living in cold dusty conditions, as well as about the dispersal of patients who had been receiving anti-retroviral, tuberculosis or opportunistic infection treatment."

Single mothers and female-headed households especially vulnerable (December 2005)

- High risk of transactional sex/prostitution due to economic despair – many women do not own land, thus have limited abilities at sustaining livelihoods.
- Estimated that 40,000 families headed by women were directly affected by Operation Murambatsvina.
- Female headed-households who were forced to return to vulnerable in rural areas, often in unfamiliar environments without husbands.
- Widows report not receiving any assistance, and assistance programmes to widows and female headed households was disrupted by Operation Murambatsvina.

HRW, December 2005, pg. 27:

"The terrible plight of widowed women and mothers of children with disabilities displaced by the evictions has not improved since Human Rights Watch's previous report on their situation in the aftermath of Operation Murambatsvina[...].

The director of a local organization working with widows and orphans told Human Rights Watch that, based on the organization's analysis there are many widows who lost their homes or livelihood as a result of the evictions[...]. The director said that the widows have received no assistance from the government, and her efforts to draw the government's attention to their problems proved futile[...]. Five members of the organization, all of them HIV-positive widows with children, confirmed to Human Rights Watch that their families have not been in any way assisted by the government after they lost their shelter and means of survival as a result of Operation Murambatsvina [...].

Mothers of children with disabilities residing in the urban areas of Harare have also been heavily affected by Operation Murambatsvina. Before the operation, many of these families were able to access physiotherapy and other forms of treatment for their children, as the women were renting out cottages and selling vegetables to earn their living.

As a result of Operation Murambatsvina, some of these families lost their livelihood and could no longer afford to pay for medical assistance for their children or even for transport to take their children for treatment. Many of the women and their children have been displaced and for months have been staying outside, in inadequate shelter, or in overcrowded conditions with minimal assistance, which had a detrimental impact on their children's health. The families have received no assistance from the government. "Pamela Q." who brought her son, suffering from cerebral palsy, to Harare City Hospital, told Human Rights Watch:

My son is suffering from diarrhoea and pneumonia... We were evicted from Mufakose four months ago. We now sleep at my uncle's house with my son, on the floor in the corridor. It's quite cold there and maybe that is why he is suffering from pneumonia. I have no money because I can't sell vegetables anymore. I have received no help from anyone [...].

The situation of women and children living in the government-recognized settlement Hopley Farm has been no less precarious, as they have been deprived of any means of survival, and the assistance provided was extremely limited. "Sandra T." told Human Rights Watch that at Hopley Farm she and her nine-year-old son who has cerebral palsy have been staying in the open, with no shelter. Human Rights Watch interviewed her at Harare City Hospital where she brought her son suffering from diarrhea. She said:

[At Hopley Farm], we are sleeping out in the open. There is not enough water or proper sanitation there. There are no medical facilities and when someone gets sick we have to come all the way here. I think my son got sick because we have been drinking water from the Mukuvisi River [...].

Local women's rights organizations also shared with Human Rights Watch their concern that displaced women and girls were also vulnerable to various forms of abuse and harassment including sexual abuse and domestic violence. As a representative of one of the women's organisation told Human Rights Watch:

I am disturbed by the current status of women which has worsened [after the evictions]. If a family doesn't have enough resources, violence will be there and more often it is the woman who suffers. My fear is that the younger girls may go into prostitution to earn a living [...]."

UN, July 2005, pg. 43:

"Already socially and economically disadvantaged, many women and girls have suffered greatly and been rendered more vulnerable through the sudden loss of homes and livelihoods. Single mothers, widows and mothers with sick or disabled children have been put in a particularly difficult situation. While households are being encouraged to "return" to the rural areas, many widows, divorcees and those married to men of foreign origin do not have a rural home to go to[...].

In Sukubva, Mutare, the mission met a 44-year old woman living in the open with her 4 children. She said she is of Zimbabwean origin, but would not go back to her rural home, even though she had lost her home as well as her work trading vegetables, because that would mean that her children would have to drop out of school. Now she and her children were sleeping in the open on the remnants of the foundation that used to be their home. With nocturnal temperatures as low as 8 Celsius, the family was huddled around an open fire. *"Our family stays around the fire until we run out of wood, and then we fall asleep from sheer exhaustion – and hope to wake up alive"* [...].

An estimated **40,800** families directly affected by the operation were headed by women. The mission heard testimony from many female-headed households severely affected by the demolitions. For example, a widow with a 6-year old disabled son and a 5-month old baby explained how her home had been demolished and her informal business destroyed during the Operation. 79 She had previously been selling tomatoes in the market, but was now unemployed. A friend had provided temporary shelter, but the loss of livelihood had made the small family destitute. Other single mothers explained how family and friends in many cases had proffered shelter at first, but later been obliged to give priority to close family members as the scale of the crisis grew.

An 82-year old woman who lost her cottage during the demolitions told the mission how she had previously lost all her children and now was looking after nine orphaned grandchildren. Rent from the cottage was her sole source of income, and helped provide funds for school fees, uniforms, water, electricity and food. However, the cottage had been demolished leaving her and her dependents completely destitute, with nowhere to go [...].

A Catholic priest told the mission how he had met three women taking care of 11 children, all Zimbabwean-born, but of Malawian origin. They had been evicted from their homes in the Mbare neighbourhood of Harare and had nowhere to go. The priest decided to provide them with water and sanitation at his church, but had no long-term solution to offer. In the end, the women and the children got a ride to Mount Darwin with a driver who promised them a place to stay. The women knew neither the driver nor the area they were going to, and were leaving to an uncertain future. Many of the evicted traders in informal markets were women who have now lost their livelihoods. The impact on these women and their dependents is therefore very serious, and the burden of family care for some can become too heavy to bear. For female-headed households, a complicating factor is that women in many cases do not own land in the rural areas from which they can earn an independent livelihood[...]. In particular, there is a risk that displaced women and girls could be forced into transactional sex, because of economic destitution. One women's

organization noted that the displacement of women to rural areas made them more vulnerable, as they were moving to an unfamiliar environment often without their husbands[...].

There is therefore a strong need to assess the added vulnerabilities of women created by the Operation and to provide adequate support and protection. The rhetoric by some officials that the operation was meant to curb prostitution was not only offensive, but hardly credible. As one observer retorted angrily during civil society consultations in Mutare "Does prostitution cause poverty or vice versa?".

Situation of orphans exacerbated by Operation Murambatsvina (December 2005)

- 83,530 children under four were directly affected by Operation Murambatsvina. Many of Zimbabwe's 1.3 million orphans were also affected, many orphanages were destroyed and street children were rounded up and put in institutions and transit camps.
- Operation caused the separation of children from their families, no government mechanism to reunite families.

HRW, December 2005, pg. 30:

"The report of the U.N Special Envoy on the impact of the evictions estimated that up to 223,000 children were directly affected by Operation Murambatsvina[...]. In the aftermath of the operation, the government has provided little to no assistance to displaced children living with their parents or guardians, children separated from their families, or child-headed households.

In some cases, the lack of assistance could have caused particularly grave consequences. Thus, one international humanitarian NGO reported that it had documented seven cases of severe malnutrition in under-five year olds displaced by the evictions, and three of the children died after referral [...].

Many of the displaced children face significant hurdles in continuing their education. A survey on the effects of Operation Murambatsvina by ActionAid found that overall, 22 percent of children who had been attending school before Operation Murambatsvina, dropped out because of the evictions[...]. The displacement has also further hindered parents' ability to pay for schooling, causing more children to drop out of school. In addition, children have moved further away from their schools and many parents told Human Rights Watch that they could no longer afford to pay the transport costs for their children to go school. Many witnesses interviewed by Human Rights Watch confirmed that the families had to discontinue their children's education due to their displacement and inability to pay the fees. For example, "Mary O.", a mother of eight, said that she and her husband could no longer afford to send their children to school as the family had been displaced, and both parents lost their jobs" [...]. Another witness, "Tafadzwa U.", also told Human Rights Watch that his seventeen-year-old brother stopped going to school after the house where the four orphaned siblings used to live had been destroyed during Operation Murambatsvina, and they could no longer afford to pay the school fees" [...]."

UN, July 2005, pg. 42:

"Highly vulnerable children, including orphans as well as children with disabilities or HIV, and those with special needs, were generally disregarded by the authorities during the Operation. An estimated **83,530** children under four were directly affected by the Operation. Child-headed households are particularly vulnerable following the evictions. There have also been examples of children being accidentally separated from their parents during forced relocations[...]. The mission was unable to identify any comprehensive measures by the Government to: prevent further separations; register separated children; ensure appropriate care and protection; and institute immediate measures for tracing and reunification. The destitution has also made children

more vulnerable to various forms of abuse. The psycho-social impact on children worst afflicted is likely to be profound.

Many of Zimbabwe's 1.3 million orphans have been affected by the operation. These include orphans who had been living in orphanages which have now been destroyed; orphans left alone because guardians are forced to look for accommodation or take care of other family members; and street children rounded up and placed in institutions and transit camps [...].

The forced placement of street children into institutions meant for delinquents is generally not considered appropriate under international humanitarian standards such as the Inter-Agency Guiding Principles on Unaccompanied and Separated Children. It recommends that institutionalization of unaccompanied and separated children should be avoided in favour of community and family-based care[...].

According to UN agencies working on child protection in Zimbabwe, there have been reports that some children are being prevented from enrolling at schools in rural areas because they cannot obtain letters of transfer from their previous school, which may no longer be in operation. In some cases, these letters are reportedly being withheld until all overdue fees and levies are paid.

As most heavily affected households have had both their home and their source of livelihood destroyed, they are unlikely to be able to raise the necessary funds."

Elderly, Chronically ill, physically and mentally challenged also affected (July 2005)

- Increased mobility/insecurity caused triggered by loss of shelter/livelihood pushed elderly, chronically ill into deeper poverty and reduced access to basic services.
- Estimated that 26,600 people aged 60 and above were affected by the Operation.

UN, July 2005, pg. 45:

"The clean-up operations have had a particularly severe impact on vulnerable groups such as the disabled, the chronically ill, the elderly as well as widows taking care of many children. These groups often require additional support and generally find it more difficult to cope with the evictions. There is little evidence that the Government had made special provisions for particularly vulnerable groups before launching the "clean-up operation."

An estimated **26,600** people aged 60 and above were directly affected by the Operation. Many of these victims relied on renting out backyard shacks to supplement their retirement or disability pensions that have been seriously eroded by inflation over the years[...].

Testimony provided to the mission showed that the increased mobility and insecurity triggered by the sudden loss of shelter and livelihoods have pushed the victims deeper into poverty, reduced their access to basic services and left women and girls more vulnerable to sexual and physical abuse. This is supported by official crime statistics, which show an increase in assault during the period of the Operation. Furthermore, existing programmes to assist vulnerable populations have been affected or disrupted by the Operation.⁸⁶ In some cases, evictions have led to the disruption of family units, as men have opted to stay temporarily near the site of the evictions

while sending women and children to rural areas. The context of economic decline adds further to the vulnerability of these victims.

In Caledonia Farm, the mission found a group of about 50 physically and mentally challenged persons who were being held separately from the rest of the people living in the camp. This group was in dire need of special attention and support, but it was not clear that such assistance was forthcoming.

According to the UNCT, priority interventions for the protection of especially vulnerable populations include: improving situation assessment and increasing capacity for child protection partners to respond; preventing family separation and providing rapid reunification; sensitizing affected people on prevention and abuse of children and women; and providing emergency support to targeted groups including the disabled, those suffering from mental illness, orphans for whom support has been interrupted; children without adult caretakers and children taking care of sick adults.”

Refugees (July 2005)

- Many refugees/asylum-seekers arrested in urban areas during Operation Murambatsvina. Those refugees in urban areas where contravening the official refugee policy which requires them to stay in camps.
- Many refugees lost homes in urban areas, and many refugees also used to self-reliant in urban areas, but will now require assistance.

UN, July 2005, pg. 44:

“UNHCR reported that there were about 10,000 registered refugees in Zimbabwe prior to the Operation. Eighty percent of the refugees were staying in urban areas in contravention of official encampment policy. However, during the Operation, Government started to implement this policy more aggressively. Arrests of refugees and asylum seekers in urban centers have continued throughout the Operation, and many refugees staying in urban areas have lost their homes. While many of these refugees used to be self-reliant, they are now entirely dependent on assistance.

UNHCR reported that, although it had earlier managed to secure the release of refugees on the condition that they relocate to Tongogara Camp, it had become increasingly difficult to gain access to the refugees and asylum seekers detained as part of the Operation [...].

Government policy is to relocate all refugees and asylum-seekers to the official Tongogara Camp. By 6 July, the camp population had swollen to 2,500 which exceeded the camp's maximum capacity of 2,000. If this trend continues without the necessary expansion of facilities (shelter, water, sanitation etc.), living conditions in the camp are likely to deteriorate sharply[...]. UNHCR has made repeated appeals to the Government for sufficient time to plan and mobilize resources for expanding the camp's facilities, but is yet succeeded in establishing a constructive dialogue.”

Gays and Lesbians (August 2005)

- Gays and lesbians fear eviction due to their homosexuality.

GALZ, August 2005:

“The Murambatsvina campaign, which has displaced thousands of Zimbabweans, also affected a number of GALZ members, ten of whom appealed to GALZ for assistance under the organisation’s Safety Net programme. GALZ provided some small assistance to eight of these in the form of:

1. rent deposits for new accommodation;
2. removal of property to new accommodation; and
3. assistance with businesses that have been destroyed.

Many others have also been affected in that they have been forced to take in other GALZ members and family members who have been rendered homeless. The identities of those who gave testimonies have been withheld given that they face the double fear of reprisal and being evicted from their places of residence because of their homosexuality.”

ACCESS TO EDUCATION

General

Operation Murambatsvina disrupts schooling and educational programmes (November 2005)

- Estimated school enrollment dropped by 25% due to Operation Murambatsvina.
- Many displaced children no longer in their original school areas and have no means of transport to attend school.
- Many teachers displaced and unable to find work.
- Due to the high orphan population, children require protective environment to safeguard their future/education. School enrollment rates remain high (90%), but a strategy is needed to retain children in schools.

UN, July 2005, pg. 41:

“Between 2000 and 2005, Zimbabwe experienced a reversal of gains previously made in primary education. The trend has been characterized by reduced enrolment rates, increased dropout rates, re-emergence of gender disparity and deterioration of the quality of teaching. Since 2000, net attendance has dropped by about 24%, from 85% to 67% for boys and from 86% to 63% for girls.⁶⁹ Moreover, primary school completion rates that had peaked at 83% in 1990 declined to 75% by 2000, and dropped further to 63% in 2002.

Education for a substantial portion of the school age children directly affected by the Operation has been disrupted, as the evictions took place in the middle of the academic/school year. An estimated 113,000 children aged between 5 and 11 while 109,000 children aged 12-18 were directly affected by the Operation. While there is, at present, no means of assessing the number of children not attending school as a result of the Operation, the UN inter-agency working group on the protection of children has reported that school enrollment may have dropped by about 25% following the Operation.

Many displaced children are no longer within their original school catchment areas and have no ready or affordable means of transportation[...]. One women's organization told the mission that as many as 300,000 children were out of school as a result of the operation, but the mission was unable to verify this information[...]. In Sakubva Township in Mutare, 80% of school-going children were reported as seriously affected by the operation[...].

Furthermore, many teachers have also been displaced and are unable to get to work, thus compromising the quality of services offered in remaining schools. The mission saw several schools that were closed, as well as schools where teachers had to refuse pupils because of overcrowding.

The education of children in rural areas has also been affected by the evictions. Some of the rural children were living with friends or relatives in towns while attending school on weekdays. In Mvurwi, for instance, 226 commuting farm children are reported to have dropped out of primary and secondary school following the Operation, 28% of whom were orphans[...]. In Bindura, a primary school located near a farming area reported that 20% of its enrolled students had recently left school as families were forced to relocate.

In a few areas such as Dzivarasekwa Extension and Hatcliffe enrolment in some primary schools reportedly went up during the first phase of the Operation, following the destruction of other schools deemed illegal and the influx of evictee families from other areas[...]. Owing to uncertainty over rules governing transfers of evicted teachers and children, school heads are reportedly reluctant to offer placement for children who have moved into a new area. It is still not clear how displaced children registered for the June examinations will be accommodated.

There are currently no education facilities in or near the Caledonia Farm transit camp despite the growing number of children living in the camp. There are also no education facilities in the camp at the Sports Oval in Mutare. Many displaced parents who lost their homes as well as their livelihoods can no longer afford to send their children to school. For example, all school children residing at the Caledonia Farm 26 km from the city of Harare, were expected to pay their bus fares to attend school in the city. Many could not afford to do so."

UNOCHA, November 2005, pg. 28:

"In 2006, nearly 200,000 children of school-going age will either lose one or both of their parents to AIDS, or care for a chronically ill parent. These children need a safe and protective environment to safeguard their future. Schools remain the safest places for children, in terms of HIV prevention and care. School enrolment rates remain high (over 90%), with no significant difference between the enrolment rates for boys and girls. An urgent emergency education response is needed to retain children in school and encourage students remaining out of school to enrol. For this, children's immediate learning needs and conditions must be met. These include providing protective learning environments; ensuring children's access to instructional materials; ensuring access to school feeding, safe water and sanitation; providing access to psychosocial care and support (including materials and spaces for play and early stimulation of pre-school children); providing grants to meet the costs of schooling; improving physical environments; and improving skills for primary environmental care, HIV prevention and gender-sensitivity in schools. Children do not attend school regularly, due largely to the lack of access to these basic services in schools. The Basic Education Assistance Module (BEAM), a Government programme targeting the most vulnerable children, reaches less than half of the total number of children in need of support, while Government expenditure on education has been stagnant at about 19% of the annual budget in the past five years.

School feeding has been found to help improve attendance. The WFP-supported school-feeding programme, which provided a daily wet meal to 1.1 million children, was temporarily suspended in May 2005 pending approval of an alternative food basket. School Feeding was expected to resume in October 2005 in eight of the country's fifty-seven districts. Plans are underway to familiarise schools and parents responsible for cooking with the new school feeding food basket of cereal, pulses and oil.

WFP requires up to US\$ 160 million for school feeding and vulnerable group feeding by October 2005, but it had only received US\$ 80 million in pledges (equivalent to over 150,000 MTs). Economic decline and HIV/AIDS both have negative impacts on school completion. 25% of primary school children do not complete school, mainly due to the unaffordable costs. The textbook-pupil ratio is high, between 1:6 and 1:10, due to the high cost of production. The unaffordable cost of education, the increasing numbers of boys and girls heading households (about 50,000 due to HIV/AIDS), and susceptibility of the vulnerable girls to abuse, all together are barriers to school completion. At the household level, there are declining completion rates and low enrolments, due to increased childhood mortality rates, the need (especially for girls) to care for sick parents, and others. HIV/AIDS education remains largely didactic, focusing on the acquisition of facts rather than the social aspects of the pandemic.

A 2004 review of gender issues in education highlights the following as contributing to the decline in completion rates, especially for girls:

- High direct and indirect cost of education;
- Long distance to school, especially secondary schools;
- Unsafe school environments;
- Lack of adult guidance for children of migrant parents;
- Prioritisation of survival needs that relegate education needs;
- Negative religious and cultural influences;
- Need for girls to stay home to care for sick family members or to work to support their families.

The land reform programme reorganised settlement patterns in rural areas and led to the establishment of 628 new schools for newly re-settled areas, with an estimated enrolment of 150,000 children. However, hunger, lack of learning materials and furniture, unsafe physical makeshift infrastructures, some under hazardous conditions in tobacco barns, and the frequent movement of teachers due to the lack of decent accommodation remain major challenges. The EMIS 2004 data show that children in resettlement areas (where the satellite schools are located) had the lowest pass rates in 2003, at 28%. Many schools are also health hazards, as most do not have proper toilets. Most of the toilets are temporary structures. Some schools have no access to safe water. Their source of water is the river or dam or open wells. This exposes both the teachers and pupils to health hazards.

In drought-stricken areas, practical environmental skills are taught theoretically and have limited application. Children do not acquire skills relevant to improvements in the nutrition status of their families. They do not learn enough about food processing and preservation techniques that they can in turn teach their family members.. Although the vulnerable grades, 1-4, are the same for boys and girls, the drop out rate is higher for girls. Orphans have shown a greater vulnerability to dropping out.

At the institutional level, the HIV/AIDS pandemic, dry arid conditions, limited economic activities, and transport problems in remote areas have led to a decline in qualified staff numbers in all cadres including teachers, managers and support staff. As a result, there is a reduction in educational resources, and reduced capacities at all work levels. With declining human and institutional capacity, support for coordination becomes critical in the bid to maximise the utilisation of scarce resources.

UNICEF has therefore been facilitating partner coordination in the education sector. The Education Working Group (EWG) meets on a monthly basis chaired by the Ministry of Education, Sports and Culture. The Working Group operates through sub-groups (girls' education, Early Childhood Development (ECD) and life skills). These groups have initiated and actively participated in the recently completed OVC baseline survey and have supported the development of a girls' education strategic plan. The ECD sub-group is currently reviewing ECD provision, while the HIV/AIDS sub-group has recently initiated the development of the HIV/AIDS in Education Sub-sector policy, both being done to ensure better sector-wide responses for vulnerable children. The partners (UN agencies and European Union (EU)) supporting education activities have defined a collaborative framework which would guide their joint programming efforts in the districts in which they have a presence. In order to continue strengthening coordination and collaboration, catalytic resources are needed to facilitate joint planning, review and monitoring mechanisms."

ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION

Self-reliance

Operation Murambatsvina destroys informal sector; IDPs have limited ability to become self-reliant (December 2005)

- Unemployment in Zimbabwe already estimated 80%, and expected to climb. Most of the displaced worked in informal sector, and government destroyed market stalls and other informal businesses as well.
- With informal sector wiped out, economic environment provides few opportunities for sustainability.
- Formal sector affected as well, a number of office buildings in Harare closed due leasing disagreements, and many Zimbabweans who were formally employed were forced to relocate.
- Due to land invasions, economic opportunities in rural areas remain scarce.

HRW, December 2005, pg. 31:

"The ability to generate income is particularly important for IDPs who will otherwise be dependent on humanitarian assistance[...].

With unemployment in Zimbabwe at 80 percent, [...] most of those displaced by Operation Murambatsvina worked in the informal sector. Many lost their livelihoods when the government destroyed market stalls and other informal sector businesses as well as their homes[...]. Yet, not only has the government of Zimbabwe made few attempts to mitigate the effects of the loss of livelihood to those displaced by the evictions, it has worsened their plight by preventing them from engaging in informal business activities. Informal traders displaced by the evictions in different areas of Zimbabwe told Human Rights Watch that police routinely harassed and arrested them, and took away their wares if they were caught selling items at the informal markets or by the side of the road.

For example, "Chipo D.", from one of the townships in Harare told Human Rights Watch, "I used to sell vegetables as a market vendor but my stall was destroyed. I still try to sell the vegetables but the police arrest me and make me pay a fine." [...] Another witness said:

People whose market stalls were demolished have come back and are selling their vegetables in the open. Police come about five times a day to harass the vendors, and take their goods for free. One woman got tired of police harassment and threw stones at the policemen three weeks ago. She was arrested by the police, and I don't know what happened to her[...].

Other witnesses told Human Rights Watch that having lost their trade as a result of Operation Murambatsvina, they do not dare to start selling goods again, fearing government retribution, and can hardly make ends meet. "Theresa U.", a single mother of four from Mutare, who lost both shelter and livelihood as a result of Operation Murambatsvina, told Human Rights Watch, "We were vegetables sellers, sellers of small wares and these have now stopped. We are banned from vegetable selling. We are now relying on relatives and friends who come by and give us something[...]."

HRF, June 2005, Pg. 41:

“Just what proportion of these informal sector people have now lost their livelihood is impossible to say. Evidence from Harare alone suggests that by far the majority of informal sector people have been put out of work. A conservative estimate would then be that, countrywide, some 750 000 people have lost their livelihoods in the last month. As the operation continues into rural areas and small towns, so that number will rise and the number of people employed in small-scale agriculture, or providing services to small-scale agriculture, will fall.

On a very conservative estimate, then, the operation will have put 1 million people and their dependants out of work and on to the streets in the main urban areas. In smaller towns, and in rural areas, the number could be anywhere from 300 000 to 500 000. If one assumes that half of this 1.5 million were working in the informal sector, then it can be concluded that 750 000 people have become totally unemployed as a direct result of Operation *Murambatsvina*.

If one accepts that about half of the informal sector – say US\$1 billion out of a total sector (including small-scale farming) of \$1.9 billion –has lost its livelihood, then the direct impact on GDP would be a reduction of some 25%. This may be too large a number, and a more conservative estimate would put the direct impact at between 15% and 20% of GDP, or around US \$700 million (Z\$7 trillion).”

UN, July 2005, pg. 36:

“Thousands of those who used to work in the informal sector have lost their livelihoods as a result of the crackdown on flea markets, tuck-shops, craft markets, vending stalls and urban agriculture. At least seven office buildings in Harare’s central business district have been temporarily shut down for overcrowding and breach of licensing agreements [...]. A large group of small businesses and college students using these buildings have been affected. Markets in rural growth points have been closed and roadside vending has been banned, resulting in net loss in livelihoods. The economic environment, with unemployment levels between 70% and 80%, provides few immediate prospects for rebuilding livelihoods.

Agriculture and export horticulture has also been adversely affected. Wholesale businesses which used to sell their produce to informal vendors have now lost a major portion of their retail network. Some workers have been dislocated and the small-scale supply chain disrupted. In some examples, formally employed people have been forced to leave their jobs as a result of the loss of shelter or the forced relocation. Street people have also been forcibly removed, and many street children have been rounded up and transferred to transit camps or overcrowded centers for delinquents. These youth centers are generally unable to provide adequate care, support and follow-up assistance for street children.”

Public participation

Many IDPs removed from areas of voter registration, requires new voters’ roll (August 2005)

- Operation Murambatsvina results in voters being removed their constituencies of registration, thus continued use of existing voters’ roll would render future election results as questionable.
- Attorney General’s officer rules out possibility of a new voters’ roll.

IRIN, August 2005:

"The Zimbabwe Election Support Network (ZESN) has called on the government to urgently produce a new voters' roll in the wake of its controversial cleanup campaign, which has led to the relocation of thousands of urban dwellers to rural areas.

A two-month demolition campaign targeting "illegal structures" - mostly informal homes and markets in urban areas - has left around 700,000 people without shelter, while the UN estimates that the forced evictions have affected up to 2.4 million people to varying degrees.

The ZESN said Operation Murambatsvina ('Drive Out Filth') had resulted in voters being removed from their constituencies of registration.

"Operation Murambatsvina has resulted in the forcible displacement of large numbers of urban dwellers. Although they are still on the voters' roll, they are no longer able to exercise their right to vote, since they are no longer resident in the constituencies where they were originally registered," ZESN said in statement on Thursday.

Continued use of the current voters' roll would render the results of any future poll questionable, the electoral body pointed out.

The statement came as the ruling ZANU-PF and the opposition Movement for Democratic Change (MDC) prepared to square up for a number of rural and urban council by-elections. Mayoral elections will take place next week in Bulawayo, the country's second largest city.

In terms of Zimbabwe's Electoral Act, voters can only cast their ballots in the constituency where they are registered. Voters also have to undergo a thorough vetting process that requires proof of residence in urban areas, or a signed letter from the ward councillor in rural areas, before they are allowed to cast their ballots.

In Bulawayo, the incumbent mayor and opposition Movement for Democratic Change (MDC) candidate, Japhet Ndabeni-Ncube, said there had been an alarming level of voter apathy during the last two months, while the demolition campaign was being carried out.

"The cleanup operation displaced a lot of people and caused untold suffering to many more indirectly. Those people who managed to return to their old places are too busy reorganising themselves. Despite the displacement and other effects, I am confident of victory," he told IRIN.

In the last mayoral election in 2001, Ndabeni-Ncube got over 60,000 votes, beating the ZANU-PF candidate, George Mlilo, who garnered an estimated 12,000.

A senior official in the Attorney General's office ruled out the possibility of a new voters' roll, saying registration was a long, complicated and costly process, which the government could hardly afford. Calls for a new voters' roll have mounted in the last five years, amid MDC allegations that deceased people and absentee voters formed a large percentage of the roll.

Several cases of alleged electoral fraud arising from 'irregularities' on the voters roll are still pending before the Supreme Court. Zimbabwe has refused to revise its voters' roll, claiming that its voter registration and monitoring systems were among the best in the world."

DOCUMENTATION NEEDS AND CITIZENSHIP

General

Former migrant workers of Malawian, Zambian and Mozambican origin lack rural homes to return to and should be granted full citizenship (December 2005)

- Displaced population includes former migrant workers of Malawian, Zambian and Mozambican origin, among the most vulnerable/adversely affected group. The group comprises every third person, some 114,000 people.
- This group lacks legal status which adds to their vulnerability as many do not have any rural homes to return to. Many of them have never been to their so-called countries of origin.

UN, July 2005, pg. 75:

“Overall, the Government of Zimbabwe should be advised to stop any further demolitions and displacements forthwith, and to work with the UN to mobilize immediate assistance from the international community to avert further suffering, while creating conditions for sustainable relief and reconstruction for those affected. Furthermore, the Government of Zimbabwe should grant full citizenship to those former migrant workers and their descendants who have no such legal status. Mostly people of Malawian, Zambian and Mozambican origin, they are among the most vulnerable and adversely affected group. This group comprises every third person found sleeping out in the open by the team— a total of some 114,000 people. Yet, these are people who have given their best years to Zimbabwe’s commercial farms. Most of them have never been to their so-called countries of origin and repeatedly told the Special Envoy they would not even know where to go if they were repatriated.”

UN, July 2005, pg. 35 :

“Those affected include tens of thousands of people of Malawian, Mozambican and Zambian origin who have established themselves for decades, and in some cases for generations, in Zimbabwe. They have no rural home to go to.”

HRW, December 2005, pg. 33:

“Over one hundred IDPs staying in the rubble of a destroyed market place in a highdensity suburb of Harare, also told Human Rights Watch about the brutal methods police used trying to force them to leave for the rural areas. The witnesses said: We are constantly harassed by the police – sometimes they beat people up; the last time they came three weeks ago. They said, ‘you must go to your remote rural areas.’ We say, ‘We can’t go, there is no land,’ besides many of us do not have a rural home to go, our parents were from other countries – Malawi, Zambia, Mozambique [...]”

ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE

General

Displacement puts strain on family networks and traditional coping mechanisms (November 2005)

- Due to overcrowding/congestion created by lack of shelter, many men reportedly sleep outside at night while women and children sleep inside. Forced displacement also led to family separation, as often men would be remain with their demolished structures and women/children return to rural areas.
- Spread of HIV is a factor in family separation, as separation of couples could lead to increased unsafe sex.
- Traditional coping mechanisms, such as taking in and caring for orphans, have been exhausted.

UN, July 2005, pg. 37:

"In urban areas such as the Mbare neighborhood of Harare, the mission observed a large number of plots where there had previously been one main house surrounded by 3 to 4 additional housing structures. In most cases only the main house remained and was becoming overcrowded as the community had sought to absorb as many evicted families as possible. Because of overcrowding in what have now become multi-family homes, many men reportedly sleep outside at night, while women and children sleep inside."

UN, July 2005, pg. 40:

"Family separation is a particularly important risk factor in the spread of HIV, and previous experience indicates that displacement and separation of couples could lead to an increased frequency in unsafe sex."

UN, July 2005, pg. 43:

"Other single mothers explained how family and friends in many cases had proffered shelter at first, but later been obliged to give priority to close family members as the scale of the crisis grew."

UN, July 2005, pg. 45:

"In some cases, evictions have led to the disruption of family units, as men have opted to stay temporarily near the site of the evictions while sending women and children to rural areas. The context of economic decline adds further to the vulnerability of these victims."

UNOCHA, November 2005, pg. 27:

"The recurrence of disasters and subsequent cumulative negative impacts on communities and households has led to a drain of resources and the undermining of cultural norms. Illustrating this change in daily reality, reports indicate that an increasing number of families are refusing to take in orphans or vulnerable children due to their inability to feed their own children, thus breaking 'extended family' bonds, and contributing to the erosion of traditional safety nets."

Combinations of ongoing drought, HIV/AIDS, and weakened capacity for governance have resulted in a new reality for people, households, and communities. Whereas they first adopt

traditional coping mechanisms, such as caring for a relative's child, these measures must be either adapted or abandoned once they have been exhausted."

PROPERTY ISSUES

General

Many displaced held valid legal leases at the time of demolition; Operation Murambatsvina does not comply with relevant domestic property law (July 2005)

- Most Zimbabweans were not given any warning regarding impending demolitions, and thus forced to leave their property behind. Massive amounts of property were also destroyed.
- Local authorities legally responsible for implementing demolitions, not central government or army/police, as was case with Operation Murambatsvina.
- Many homeowners and owners of market stalls held valid legal leases at the time of the demolitions. Others did not.

UN, July 2005, pg. 57-59:

“There are three main pieces of legislation in Zimbabwe relevant to the legal analysis of Operation Restore Order. These are the Regional Town and Country Planning Act 1976 [Chapter 29:12] (“Planning Act”); the Housing Standards Control Act 1972: Chapter 29:08; the Urban Councils Act: Chapter 29:15/ 1995; and several other municipal bylaws. The mission determined that although there were several legal instruments regulating use of buildings, structures and business activity, including in some cases clear procedures concerning violations, that could have been used by the government to justify the Operation, the Planning Act seems, however, to be the only one invoked through an enforcement order as the basis for the demolitions.

In instances where it is alleged that people have built structures without the prerequisite consent of the relevant authority, it is necessary for due process of the law to be followed. In terms of Section 32 of the Planning Act, it is necessary for the authorities to issue a prohibition order giving 30 days notice. The authority can also issue a prohibition order in terms of Section 34 of the Planning Act. If the order is not complied with, the authority has to take the requisite legal steps to destroy the offending structure. The person who has erected the unlawful structure has an opportunity to make presentations, and also has time to take steps to either regularise their position or find an alternative place to reside in or operate from. Similar provisions are provided by the Housing Standard Control Act 1972: Chapter 29:08, and the Urban Councils Act: Chapter 29:15/ 1997, and other bylaws.

The City of Harare issued an enforcement order on 24 May 2005 a few days after the actual demolitions of structures had started[...]. The order was to become operative on 20 June 2005[...]. However, the demolition of business structures continued and that of homes started, thus giving the affected people no opportunity to apply for regularisation of their developments, which amounts to a violation of the law. With the exception of Harare, where an enforcement order was issued, in the press, under the Planning Act of the intending evictions and demolitions (albeit defective), no such order was issued under the Planning Act or any other legislation in the other areas where evictions and demolitions took place. The legal basis for the action by the police in destroying settlements and livelihood is questionable. The Cities of Bulawayo, Mutare, and Victoria Falls, which are the authorities responsible for any demolitions under their jurisdiction, were not consulted when the demolitions and evictions started in their respective cities[...]. During discussions with the Government of Zimbabwe’s technical team, the mission requested that it be provided with evidence that notices were given outside Harare. This evidence

was not forthcoming. It is important to note that in all the laws, the body authorised to order and implement demolitions is the local authority and not the central government or the police, which was the case in Operation Restore Order.

General practice requires notice to be served on individuals. The Planning Act does, however, make provision for notice to be served through publication in newspapers in certain circumstances[...]. Many people were of the view that in this instance notice should have been served on individuals. Adequacy of notice is a key principle of fairness and natural justice. Adequate notice of any action is to ensure that those who will be affected can make alternative arrangements within a reasonable time frame. The testimonies provided to the mission suggest that this did not happen in many cases. In some cases, as little as a few hours notice was given, leaving people unable to take action and resulting in the destruction of property as houses were demolished[...]. Some evictees had to leave their property behind because there was no room in the trucks used to transport them to transit camps[...]. What was not collected was set on fire by the police in many cases.

The mission was provided with evidence of people evicted from their premises who are in possession of valid leases issued by the then Ministry of Local Government and National Housing and/or by the local authority[...]. It may well be that many of the evictees do not have leases, or have breached them; it remains essential that they be given the opportunity to raise such defences.

The mission was able to ascertain that in some cases the vendors, whose stalls and marketplaces were destroyed and whose goods were confiscated, held valid vendors' licenses. It would therefore appear that the actions against them were not in accordance with the planning regulations[...]. The mission obtained information that some properties, which had been constructed in compliance with relevant laws, were also destroyed [...]."

Role of Zimbabwe's courts (April 2006)

- Local rights organisations petition courts to stop evictions. In some cases the police and army do stop demolitions, and in other cases court orders are not followed and demolitions/evictions continue.
- Local authorities continue to claim large amounts of money from residents and threaten eviction if sums are not paid. Remains unclear what money is actually for.
- Some of the land allocated for the government's resettlement programme is subject to legal challenge as it is owned by private individuals.

ZLHR, April 2006:

"ZLHR condemns further evictions of people in Harare and goes to court

Zimbabwe Lawyers for Human Rights has obtained an order in the High Court of Zimbabwe protecting that persons in Epworth who had been threatened with eviction. Further, the court has ordered that the Epworth Local Board not seek payment of money from residents save lawful rates and water charges. The court also ordered the Epworth Local Board to reconnect water points which they apparently destroyed during Operation Murambatsvina as well as connect our client's home to the water system as the place was already serviced.

Background

The Epworth Local Board has since a meeting held around the 19th of March 2006 been demanding payment of sums of about sixteen million five hundred thousand dollars (\$16 500

000.00) from residents of Epworth, in particular the Overspill area. The Board threatened all those who did not pay these sums with eviction from the area as such failure was purported to constitute a failure to live in the city and those who had failed told they would be forced to go to the rural areas. The Overspill area of Epworth was apparently serviced over 10 years ago through the benevolence of a non-governmental organisation, Plan International. The Epworth Local Board has since then failed to cause the connection of water for the residents of the area. On demanding payment of the sixteen million five hundred thousand dollar (\$16 500 000.00) sum noted above, the board also stated that only those who paid this sum would have their water supplies connected.

The residents later received letters from the Epworth Local Board requesting that they come to the offices and the sums stated at this meeting were variously endorsed on the letters as service fees, as stand allocation deposits and by various other titles. It remains unclear what these sums were for and why they were paid. If they were deposits, this confusion is further compounded by the lack of knowledge as to how much in total should be paid.

On the 5th of April 2006, Zimbabwe Lawyers for Human Rights filed an urgent chamber application in the High Court of Zimbabwe at Harare on behalf of Winnie Chiwashira, an affected resident of Overspill in Epworth, seeking an interdict against eviction and compelling the Epworth Local Board to open water points in Epworth as the well-being of Epworth residents was affected negatively by the threats of eviction and failure to access clean water. The matter was set down for the 10th of April 2006. The Epworth Local Board, having been served with the papers, failed to appear to defend the matter. An order was therefore granted against eviction or threats from eviction and compelling the board to open water points in Epworth as well as connect our client's water to the system.

It is clear that there was and is no basis to claim the amounts being claimed from the residents of Epworth. Indeed, Zimbabwe Lawyers for Human Rights finds cause for concern in the actions of various local authorities which have continued to claim amounts of money from the innocent and often uninformed citizenry particularly in the aftermath of Operation Murambatsvina even though these authorities know fully well that these claims are wrong at law. It is also sad to note that threats to the residents' health such as failure to connect their water supplies is being used by a local authority as fodder for extortive claims. These threats of eviction and non-connection of water supplies are a direct contravention of the fundamental rights and freedoms of individuals as protected under international law and in contravention of obligations assumed under various international instruments to which Zimbabwe is a state party. This is also in contravention of various local statutes relating to the health of the public and the environment as well as a complete abrogation of legal procedures for making claims which are open to local authorities.

ZLHR therefore calls upon the Minister of Local Government, the Epworth Local Board and other local authorities to immediately bring an end to their actions in making these dubious claims upon a citizenry already burdened by difficult socio-economic conditions and the continued impacts of losses incurred under Operation Murambatsvina which continue to haunt the public. These parties are also called upon to respect the rights of the citizenry to hold their property; it is incumbent on local authorities by virtue of their very positions that they should pay great respect to the right of persons within their locality to health and a well-being, this being a fundamental element of the right to life."

UN, July 2005, Pg. 59:

"Some affected people have filed applications in the Courts to prevent demolition and eviction. In some instances, provisional orders to interdict the police and relevant authorities from carrying out their actions and to restore possession to those who had been in possession of the same have not been heeded, while in other cases they have been[...].

Notably, the High Court issued a provisional order on 29 June 2005 banning the government from allocating stands and constructing sample houses on property known as Whitecliff Farm, which is owned by a private individual[...]. This site has been earmarked by Government to provide housing and livelihoods as part of Operation Garikai (Reconstruction /Resettlement) to provide stands/plots and vendor stalls in response to the consequences of Operation Restore Order. The Special Envoy had witnessed the launch of the reconstruction phase by the First Vice President on this very site. The sustainability of this intervention in terms of security of tenure can be seriously questioned as the very land allocated for reconstruction and resettlement soon became the subject of an unresolved legal challenge. The Special Envoy brought this serious development for Operation Garikai to the attention of the Minister of Local Government. He clarified, albeit verbally, that the new urban land acquisition law provides a landowner whose land has been earmarked for acquisition no option but to surrender the land while negotiations for compensation are ongoing. The Government further insisted that the courts had no basis to interdict its new plans, but this remains unclear.”

PATTERNS OF RETURN AND RESETTLEMENT

General

Government resettlement plan provides little relief (July 2005)

- Government resettlement plan, Operation Garikai, predicated on a return to rural areas, but many displaced persons have no rural homes to go back to.
- Many people in rural areas already suffering from food shortages, to return back to rural areas may cause more harm than good. And transport is constrained by a lack of fuel.
- Operation Giraki will exclude most displaced, as to be eligible evictees must be formally employed, receive a set salary and supply a deposit.
- Human Rights Watch concerned that shelters built as part of Operation Garikai will go to members of the military and government.

UN, July 2005, pg. 74:

“There is a belief among some of Zimbabwe’s government leaders that what matters now is to focus on reconstruction. To this end, the Special Envoy received elaborate presentations and witnessed a launch of a USD 300 million follow-up programme meant to address the plight of households affected by the demolitions. The programme, Operation Garikai, intends to provide land for housing sites, rehabilitation of markets and trading stalls, including small microenterprise sites. It was inaugurated by the First Vice President, the Minister of Local Government and the Resident Minister of Harare. Whilst the reconstruction intervention is much welcome, and a sign that the Government of Zimbabwe acknowledges the existence of the crisis it has created, and is willing to accept its responsibility to take corrective measures, it is the view of the Special Envoy that Operation Restore Order has precipitated a humanitarian crisis which the Government itself, even with the best of intentions and efforts, has limited capacity to fully address without the assistance of the international community. Firstly, the scale of announced expenditure (USD 300 million), was not foreseen in the 2005 budget, and if it were to somehow materialise, it could exacerbate the inflation rate which is running at over 140%. Secondly, as conceived, Operation Garikai is predominantly a developmental intervention. It does not address immediate needs, such as shelter, food, water, sanitation health and education. There is a concern about the top-down approach adopted by the Government for the programme implementation by the military. Operation Garikai continues to be premised on the false assumption that evictees would “return to their rural homes” while the majority in fact have not, or are not in a position to do so. In any case, transporting people to rural areas is problematic on two fronts: many rural areas are already suffering from food shortages, and transport is constrained by a chronic shortage of fuel. At the same, time transport assistance from humanitarian actors poses amoral dilemma as it is tantamount to collaboration in forced expulsion of the poor out of cities. The UN will have to take a position on this matter.”

For more information on resettlement, see [National Response](#).

HUMANITARIAN ACCESS

General

Government obstructs humanitarian access (April 2006)

- Police tear down tents put up to shelter IDPs, government fears tents will expose the scale of the crisis.
- On a number of occasions humanitarian agencies denied access.
- Humanitarian agencies in Zimbabwe generally keep a low profile.

The Zimbabwean government has deliberately blocked the provision of humanitarian assistance to displaced persons. It has refused to allow international agencies to provide tents to those requiring shelter, apparently fearing that the usage of tents would expose the scale of the crisis. In August 2005, after a number of international agencies erected tents for displaced persons in one area of Zimbabwe, Headlands, police took down the tents and instructed the UN country team that any tents or plastic sheeting would not be tolerated. The government has also prevented food aid from being distributed to those displaced by the evictions (HRW, December 2005, p.21). General humanitarian access to internally displaced persons remains inadequate and inconsistent and on many cases has been denied (UNOCHA, 30 November 2005, p.6; HRW, December 2005, p.5; UN, July 2005, p. 53). Most recently, the government restricted one international agency to feeding only vulnerable groups in Hopley Farm, a transit camp for IDPs that contains approximately 1,300 people. In January 2006, the World Food Programme reportedly stopped distributing food in the camp due to reports of politicisation of relief aid (ZimOnline, 6 April 2006).

NATIONAL AND INTERNATIONAL RESPONSES

General

National response (December 2005)

During the mission of the UN Special Envoy on Human Settlements Issues in Zimbabwe in June 2005, the government launched Operation Garikai (meaning reconstruction/resettlement) as a reconstruction effort. The operation includes the construction of housing and market stalls and will require \$300 million, as estimated by the government, an expenditure not included in the 2005 national budget (UN, July 2005, p.47). It remains unclear how far Operation Garikai has gone to improve the situation of the displaced. Indeed, in a number of reconstruction sites surveyed, it was confirmed that the number of houses built does not match the need for new housing for the hundreds of thousands of people displaced. In addition, most IDPs will remain ineligible to receive assistance via Operation Garikai as families must show proof of formal employment, earn a specified salary, be on a municipal housing waiting list, and be able to afford an initial deposit and monthly instalments. One concern, recently reflected by Human Rights Watch, is that benefits under Operation Garikai will most likely go to members of the government, including the army and police (HRW, December 2005, p.19).

International Response (January 2006)

Much of the international attention on Zimbabwe's forcible evictions stem from the visit and following report of the UN Special Envoy on Human Settlements Issues in Zimbabwe in June 2005. The Special Envoy exposed the crisis in Zimbabwe in a profound and detailed manner, and briefed the UN Security Council on her findings despite attempts by China to stop such a briefing from taking place (ICG, 17 August 2005, p.18).

Following the Special Envoy's visit, the UN has not conducted a country-wide needs assessment. The absence of reliable information poses an obstacle to effective humanitarian programming and planning. In December 2005 the UN launched a \$270 million appeal for humanitarian aid in Zimbabwe, only after UN Secretary-General Kofi Annan appealed to the Zimbabwean government to accept UN relief, which it had initially rejected (UN, 31 October 2005; HRW, December 2005, 22; ICG, August 2005, p. 16).

Many top UN officials have spoken out about the internal displacement situation in Zimbabwe, including the UN Secretary-General, the Representative of the UN Secretary-General on the Human Rights of IDPs, and a group Special Procedure mandate holders of the UN Commission on Human Rights, including the Special Rapporteur on Adequate Housing (UN, 29 July 2005; UN 24 June 2005; UN, 31 October 2005). The UN Under-Secretary General for Humanitarian Affairs, Jan Egeland, also visited the country in December 2005 and stated that Zimbabwe is in "meltdown" (BBC, 8 December 2005). While the UN does have plans to enhance its humanitarian operations on the ground in Zimbabwe, it is clear that a stronger humanitarian and human rights strategy on behalf of the UN country team is necessary to both effectively respond to the IDP situation and ensure that the Zimbabwean government honors its international obligations to protect its population.

While many western leaders and institutions, including the EU, have spoken out about the humanitarian and human rights crisis caused by Operation Murambatsvina, the general silence and lack of action of African leaders and African inter-governmental organisations remains deplorable. In July 2005, Zimbabwe's most powerful and influential neighbour, South Africa, extended credit to Zimbabwe to allow it to meet its obligations to the International Monetary Fund, however South Africa has yet to publicly condemn the continued forcible evictions nor has it used its leverage to influence regional bodies, such as the South African Development Community (SADC) or the African Union to sincerely address the situation (ICG, 17 August 2005, p. 13-14). At the end of 2005, after an intensive lobby effort by international and Zimbabwean civil society groups, the African Commission on Human and People's Rights (ACHPR) did pass a resolution on Zimbabwe which took note of the internal displacement situation and called on the Zimbabwean government to implement the recommendations in the UN Special Envoy's report (ZLHR, 4 January 2006). However, at its most recent summit held in early 2006 in Khartoum the African Union declined to take up the ACHPR resolution. If the silence of Africa's leaders and institutions continues, it is unlikely that the Zimbabwean government will see any reason to stop evictions and genuinely respond to the massive internal displacement situation that it has created.

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