

Report on the Impact of Operation *Murambatsvina*.
The Case of Hatcliffe Extension.



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The victims of Operation *Murambatsvina* in Hatcliffe Extension wish to express their most sincere gratitude to the Zimbabwe Defence and Aid Fund who facilitated the production of this report. They hope that people will learn of their distress through this report, and take steps to assist them and other victims of Zimbabwe's "Tsunami".

They also thank the Hatcliffe Harare North Development Trust for editing and distributing this report.

As people tried to gather and reconstitute their lives from the rubble of Operation Murambatsvina, another disaster of amazing ferocity and speed struck, leaving nothing more than tears and bitter memories of lost glory and the dead.



Broken home – Hatcliffe Extension May 2005

Executive summary

In May 2005 the Government of Zimbabwe launched a month long clean-up campaign termed “*Operation Murambatsvina*”, translated as *Operation Drive out the filth*. The Operation was justified as a program to enforce City bylaws to halt allegedly illegal activities and realize high standard of cleanliness in major cities and towns throughout Zimbabwe.

The clean up campaign was carried out from the 19th of May to the 12th of June 2005 throughout the major cities and towns of Zimbabwe. Hundreds of thousands of men, women and children were rendered homeless, without access to food, water and sanitation, or health care. Education for thousands of school age children has been disrupted. Many of the sick, including those with HIV and AIDS, no longer have access to care. The vast majority of those directly and indirectly affected are the poor and disadvantaged segments of the population. They are, today, deeper in poverty, deprivation and destitution, and have been rendered more vulnerable.

Operation *Murambatsvina* took place at a time of persistent budget deficits, triple-digit inflation, critical food and fuel shortages and chronic shortages of foreign currency. It was implemented in a highly polarized political climate characterized by mistrust, fear and a lack of dialogue between Government and local authorities, and between the former and civil society. The findings of this report provide an insight into the far-reaching and long-term social, economic, political and institutional consequences of the Operation.

The report provides empirically supported insight into the impacts and consequences of Operation Murambatsvina. Whilst previous research has focused on homelessness and food insecurity, this survey undertakes a more holistic examination of the impacts of the operation.

This report presents findings of an Impact Survey and Situational Analysis carried out in Hatcliffe Extension, Harare. The survey was carried out in the months of November and December 2005, to assess the impact of Operation *Murambatsvina* and highlights the disastrous consequences on the lives of Hatcliffe Extension residents¹.

The research targeted 4000 households in Hatcliffe Extension, the majority of whom (96.5%) were Zimbabwean citizens. Aliens constituted only 3.3% of the target population. The suggestion is of a sustained war being launched on the most vulnerable Zimbabwean citizens by their own government.

¹ A livelihood is defined herein as comprising of assets, capabilities, entitlements and endowments, (including both material and social resources, and the activities required for a means of living. (UNDP 1999.)



Yolanda, aged 2: fell over rubble into fire in Hatcliffe Extension, May, 2005

List of Acronyms

HCC:	Harare City Council
IDP:	Internally Displaced People
MDC:	Movement for Democratic Change
M.P:	Member of Parliament
NGO:	Non-governmental Organizations
SADC:	Southern African Development Community
UN:	United Nations
UNICEF:	United Nations Children's Fund
UNDP:	United Nations Development Program
U.Z:	University of Zimbabwe
WHO:	World Health Organization
ZCTU:	Zimbabwe Congress of Trade Unions
ZANU-PF:	Zimbabwe African National Union-Patriotic Front
ZRP:	Zimbabwe Republic Force
ZHDR:	Zimbabwe Human Development Report.
SHDA:	Sustainable Human Development Approach
SLA:	Sustainable Livelihood Approaches
RBZ:	Reserve Bank of Zimbabwe
GoZ:	Government of Zimbabwe
NANGO:	National Association for Non Governmental Organizations.
UNHCR:	United Nations High Commission for Refugees.
DFID:	Department for International Development

HIV:	Human Immunodeficiency Virus
AIDS:	Acquired Immuno Deficiency Syndrome.
ZDF:	Zimbabwe Defence Forces
USD:	United States Dollar
BEAM:	Basic Education Assistance Module
RSA:	Repressive State Apparatus.
WHO:	World Health Organization
OM:	Operation <i>Murambatsvina</i>
ZLHR:	Zimbabwe Lawyers for Human Rights.
MLGPWUD:	Ministry of Local Government, Public Works and Urban Development.
ACRC:	African Charter on Rights of the Child.
ACHPR:	African Charter on Human and People's Rights.
ICESCR:	International Covenant on Economic, Social and Cultural Rights
CRC:	Convention on the Rights of Children
ARV :	Anti Retroviral
RTCPA :	Regional Town and Country Planning Act.

Social, economic and political context. (Operation Murambatsvina)

Introduction

Commonly referred to by the people as “Operation Tsunami” reflecting the speed and ferocity with which it was carried out, OM was implemented by the army and police who were mobilized to carry out the demolitions and evictions.

The first official announcement that a comprehensive “operation” was underway in Zimbabwe came in a speech by the Chairperson of the government-appointed Harare Commission, Ms. Sekesai Makwavarara, on 19 May 2005 at the Harare Town House. She characterized it as “a program to enforce bylaws to stop all forms of illegal activity”, and said it would be enforced “in conjunction with Zimbabwe Republic Police (ZRP).” It is not clear whether the announcement and the subsequent exercise was linked to the November 2004 Strategic Turn around Document that was designed by an Institutional Consultant, Chester Mhende, at the orders of the Kurasha Commission. Five days later on 24 May, the City of Harare issued a notice, indicating to the people in the Greater Harare area that persons who had erected illegal structures should demolish them by 20 June 2005. There is no evidence that advance notice was given in other cities in Zimbabwe to which the Operation was extended.

One day prior to this speech, the Governor of the Reserve Bank of Zimbabwe, Dr. Gideon Gono, had announced his *Post Election and Drought Mitigation Monetary Policy Statement*. In it he outlined structural and operational deficiencies of the financial system. Reference was made to the various forms of corruption and indiscipline in the economy and the need for the reorientation of the law enforcement systems in fighting such challenges. There has been speculation as to the timing of the speech, and the Governor’s role in triggering the operation.

Eyewitnesses said the police beat some people who offered resistance, or who did not demolish their houses quickly enough. Verbal testimonies of the affected people also confirm this position. Throughout the months of May and 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, Kwekwe, Marondera, Mutare, Rusape and Victoria Falls. The destruction and demolition first targeted so-called shantytowns 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. The police denied them full access.

Zimbabwean churches were among the first to publicly voice their concern. The National Association of Non-Governmental Organizations issued a statement on 5 June calling on the Government "to stop the Operation immediately until alternative mechanisms are put in place". As the human suffering continued unabated, international pressure against the Government increased. The Special Rapporteur of the UN Commission on Human Rights on the Right to Adequate Housing, Dr. Miloon Kothari, issued a statement on 3 June urging the Government "to immediately halt the mass forced evictions". The European Union also issued a statement on 7 June condemning government actions. The timing and magnitude of the operation had led to much speculation, and a need emerged for more information to obtain a clearer picture of the situation in Zimbabwe.

Objectives of the Impact Survey

The broad objective is to assess the impacts of Operation Murambatsvina on people's lives, with specific reference to Hatcliffe Extension residents. The specific objectives include:

- (i) To systematically collect data and information of the impact of Operation *Murambatsvina* on households.
- (ii) Assessment of the scope and extent of the recent mass evictions from Hatcliffe Extension.
- (iii) Assessment of the needs of the affected residents in the aftermath of the Operation
- (iv) Assess the nature of assistance that the residents are receiving, if any.
- (v) Identify key intervention areas that need urgent attention.
- (vi) To provide support and advice on how the affected people can seek redress and compensation through the courts of law
- (vii) Make recommendations on possible areas of intervention.

Background to Hatcliffe Extension.

Hatcliffe Extension is one of the locations most severely affected by the Operation. Every resident was forcibly removed from the area, most of who were only to be relocated back two months later. The location has some 24,000 residents and is a predominantly poor community, made up initially of former residents of Churu Farm on the other side of Harare, forcibly removed from there and resettled in Hatcliffe temporarily in 1993. With the passage of time, the settlement expanded and became more permanent, with schools, clinics, shops, orphanages and such other facilities made by various stakeholders, including the

government. Though basic, residents had access to a form of habitation and were continuously lobbying through Harare North MP Trudy Stevenson, and civil society for basic infrastructure and facilities. With unexpected ferocity, the Operation was launched and pursued at an amazing pace, with little if any attention paid to the detrimental impact on people's lives.

Conceptual framework

This report employs the Sustainable Livelihood Framework (DFID, 1999, Chambers & Conway 2000). Like the Sustainable Human Development Framework (ZHDR, 2003), the model is premised on the conviction that even the poorest, have access to assets that enable them to pursue their livelihood objectives. The key advantage of the SLA, however, compared to the SHDA is that the former unlike the latter recognizes that people operate in various vulnerability contexts characterized by shocks and stresses. Vulnerability has been defined as the degree of exposure and sensitivity to livelihood shocks and stresses, in short, living on the edge. (Devereux 2002) Operation *Murambatsvina* is one such context, which has had disastrous repercussions on the livelihoods of the residence of Hatcliffe Extension and other cities. Virtually all the domains of their livelihood security and livelihood capital assets were invaded, and from this perspective, they constitute "*endangered livelihoods*" which has left victims on the verge of destitution and starvation. These include the Economic dimensions, financial, physical and natural capital. The impacts on human capital human capital and social dimensions of their livelihoods were so devastating.

The advocates of Operation Clean Up somewhat misleadingly emphasize issues of housing, sanitation and hygiene. However Operation *Murambatsvina* is more than just a housing and sanitation issue. It is an issue of livelihood issue requiring a holistic approach in response to inequality and social exclusion. The SLA is preferable to other frameworks of analysis because its anthropocentric approach begins with an analysis of livelihood and how they have changed in response to the socio-economic, socio structural, legal and political circumstances in which they exist. The approach incorporates people's definitions of their own situations and desirable outcomes. It is holistic and is applicable to all social groups, and one can identify the most pressing constraints faced by, and promising opportunities open to people, irrespective of where they occur. The approach also recognizes the dynamism and highly adaptive nature of opportunities and threats. It is therefore imperative to appreciate the dialectic interaction between local, national and international factors that shape and inform the livelihood environment of the poor. The SLA bridges the gap between the micro and the macro dimensions of the affected livelihoods.

Methodological considerations

This research employed a variety of quantitative and qualitative techniques. The greater part of the data was collected through a survey. 4000 households were

selected randomly, to fill in self-administered questionnaires. The research also took the form of a Situational Analysis, involving direct observation and short narrative testimonials. The Researcher and Assistants collected the qualitative data through Focus Group Discussions and direct observation. The data was analyzed using the thematic approach, where specific themes relating to the impacts were identified and pursued in detail. The overall report used the narrative approach, supported by illustrative graphs, tables and charts. The quantitative data was analyzed using the Statistical Package for Social Sciences (SPSS, version 11.0).

An Overview of impacts

Operation *Murambatsvina* had a shattering impact on the lives of Hatcliffe Extension Residents. Almost all their livelihood capital assets were detrimentally affected; these include Human capital assets, financial capital, Natural capital, Physical capital and Social capital. The list of livelihood capital assets detailed here is not exhaustive but represents an attempt to categorize the impacts of Operation *Murambatsvina* under one or more of the asset rubrics, commonly included in the Livelihoods Paradigm.

Motivations for Operation Murambatsvina

From the wide range of individuals and organizations interviewed, it was suggested that the motivations for Operation Murambatsvina included the following:

- a. Operation Murambatsvina was launched in response to concerns 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. Operation Murambatsvina was conducted in areas where there were high levels of opposition support particularly in the last few presidential and parliamentary elections;
- c. Operation Murambatsvina was conceived by a number of individuals as part of the politics of succession to President Mugabe.
- d. Operation Murambatsvina was a means of gauging the influence of the war veterans and ex- combatants.
- e. Operation Murambatsvina was a means of increasing the flow of foreign currency through the "Homelink" scheme.

- f. Operation Murambatsvina was a pre-emptive strategy designed to prevent popular uprising, in light of deepening food insecurity and other economic hardships.
- g. Operation Murambatsvina 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. Operation Murambatsvina was a scheme to divert the attention of the President away from his increasing concerns over the under-utilization of newly acquired commercial farms in rural areas; and
- i. Operation Murambatsvina represented a desire on the part of some political leaders to engineer a reverse urban-to-rural migration process, in the wrong belief that this was good for Zimbabwe's national development.

Many of the individuals holding the views above saw Operation *Murambatsvina* as a "smokescreen" with little to do with addressing the problem of informal structures and restoring order within urban areas. Whatever the motivation, it is clear that Zimbabwe, is confronting intense challenges relating to rapid urbanization, including inadequate shelter and rising pressure on urban infrastructure and services. (Excerpt from Tibaijuka Report (July 2005))

Table 1: Socio-demographic dimensions

	Frequency	Percent
Zimbabwean	3860	96.5
Alien	131	3.3
Total	3991	99.8
	4000	100.0

Household Headedness and Marital Status

Research has highlighted gender disparity in the effects of operation Murambatsvina. For example, female-headed households constituted only 1750 (43.8%), yet the impacts were greater for women than for men. The data reveals that as regards the loss of shelter, only 35.1% of the respondents were men, compared to 64.9% for women.

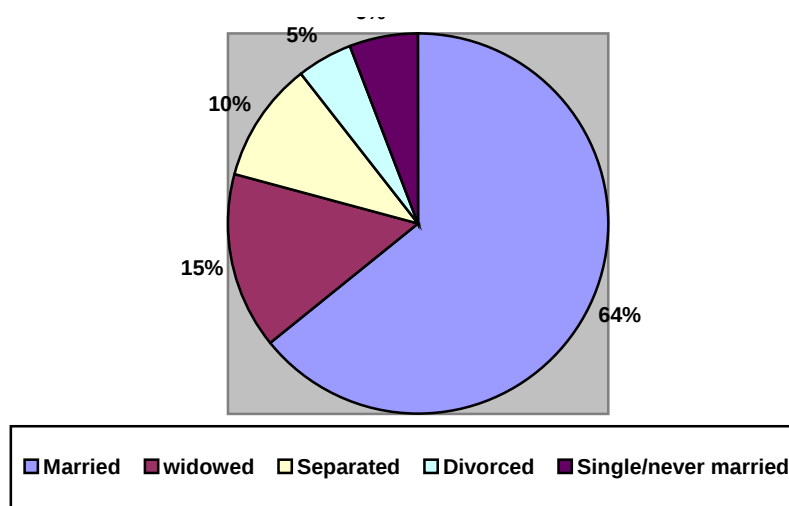
Table 2: Household Head Gender Composition

Gender	Frequency	Percent
Male	2250	56.3
Female	1750	43.8
Total	4000	100.0

Table 3 Marital status of Household head

Marital status of household head	Frequency	Percent
Married	2566	64.2
Widowed	601	15.0
Separated	411	10.3
Divorced	191	4.8
Single/never married	231	5.8
Total	4000	100.0

Figure 1



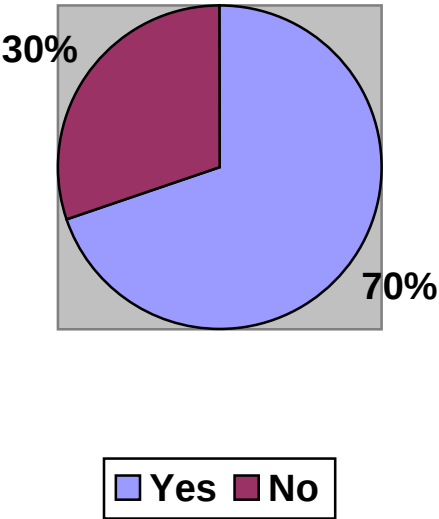
The data reflected above illustrates the high incidence of family instability. The forced relocations of Operation Murambatsvina has detrimentally impacted on the stability of family units, a finding further reflected in the increase in child, female and elderly headed households. Though the emergence of these new family configurations cannot be wholly attributed to Operation *Murambatsvina*, the research suggests in addition to other factors including urbanization, poverty and HIV and AIDS. (See Fig 1.1 above), Zimbabwean families and households have become increasingly unstable as a result of Operation Murambatsvina.

Testimony provided highlight that increased mobility and insecurity triggered by the sudden loss of shelter and livelihoods have pushed 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 programs to assist vulnerable populations have been affected or disrupted by the Operation. 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.

Below is a chart indicating the extent of the impacts on the family unit.

Figure 2: Disruption of family unit





Home destroyed – now where? Hatcliffe Extension May 2005

A 54 year old man narrated his ordeal of spending his life “on the move” due to recurrent forced relocations. He had this to say: *(Mwanangu, kubva 1982 tanga tichingotenderedzwa, Kubva ku Churu Farm, kuendeswa kuHatcliffe Holding Camp, Takazoendeswa kuma New Stands, uko kwatakazodzingwa neOperationTsunami (Murambatsvina.) Takaendeswa kuCaledonia Farm kwatakagara vhiki mbiri, nhasi tadzoka pano. Hatimbozive kutikubva pano tichaiswa kui, “Same government imagine! Shame on them”)* (Vernacular): My son, since 1982 we have been on the road due to recurrent relocations, from Churu Farm to Hatcliffe Holding Camp, to the New Stands, where we were evicted by the Government. We were taken to Caledonia Transit Camp, where we stayed for two weeks in the open, and now we are back here in Hatcliffe Extension. Same government, imagine, Shame on them”

From a sociological viewpoint, changes in households and families composition should not be a rapturous activity, but an evolutionary and cautious development, to avoid unnecessary disruption and human suffering.

Gender dimensions of Operation Murambatsvina

Loss of Shelter

Gender² has become an axial principle in social organization. (Kimmel 2003) Like many other vulnerability contexts such as poverty and HIV and AIDS, Operation *Murambatsvina* had impacted differently on victims according to their gender. Whereas women constituted a minority in terms of the overall target population, (43.8%) research suggests it is women who have been more greatly impacted upon by the operation. The table below shows that despite being the minority population, 64.9% lost their shelter during Operation *Murambatsvina* as opposed to only 35.6% for men.

Table 6: Gender Dimensions of loss of shelter

	Yes	Frequency	Total
Male	1052	368	1420
	35.1%	36.9%	35.6%
Female	1944	630	2574
	64.9%	63.1%	64.4%
Total	75.0%	25.0%	100.0%

Gender Stereotypes

The vulnerability of orphans

Analysis suggests that victims had different interpretations of Operation Murambatsvina. Typically, this was demarcated by gender. When asked whether the Operation increased the vulnerability of orphans, only a minority of men responded affirmatively (27.7 %) while the majority of the men, (72.3%) asserted that the operation did not increase the vulnerability of orphans. For the women however, the majority, (72.3%) indicated that Operation *Murambatsvina* had disastrous impacts on orphan vulnerability. This disparity indicates the socio cultural truism and the allocation of roles that prescribe child and orphan care as the domain of women. This could also indicate that women, by virtue of the maternal attachment, tend to be more sensitive to issues affecting their children, more than their male counterparts

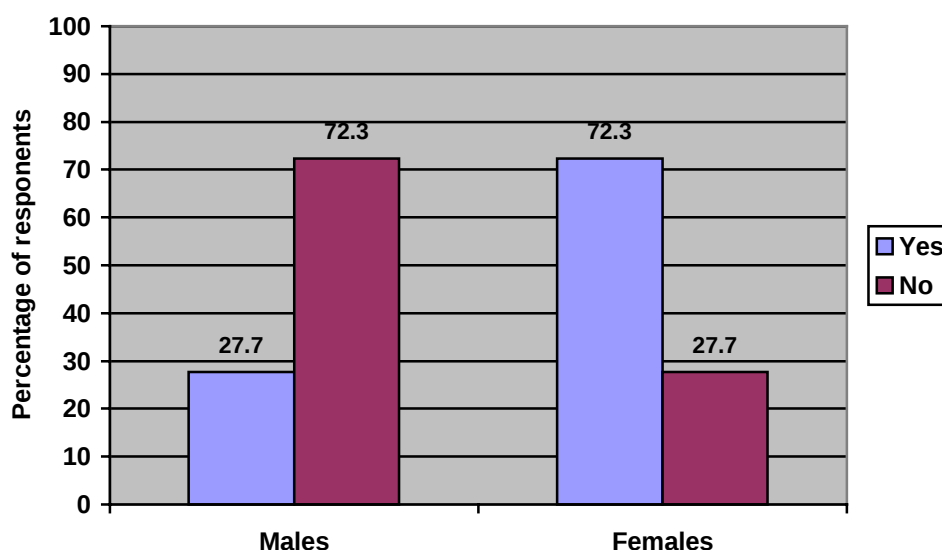
Table 4

	YES	N0	Total
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² Gender is defined herein as denoting the socio culturally conditioned definition and allocation of roles. In short, it is the socio cultural definition of what is male or female, together with the related attributes linked to the social roles of men and women, and the cultural definitions of masculinity and femininity. (McPherson 1999).

Male	817	604	1421
	27.7%	72.3	35.6%
Female	2133	442	2575
	72.3%	27.7	64.4%
	2950	1046	3996
Total	73.8%	26.2%	100.0%

Figure 3: Impacts of Operation on Orphan vulnerability



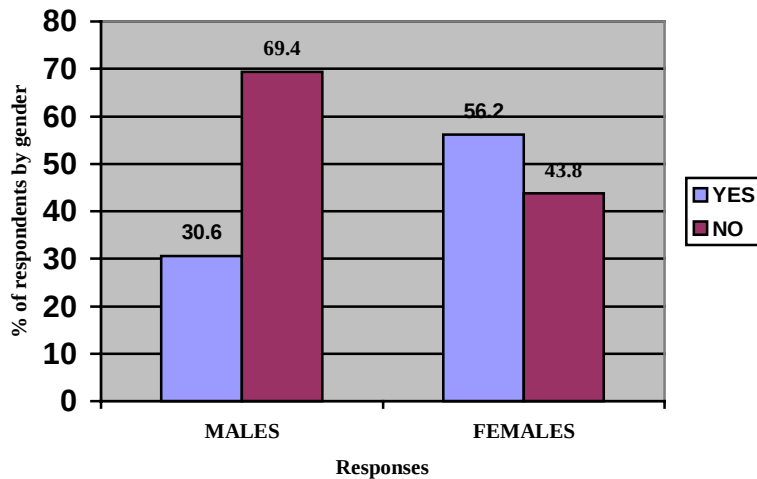
Interpretations by the respondents on the impacts of the clean up exercise on women's dignity also varied along gender lines. This also reflects deep-seated gender stereotypes, in terms of the definitions and perceptions of the vulnerability contexts, and the impacts.

The respondents were asked to comment whether or not operation affected the dignity of women. The responses were presented graphically to reflect this (Figure 4)

The data also confirms that the patriarchal basis upon which gender based inequalities, discrimination and exclusion are built is still strong. The majority of the male respondents reflected very low levels in terms of their perceptions on the impacts of Operation *Murambatsvina* on women.

Below is a graphical presentation of the stereotypes reflected on the impacts of Operation *Murambatsvina* on women's dignity.

Figure 4: Perceived impact on women's dignity



Impacts on specific categories of population

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:

(a.) People who moved temporarily to a holding camp or 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;

(b.) 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;

(c.) 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;

(d.) 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;

(e). 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;

f. People who have moved to transit points/camps. At the time of the research, the main such camp was Caledonia Farm near Harare, which held about 5,000 persons.

g. People who have moved to rural areas.

Those affected include 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 Researcher was also presented with testimonials of families transported to rural areas having 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 *Murambatsvina* is the "return" of people to rural areas. It is the informed opinion of the Researcher, based on detailed trends of internal and external migration, 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 deepening poverty, food insecurity and malnutrition. Testimony provided to the Researchers 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 programs to assist vulnerable populations have been affected or disrupted by the Operation. 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.

(Source: Tibaijuka Report on Operation Restore Order: July 2005)

Livelihood Dimensions

The Operation has often been interpreted in terms of the quest to restore order in Zimbabwean cities. The fundamental error that has been committed is that one-sided emphasis has been laid on city standards only, without adequately recognizing the livelihood impacts of the Operation *Murambatsvina* exercise. Arguably, the Operation is as much, and specifically so, a livelihood issue, as it is a legal and humanitarian issue. Livelihoods are defined herein as comprising of capabilities, assets, entitlements and endowments (including both material and social resources) and the activities required for a means of living. (UNDP 1999) A livelihood is said to be sustainable when it can cope with, and recover from livelihood shocks and stresses, and maintain and enhance its capabilities and assets, both now and in the future, while not undermining the natural livelihood and human capital base. The Operation had disastrous repercussions on the livelihoods of the Hatcliffe Extension residents, as elsewhere.

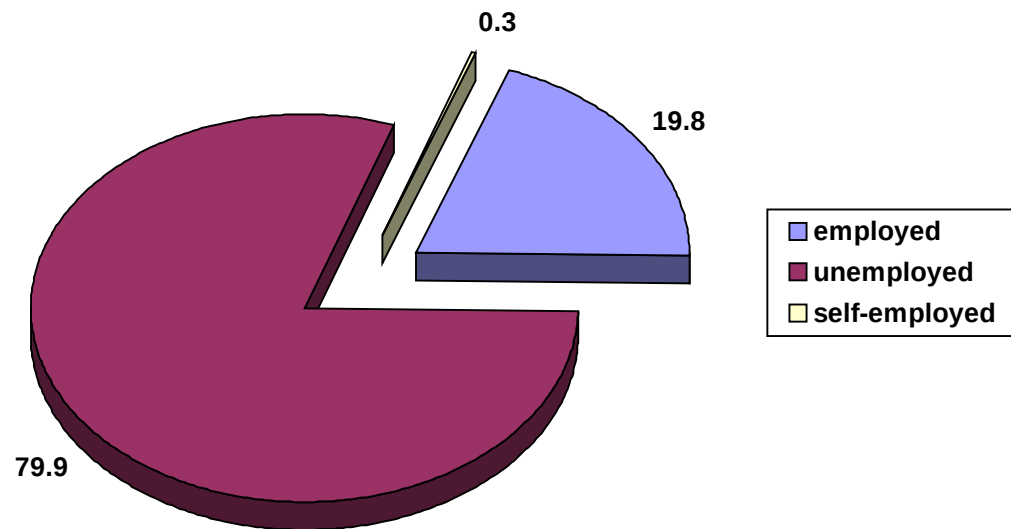
Impacts on employment

From the data collected during the survey, it was observed that only 19.8% of the target population was formally employed. This low figure is a reflection of the overall high unemployment rate in Zimbabwe, which is now situated at 70% and 80%. Out of the overall target population, the majority, 3197, (79.9%) was unemployed. Only 13 people (0.3%) were meaningfully self-employed. The majority of the unemployed subsisted on the informal sector, where they engaged in diverse economic activities which included vending, flea markets, cross border trade, and begging for donations. This supports Ellis's (1998, 2002) finding that urban households tend to diversify their livelihood portfolios as a survival strategy, especially under constraining environments. Livelihood diversification entails the pursuit of multi dimensional and multifaceted approaches in a bid to achieve and ensure the sustainability of capabilities, assets and entitlements required for a means of living. It is a process by which households construct a diverse portfolio of activities and social support capabilities for survival and to improve their standards of living. According to Cain and McNicoll, (1998,) cited in Ellis, 2002, rural and urban households have increasingly come to resemble miniature, highly diversified conglomerates. The unfortunate result of Operation *Murambatsvina* is that it virtually destroyed the informal sector, destroying the overall livelihood base of the majority of unemployed Zimbabweans. Below is tabular presentation of the employment status of the selected respondents.

Table 5: Impact on employment

	Frequency	Percent
Employed	790	19.8
Unemployed	3197	79.9
Self-employed	13	0.3
Total	4000	100.0

Fig 1.5 (Employment status)



The livelihoods of all directly affected households have either been destroyed or placed in serious jeopardy. In many instances, there is compounded suffering as homeless and internally displaced people (IDP) are unable to pursue their occupation or maintain their source of income. All households accommodated in transit centres have become entirely dependent on emergency relief for their survival. People who moved in with relatives or neighbors are, without a doubt, taxing the capacity of their hosts in meeting their basic needs.

For many of those rendered homeless, housing structures were their most valuable asset. Many traders in the informal sector, including vulnerable groups such as people living with HIV/AIDS and widows with disabled children, have had their stock confiscated or destroyed. The loss of capital is therefore substantial. Many people who had taken out loans to build a home or start a small business now have no means of repaying their debts.

Homeowners who used to rent out parts of their plots to shack dwellers have lost this source of income as a result of the demolitions. Many of them were retired public sector employees whose pensions had been eroded by hyperinflation to as low as USD 2 per month. However, remaining landlords are reported to have sharply increased rent, increasing the pressure on tenants and making it more difficult for evictees to find alternative accommodation in urban areas. In Harare, rents tripled in the weeks following the demolitions. 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.

The data also indicate that the majority of the respondents (55.9%) lost their income.

Table 6: Loss of Income

	Frequency	Percent
Yes	2236	55.9
No	1764	44.1
Total	4000	100.0

The Researcher also wanted to find out whether the respondents were getting any financial assistance from the government and other organizations. The overall trend is that the number of those getting financial assistance is remarkably low (13.3%). The majority, (87.7% indicated that they were not receiving any financial assistance.

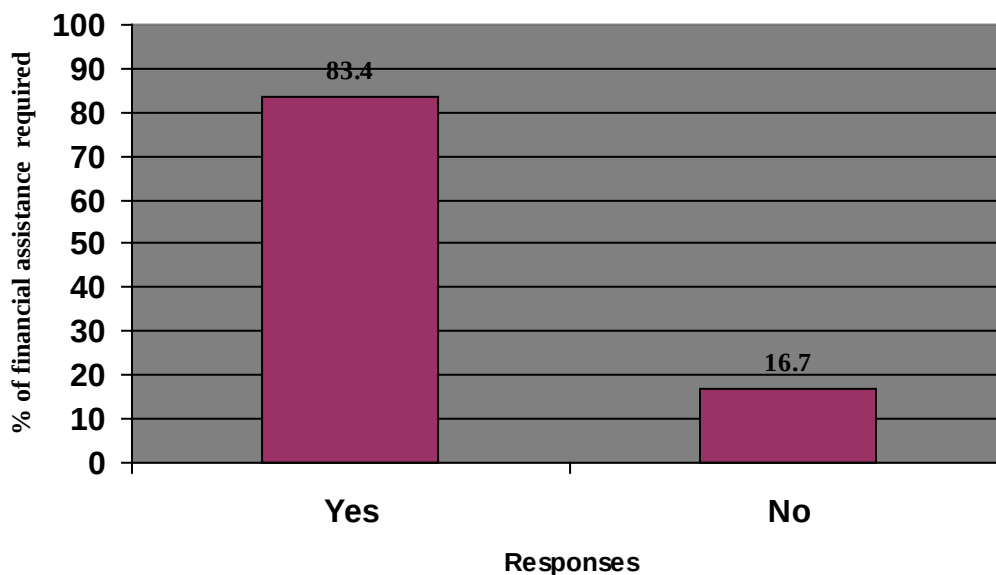
The table and graph below summarize information on financial assistance that the Hatcliffe Extension residents require in the aftermath of Operation *Murambatsvina*. As reflected in the table, 83.4% of the respondents indicated that they required urgent financial assistance. Only 16.7% said they didn't require financial assistance, citing that the most pressing need was food and shelter.

Table 7: Assistance required. (Financial)

	Frequency	Percent
Yes	3333	83.4
No	667	16.7
Total	4000	100.0

Most of the respondents underscored the need for urgent financial assistance to meet their day-to-day expenses, which have become unaffordable to the majority. This resulted from the loss of income through the Operation *Murambatsvina* and the overall hyper-inflationary environment in Zimbabwe. The current rate of inflation (December 2005) is pegged at 511%. The cumulative impacts of declining economic performance, poverty and Operation *Murambatsvina* have driven the majority of residents into stifling poverty.

Figure 5: A graphical presentation of the financial requirements.



Financial Assistance received

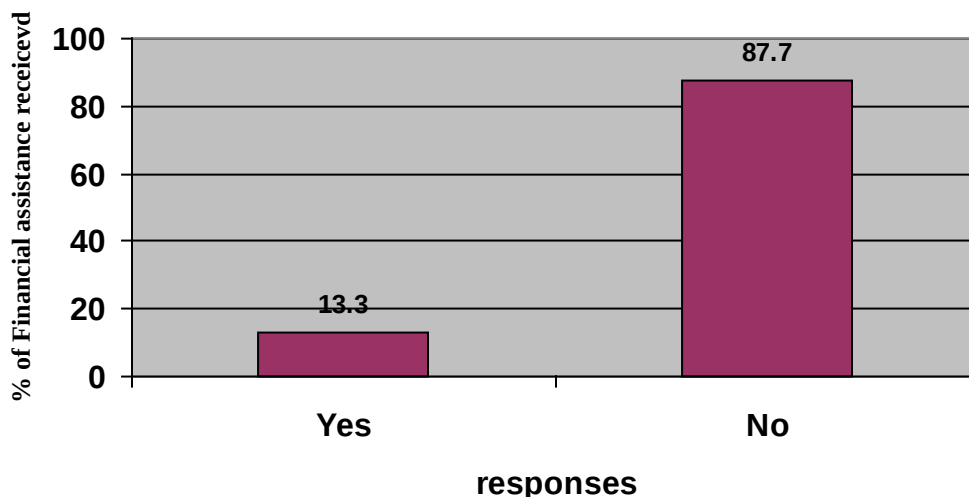
Despite the indication for the dire need for urgent financial assistance, as reflected in the above table and graph, just a negligible percentage (13.3%) of the target population indicated that they had received any financial assistance at all. The table and graph below give summaries of data on how many are, or are not receiving any financial assistance.

Table 8: Financial assistance received

Response	Frequency	Percent
Yes	491	13.3
No	3509	87.7
Total	4000	100.0

The indifferent posture of the Government of Zimbabwe (GoZ) reflects the remorselessness of the government to the persecution that it is subjecting its citizens to. This insensitivity, displayed in the use or abuse of apparatus of national defense for repression has had disastrous repercussions on livelihoods and livelihood security of the affected people. The use of Repressive State Apparatus (RSA) cannot be condoned. It is actually reflective of a political system experiencing a legitimization crisis.

Figure 6 Financial Assistance received



Impacts on Human capital

DFID, (1998) defines human capital as representing the skills, knowledge, and the ability to labour, the health that together enable people to pursue different livelihood objectives. The assessment of the Human capital impacts of Operation *Murambatsvina* occupies an axial position in this report. Human capital impacts tend to reverberate and have a profound impact on other livelihood capital assets, for example, human capital decline or disruption inevitably means the reduction of other capabilities and resources to maintain and sustain other livelihood capital assets.

The well-being, health, education, skills were severely disrupted. This had an overall impact on labour and its productivity. The findings reveal a sad picture of a community characterized by declining health and sanitation. One could observe the pathetic look on the faces of the residents, making frantic but futile efforts to escape threatening destitution. The shocks and stresses associated with the loss of habitation and other livelihood capital assets took their toll on the health of the residents, as the researchers observed a high incidence of Tuberculosis, high blood pressure and stress. The overall effect has been a decline on productivity and well-being.

Sectoral impacts

Impacts on Health

Operation *Murambatsvina* had profound impacts on the residents' health. Responding to the question whether the operation had impacts on health or not, the majority of respondents indicated that the operation had disastrous impacts on their health and well being. Health is defined herein as a state of complete physical, social, psychological and economic well being. It is more than just the absence of disease (WHO 1998 cited in ZHDR 2003)

Operation *Murambatsvina* affected all dimensions of their health. About 15 % of the target population revealed that the operation had severe effects on their health. There was high incidence of chronic illnesses, including HIV and AIDS. (15%) In terms of mental health, about 5% of the overall Target population was physically and mentally challenged. As shown in the graph, there was a general deterioration in the health status of the respondents. The majority of the households (61.5 %) attributed the sicknesses to the impacts of Operation *Murambatsvina*. The impacts on health also tended to vary along gender lines. Fig 1.9 shows that the health impacts affected women more than their male counterparts. 55% of the female-headed households indicated that the clean up exercise had severe effects on their health, compared only 16% for the male-headed households.

Figure 7 Deterioration of health

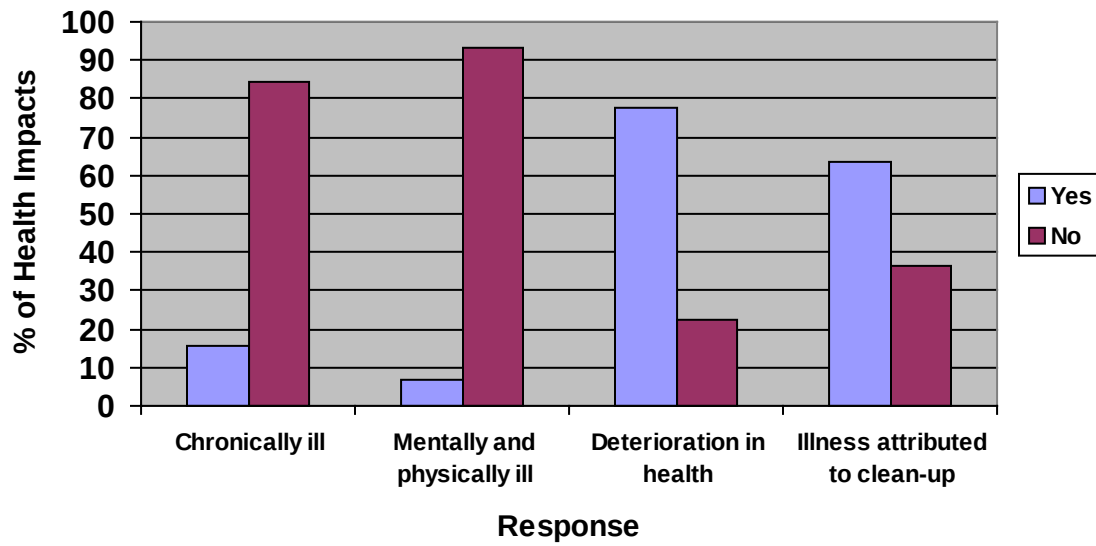


Figure 8 Gendered dimensions of Health Impacts

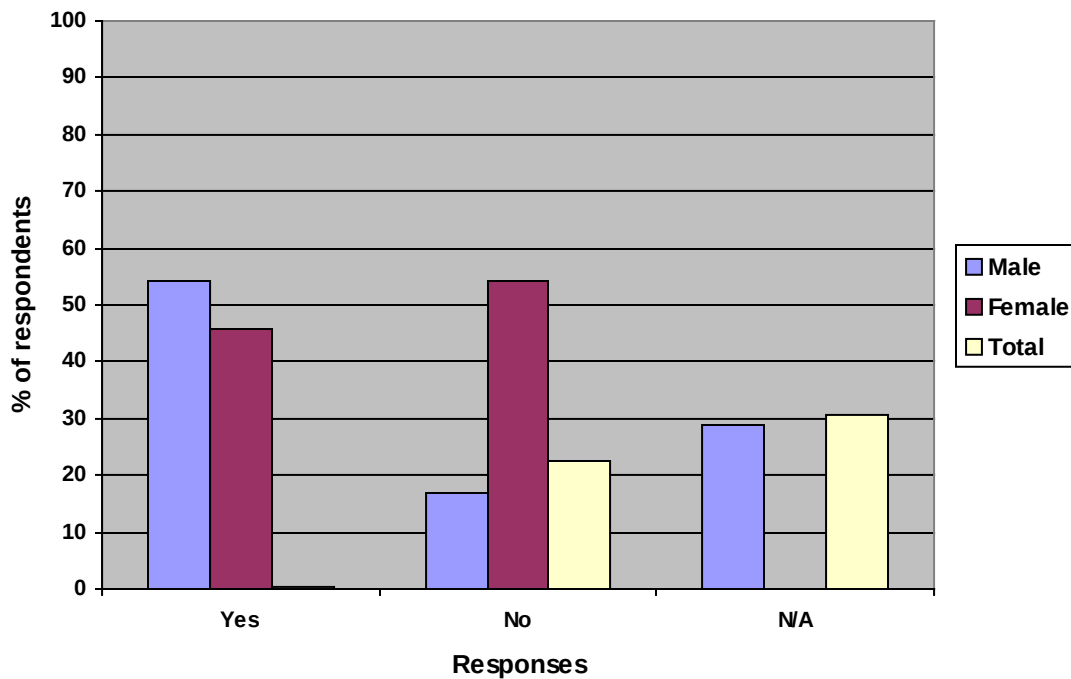


Table13:Deterioration of health HIV/ AIDS

	Deterioration of health HIV/ AIDS			Total
	Yes	No	NA	
Male	641	10	220	871
	54.3%	1.8%	28.7%	34.6%
Female	540	558	546	1644
	45.7%	98.2%	71.3%	65.4%
	1181	568	766	2515
Total	47.0%	22.6%	30.5%	100.0%

The above table indicates that 54.3% of the male respondents believed that Operation *Murambatsvina* had adverse effects on the health status of the residents.

The dislocation of the family unit also meant that the infection rate of HIV and AIDS is likely to increase due to the forced separation of the spouses.

Disruption of family unit

I have spent a month and a half without sharing the night with my husband. From the 19th of May, when the Operation struck, we took in three of my husband's in-laws, so he can't stay with us. Marble Ngoko (35)

The table below reflects the extent of the impacts of Operation Murambatsvina on household stability and security. It reflects that 69% of the respondents indicated that the exercise disrupted their family units. This would also result in a decline in the levels of cooperative participation in household decision-making and production and reproduction.

Table 9: Disruption of family unit

	Frequency	Percent
Yes	2787	69.7
No	1213	30.3
	4000	100.0

Impacts on education

The Fig 9 below is a graphical presentation of the impacts of Operation *Murambatsvina* on education. As the graph reflects, the operation culminated in high levels of school dropouts. 54% of the respondents indicated that they had school dropouts in their households. 17.3% of the target population indicated that they lost their Basic Education Assistance Module (BEAM) assistance, whereas 63.6% indicated that they had not been compensated for the lost time as a result of Operation *Murambatsvina*. Moreover a negligible percentage of the target population (30.6%) indicated that they were receiving any educational assistance, despite the dire need. The majority, (69.4%) confessed that they don't receive any financial assistance from anywhere. The data however reveals that over 81.7% of the target population requires educational assistance.

Figure 9 Impacts on Education

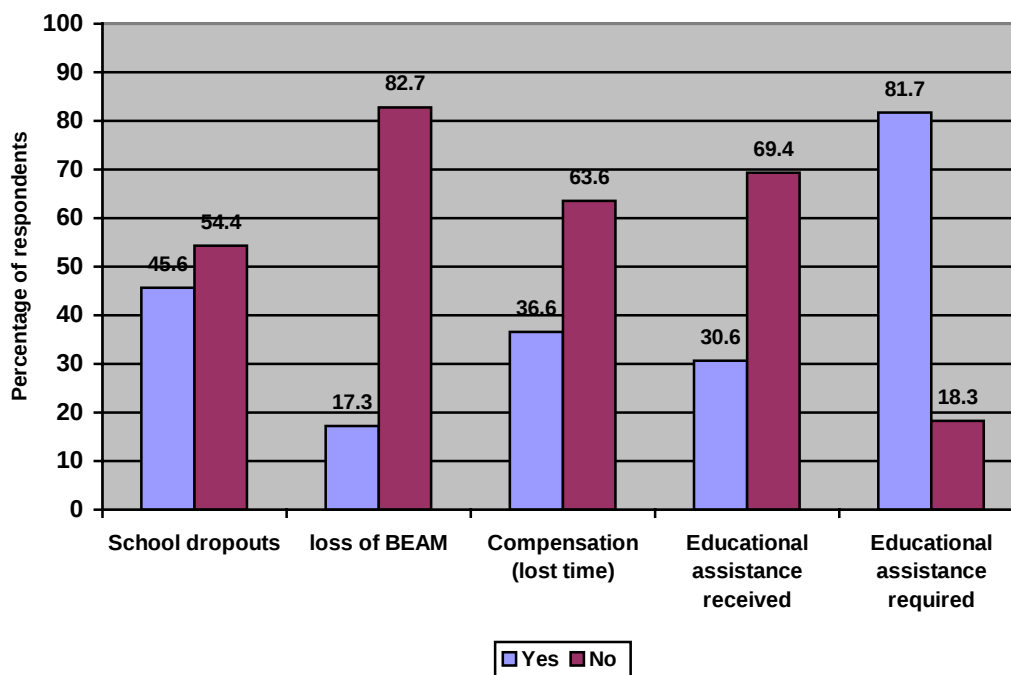


Table 10 Impacts on Education

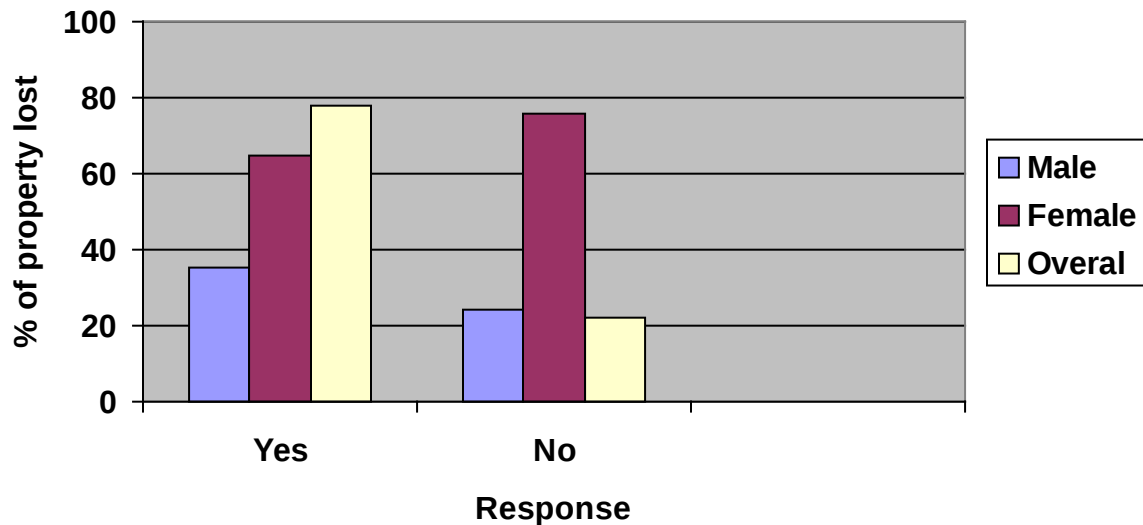
Tandiwe could not write her examinations. We had to send her to her Grandmother in the rural areas because there was nowhere to stay, no food, nothing. *"Dai zvangu ndafa ndizorore":(vernacular) I wish I could die and rest.*
Rumbidzai(Makoni 45)

Impacts on Physical capital.

The residents reported that they also owned household physical property such as wardrobes, beds, fridges, radios and solar panels, to mention a few. All these were either squashed by bulldozers and army vehicles, or gutted by fire in the pandemonium that the clean up exercise was. We talked to households left without anything of value. They lost even their pots and pans, not to mention their market stalls. The assets that they had acquired over generations of hard labour suddenly vanished from their grip, with disastrous consequences on their livelihood security.

I was away in the rural area, when I came back, I couldn't recover even a teaspoon. I also lost my passport, my children's birth certificates and my professional certificates in the fire. Now I can't even get employed by anyone.
(Ben Mutanga 23)

Figure 10 Loss of physical capital / property



Impacts on Financial Capital

The clean up exercise severely eroded the financial assets of the residents. The breakages of property associated with rush, forcible and unplanned relocations also took their toll. It was very common to get remarks such as "I lost everything that I have laboured for throughout my whole damned life."

-Social Capital Impacts

Despite the popular usage, the concept social capital remains notoriously difficult to define and measure. (Harvey 2003) Social capital is defined for the purposes of this report as the quantity and quality of associational life and the related social norms. It encompasses institutions, relationships, norms and networks that shape the individual interactions and behaviors and choices. It also involves the horizontal associations between people, such as kin and non-kin associations (DFID 1999)

Like any community, the Hatcliffe Extension residents have membership to social networks, groups and institutions, as well as the values that enable them to pursue their livelihood goals. They are members of credit associations, burial societies, housing cooperatives and community-based development groups. The sudden and forcible movement of the people severely disrupts these relationships. Others lost contact with their kin. The overall impact has been the emergence of a huge pool of socially excluded masses that are languishing in poverty, malnutrition, disease and insecurity. The table below shows the extent of the disruption of the associational life of the Hatcliffe Extension residents

Table 11 Disruption of Social Capital

Disruption of Social Capital	Disrupted	Not disrupted
	70%	30%

I was a member of the Shingai Rotational Saving Club, but now, I can't even identify the other members. Worse still it was my turn to receive my share. (Chipo Mutoro, 53)

The disruption in Social Capital will severely undercut the capacity of the residents to cope with livelihood shocks and stresses, of which Operation *Murambatsvina* is a major one.

LEGAL ISSUES AND OPINION

On 24 May 2005 the Chairperson of the central government-appointed Commission running the affairs of Harare City Council published a statement in the Herald newspaper to the effect that:

“The city of Harare wishes to advise the public that in its efforts to improve service delivery within the City, it will embark on Operation Murambatsvina, in conjunction with the Zimbabwe Republic Police (ZRP). This is a program to enforce by-laws to stop all forms of illegal activities...”

This statement was an echo of an operation that had already been put into full force some five days before. On 19 May 2006 Zimbabwe witnessed the first casualties of Operation *Murambatsvina* (“OM”) as street vendors, flea market operators and other business operators within Harare’s central business district had businesses brought to an abrupt end, property demolished and in some cases their person assaulted by armed members of the Zimbabwe Republic Police (“ZRP”).

Seven days after its implementation OM found its way to a high-density residential area of Harare, Hatcliffe Extension. In the evening of 26 May 2005 lawyers from Zimbabwe Lawyers for Human Rights (ZLHR), a non governmental organization protecting and promoting human rights in a bid to foster a culture of human rights in Zimbabwe received a report that armed police officers had begun demolishing people’s homes, forcibly evicting them from the same.

On behalf of the residents of Hatcliffe Extension ZLHR launched two separate legal challenges against these forced evictions in the cases of Dareremusha Cooperative vs. The Minister of Local Government, Public Works & Urban Development & 4 Ors HC 2467/05 (Supreme Court Appeal No. 169/05) and Batsirai Children’s Care vs. The Minister of Local Government, Public Works & Urban Development & 4 Ors HC 2566/05.

HUMAN RIGHTS IN HATCLIFFE EXTENSION

It is without doubt and unquestionable that every human being irrespective of colour, ethnicity, social status, religion, political affiliation, among others, has inherited human rights, which rights have been acknowledged as universal, inalienable, interdependent and indivisible. These human rights, ranging from the right to life, liberty, property, freedoms of assembly, association, expression and movement (civil and political rights) to the right to education, health, work, shelter, food (economic, social and cultural rights) are essentials to mankind’s existence, which rights and freedoms define humanity, without which humanity loses purpose. As such human rights have become, for every individual person,

*“an entitlement or legal claim... – by virtue of being human – against the State”*³. When on the night of 26 May 2006 members of the ZRP descended upon Hatcliffe Extension and destroyed people’s homes, not only were the rights of their victims violated but indeed they had violated legally protected human rights.

Zimbabwe’s Constitution, which in terms of its section 3 is “the supreme law of Zimbabwe” contains a Declaration of Rights in which such rights as the right to life, liberty, property, freedom of expression, association, assembly, movement, protection of the law are guaranteed and protected. It must be noted that our Constitution does not however make specific provision for economic, social and cultural (“esc”) rights such as the right to education, health, shelter, work. This does not mean however that the residents of Hatcliffe are not entitled to these esc rights. One of the essential characteristics of human rights is that they are interdependent, meaning that one right cannot exist in isolation of the other. Thus the right to life cannot be enjoyed without the right to food, health and shelter as much as the right to freedom of expression cannot be enjoyed without the right to education. Thus to complement those civil and political rights that are provided for in Zimbabwe’s Constitution, there needs to be a respect for and protection of esc rights not so provided for.

Further, Zimbabwe having ratified several regional and international human rights instruments had become party to the same. Zimbabwe is a state party to the following instruments: the African Charter on Human and People’s Rights (“ACHPR”), African Charter on the Rights of the Child (“ACRC”), International Covenant on Civil and Political Rights (“ICCPR”); International Covenant on Economic Social and Cultural Rights (“ICESCR”); Convention on the Rights of the Child (“CRC”). These treaties not only provide for civil and political rights but also go on further to specifically and extensively provide for the esc rights that are not provided for in our Constitution. The effect of the above international treaties and conventions is that the Government of Zimbabwe is obliged to protect and promote esc rights as much as civil and political rights in Zimbabwe, and most importantly where it violates any of these international human rights and standards it can be held accountable for the same by the people of Zimbabwe, indeed by the people of Hatcliffe Extension.

Forced Evictions

The most striking gross violations were those that deprived the residents of Hatcliffe Extension of their homes, and indeed their right to shelter/housing. While this right is not guaranteed in our Constitution it is interdependent with the right to life.

The right to shelter and housing is however clearly provided for in the ICESCR, which Zimbabwe ratified and is a state party to. Article 11 (1) of the ICESCR provides for the *“right of everyone to an adequate standard of living for himself and his family, including the adequate food, clothing **and housing**...”* The Committee on Economic Social and Cultural Rights (“CESCR”) that monitors the

³ K. English and A Stapleton, Human Rights Handbook (Juta & Cl. Ltd 1997) p.1

implementation of esc rights within member States passed General Comment 4 on The Right To Adequate Housing (13/12/91) which states that:

- The right applies to everyone regardless of age, economic status, affiliation, group, etc
- The right cannot be viewed in isolation from other rights, such as human dignity, the principle of non-discrimination and the right not to be subjected to arbitrary interference with one's privacy, family, home
- Forced evictions can only be justified in the most exceptional circumstances and in accordance with the relevant principles of international law.

The greatest threat to the right to housing is forced evictions. Forced evictions have been defined by the CESCR in General Comment 7 (20/05/97) as:

“the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection and with or without State sanction.”.

The CESCR goes on to state that:

“the State itself must refrain from forced evictions and ensure that the law is enforced against its agents or third parties who carry out forced evictions. Feasible alternatives should be found in consultation with affected persons

The CESCR clearly states that forced evictions should not result in people being rendered homeless and left living in the open. Where evictions are deemed a real necessity it is clear that alternative accommodation should be provided for before the evictions are carried out. General Comment 7 clearly provides that:

*Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. **Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available***

What is clear is that when the people of Hatcliffe Extension were evicted from their homes and forced onto lorries that ferried them to Caledonia Farm “transit camp” their human rights had been grossly violated, in contravention of international human rights standards and domestic human rights provisions. Their right to property, shelter/housing had been violated by the demolitions, leaving the sick, the young and old exposed to the cold winter weather and in turn posing a serious threat to the right to life. Their being forced onto trucks and

kept in a transit camp from which they could not freely leave had denied them their freedom of movement. The deplorable conditions at Caledonia Farm, where they did not enjoy readily available clean water, medication (such as anti retroviral drugs (ARVs) for those suffering from HIV and AIDS) and lived in plastic dwelling again left their right to health and indeed life in serious jeopardy. Children were not able to go to school and enjoy their right to education. No longer could many earn a livelihood for their families as their right to work, exercised through the now destroyed informal trade, had been brought to an end. Indeed the study undertaken in this research reveals that many have become more vulnerable persons as a result of the gross violations of their rights.

CHALLENGING VIOLATIONS

It is not in dispute that section 35 of the Regional Town and Country Planning Act Chapter 29:12 (herein after called “the RTCPA”) gives a local authority power to remove, demolish or alter existing buildings or stop any operations with or without payment of compensation. However, before removing, demolishing or altering any existing development such a local authority **must** serve written notice upon the owner of the development or person to be affected by the action. Section 32 of the RTCA requires that notice in the form of an enforcement order be given to a person to be affected by such development. The order would state the nature of the development and action to be taken to rectify such development, such as the demolition of any building or discontinuance of any operation. An enforcement order in itself only begins to operate after one month from when it was served, meaning that any person to be affected has a one-month period to respond to it. The operation of this one-month period however depends on the nature of a prohibition order that can be filed simultaneous with the enforcement order. Section 34 allows a local authority to serve, on the same day as the enforcement order or there after, a prohibition order directing the stopping of any operation stated in the enforcement order with immediate effect or on any stated date.

The City of Harare first gave notice of its intentions to demolish “illegal structures” to all Harare residents on 24 May 2005. Only two days after publishing their enforcement and prohibition orders they descended upon the people of Hatcliffe. A two-day period was clearly not enough for the people of Hatcliffe to react to the threatened eviction. The City of Harare authorities and the ZRP thus acted against the principles of natural justice. The concept of natural justice states that “It is not enough for a public authority to use its power reasonably; it must also exercise them in a fair manner...persons who are affected by administrative action should be afforded fair hearing before the decision to act is taken.” Natural justice serves three purposes: first, it facilitates accurate and informed decision

making; secondly, it ensures that decisions are made in the public interest; and thirdly, it caters for certain important process values.⁴

Section 3 of the Administrative Justice Act [Chapter 10:28] is to the effect that “An administrative authority which has the responsibility or power to take **any administrative action which may affect the rights, interests or legitimate expectations of any person** shall act lawfully, reasonably and in a fair manner”. To fulfill such administrative obligation an administrative authority such as the Harare City Council must give person adequate notice of the nature and purpose of the proposed action; and a reasonable opportunity to make adequate representations.

The nature of the forced eviction of the Hatcliffe Extension residents was clearly in contravention of the principles of natural justice. Further no alternative accommodation of a reasonable standard had been provided before their eviction as is required by international human rights standards.

Ironically an operation justified as an initiative to deal with illegalities such as “illegal structures” was found targeting persons who had been officially allocated their stands sometime in 2002 under lease agreement given by the then Ministry of Local Government, Public Works and National Housing. Further, section 27 of the RTCPA makes provision for persons whose building have not been regularized, time to effect such regularization. Had due and adequate notice been given, these people would have been allowed their right to seek legal representation and regularise any alleged illegalities.

The cases: In response to OM, ZLHR instituted legal challenges against the forced evictions. Two cases were filed in the High Court, the first was in the name of Dareremushe Cooperative, which cooperative represented the residents of Hatcliffe Extension, and the second case on behalf of Batsirai Children’s Care.

Five precedent cases were filed aimed at seeking the judiciary’s intervention in protecting the rights of people affected by OMRO. These cases were all urgent applications seeking either to stop the eviction of certain persons from their homes or restoring already evicted persons to their homes. The argument generally was that the rights of the evictees had been violated.

Dareremusha Cooperative vs. The Minister of Local Government, Public Works & Urban Development & 4 Ors HC 2467/05 (Supreme Court Appeal No. 169/05)

An urgent application was filed in the High Court of Zimbabwe on 30 May 2005 seeking a provisional order that the residents of Hatcliffe Extension be allowed to return to their stands, that they not be forcibly evicted there from, and a final order declaring that their forced eviction was unlawful. Justice Karwi heard the application on the 1st of June 2005.

In a judgement that left human rights exposed to violations, the Honourable Judge ruled that the evictions were lawful and that reasonable notice had been

⁴ Lawrence Baxter Administrative Law Juta & Co, Ltd 1984 p 536 - 538

given to the residents. The Judge argued that the residents had breached the lease agreements they had entered into with the Ministry of Local Government by erecting unapproved structures, that they had been given adequate notice by the authorities and that the “public policy considerations” in destroying their homes and evicting them “far out weighed the interests of a few who had contravened the law”.

With all due respect, the Honourable Judge failed to consider the human rights issue that arose in this matter, namely the right to housing. The Judge failed to seek to enforce the obligation of the government of Zimbabwe under international human rights law, that it should not forcibly evict people unless absolutely necessary and only after provision of alternative accommodation.

It was however a sad irony that having ruled the eviction to be lawful and ignored the issues of human rights in his judgement the Judge went on to state in closing that:

“It would be naïve for me to conclude my judgement without mentioning the fact that the action taken by the respondents, however, has caused untold suffering to a number of people. I am told by the applicants that a lot of people had obviously been displaced and appear to have nowhere to go. Many have been sleeping in the open and in the cold weather. Many school children are not going to school. It is my considered view that, notwithstanding the fact that the action taken and the manner in which it was taken was lawful, hardships which have befallen the affected people would have been avoided by giving adequate notice to the affected people to relocate and re-establish themselves. A few day’s notice was, in my view, not adequate.”

The above statement clearly shows that while the Judge did appreciate that there had been gross human rights (right to shelter/housing and education) violations he failed to use the law to defend these rights and speak out against their violators. Such action has only contributed to the loss of trust and confidence by a public that has in the past five years had their rights violated with impunity.

An appeal was made to the Supreme Court of Zimbabwe and the matter is still to be heard therein.

Batsirai Children’s Care vs. The Minister of Local Government, Public Works & Urban Development & 4 Ors HC 2566/05

Batsirai Children’s Care (BCC) is an organisation that was providing relief to orphaned children within Hatcliffe Extension at Stand No. 385A Hatcliffe Extension. It provided supplementary feeding and paid school fees among other things. The organisation had sub-leased the stand from its lessee, a Mrs Anna Gore. On the night of 26 May 2005 members of the ZRP demolished BCC’s building.

Again, on the 6 June 2005, an urgent application was made to the High Court to obtain an order directing the return of BCC to the stand to continue assisting vulnerable children. Honourable Justice Hlatshwayo heard the matter on 10 June 2005. On that day the Judge postponed the matter to 17 June 2005 to allow Respondents to file their Opposing Affidavits. On the 17 June Judge again postponed the matter to the 23 June 2005 to allow filing of Heads of Argument. The Judge did not however grant the provisional relief sought that while the matter was determined BCC be allowed to operate. To date the matter still awaits hearing.

Compensation

There remain those that still require legal assistance, in the form of compensation for loss of property or the death of family members. Indeed the law entitles them to compensation.

The ICESCR's Committee on Economic Social & Cultural Rights which monitors internal implementation of esc rights by member states to the ICESCR, including Zimbabwe, in its GENERAL COMMENT 7: THE RIGHT TO ADEQUATE HOUSING - FORCED EVICTIONS (20/05/97), states that:

Affected individuals have a right to adequate compensation from the State for any affected property

Part VIII of the RTCPA generally makes provision for the payment of compensation by a local authority for loss suffered as a result of any operation it carries out. A reading of this part indicates that it is generally those who were legally in occupation of their properties and carrying out legal operations who can claim compensation.

While they remain entitled to such compensation an obstacle that remains is the gathering of evidence and assessment of the value of their loss.

In its response to the UN Report on OM the Government made it clear that it is not prepared to compensate the victims of OMPO, whom it considers to have been engaged in illegal activities. In paragraph 3.5.16 of the report it states that:

The right to compensation from the State vests only on owners of legal structures. In the present circumstances, these were illegal structures, and the evictees have no right to compensation. This is an internationally recognised legal position.

While it may agree so, the fact still remains that there are those who were never engaged in any illegality who suffered losses. Further, because the procedural nature of OM contravened the principles of natural/administrative justice cited in the *Administrative Justice Act [Chapter 10:28]* one can argue that this failure to follow due process of the law entitles all who suffered loss to be compensated as

such loss could have been avoided had due process and administrative procedures been followed.

Where victims can indeed produce facts and evidence and are willing to take to the courts, then legal aid must be provided to them.



Family back home in Hatcliffe Extension after being evicted for two months – July 2005

LOSS OF PUBLIC CONFIDENCE IN THE LEGAL SYSTEM

The two cases relating to the Hatcliffe Extension evictions only serve to highlight the indifference with which the courts responded to the plight of the victims of the forced evictions.

The judiciary is a third arm of the state, which serves to interpret and safeguard the law and indeed to protect those rights that are provided for in Zimbabwe's Constitution, taking into consideration Zimbabwe's human rights obligation imposed by international instruments which Zimbabwe ratified. Section 24 of the Constitution clearly gives to the public the right to approach the judiciary and seek protection where any right provided for in the Declaration of Rights has been, is about to be or is under threat of violation. Yet the people of Hatcliffe Extension found the judiciary wanting when they sought relief against the violations of their rights.

This failure by the High Court to respond to the cry of human rights has only served to alienate the people from the courts, as the people have increasingly begun to lose faith in the justice delivery system of Zimbabwe.

During the research carried out in Hatcliffe Extension, it was clear that while 92.7 percent of the people required legal assistance of some sort, only 6.2% actually sought such assistance. The majority, while requiring legal assistance, have

become sceptical about the preparedness of the courts to give any relief in the face of human rights violations by the government. The feeling that the courts are no longer independent from central government and are in fact subject to its influence and manipulation has grown among the public.

When asked what they thought about the prospects of taking legal action some of the responses by people in Hatcliffe were as follows:

- We can't take legal action against the government, because it is like a Father who is disciplining his children, no one can challenge him.
- Though legal assistance may be necessary, most people are afraid of harassment by the government. "There are always some ZANU PF youth who threaten the residents, warning them that if they seek legal recourse, they certainly won't benefit from Operation Garikai."
 - *"My son, a bird in hand is worth more than two in the bush. We risk losing the little we still have by legal action" John Jeche (54)*
- How can we report the government to the government? *"kutamba nenguva"* (vernacular) It's a sheer waste of time. Veronica Posani (44)
- The government is all-powerful, and no one can challenge it, even if you win the case, the government can still ignore it.
- *"Legal assistance tinoida asi hatizivi kwazvinotisivitsa."*(We want legal assistance but we don't know where it will lead us)

Clearly the fear of a government that will avenge any legal action against it, coupled with a judiciary that seemed indifferent to human rights violations by the government have all served to lead the people to loose faith and confidence in the courts. Instead there has been a preference to forget the evils of government and seek to negotiate with it to benefit from its succeeding Operation Garikai in which it has promised to give stands to those whom it had forcibly evicted. Those that had been given stands, including the very stands that they had been initially evicted, are now more concerned with obtaining title deeds for these stands than challenging the very hand they hope will this time feed them.

The calls by the United Nations Special Envoy, led by Tibaijuka, in its report on OM to have the perpetrators of OM prosecuted are most likely to remain unfulfilled because of this.

CONCLUSION

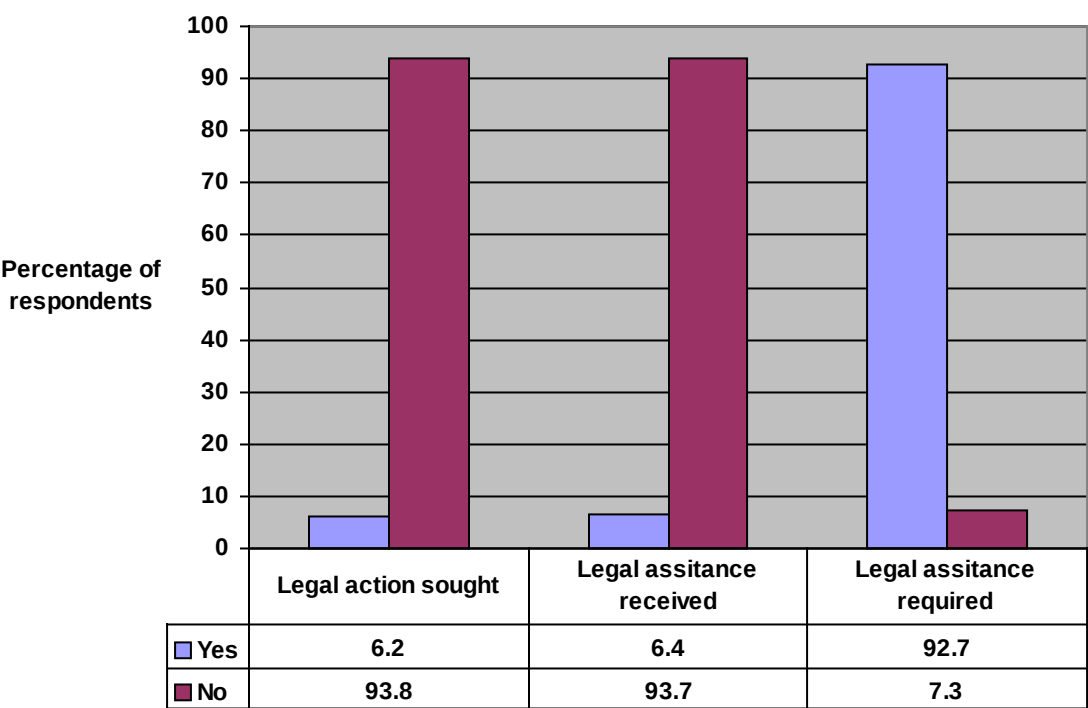
Gross violations of human rights were carried out in Hatcliffe Extension in contravention of domestic and international human rights standards. Yet sadly this criminal behaviour has gone unpunished, partly because the courts, when presented with the opportunity, failed to condemn the violations and protect human rights, while on the other hand victims have become disillusioned and disheartened.

Continuous efforts should be made to educate individuals on their human rights. This should be facilitated through the distribution of human rights brochures, the recording of and speaking out about violations where the victims are willing and the continuing provision of legal services. Legal endeavours must not be taken in isolation but also in conjunction with humanitarian assistance. Such bread and butter issues do not, however, overshadow the need to keep on knocking at the doors of justice.



Hatcliffe Extension September 2005 – trying to rebuild their homes

Figure 11: Legal Dimensions



Responses

Sustainability dimensions

In line with the Conceptual Framework for this research, the Researcher observed that there are key issues relating to sustainability of the Operation *Murambatsvina*. Sustainability is defined after DFID 2000, as the quality that ensures resilience in a form of livelihood even in the face of adversities and external shocks and stresses. Sustainability at the human level entails the maintenance of long-term productivity without undermining the livelihoods of others. Operation *Murambatsvina* was not economically and socially sustainable. If anything, the contribution that Restore Order has achieved is excessive impoverishment and suffering of the residents

Conclusions and recommendations

This report has presented the findings of an Impact Survey that was carried out in Hatcliffe Extension to assess the impacts of Operation *Murambatsvina*. It explored the impacts of the exercise from a human rights perspective and sustainable livelihoods approaches. Focus also was on highlighting the impacts on human livelihoods, economic, health and, legal dimensions of the clean up exercise. It demonstrated the extent and severity of the impact by tabular and graphical presentation of the findings. Particular attention was paid to the gender dimension of the impacts, with a view to exposing deep-seated gender stereotypes, discrimination, victimization and exclusion. There is need to appreciate the efforts the residents are making towards their own self-determination. What they do not have is the opportunity to fulfill their aspirations. In short, the residents have the aspirations of the bourgeoisie, the perseverance of pioneers, and the values of patriots.

The overall picture, however, is that of a community whose livelihoods are under a severe threat. The Hatcliffe Extension community is one spectacular case of “*Endangered Livelihoods*.” They are more than just Internally Displaced People. IDP.

Recommendations

Recommendation 1: There is need to double up efforts to mitigated the impact of Restore Order especially in the following dimensions, shelter, food security, education and health

b. On Accountability and Legal Issues

It is not in dispute that section 35 of the Regional Town and Country Planning Act Chapter 29:12 (herein after called “the RTCPA”) gives a local authority power to remove, demolish or alter existing buildings or stop any operations with or without payment of compensation. However, before removing, demolishing or altering any existing development such a local authority must serve written notice upon the owner of the development or person to be affected by the action. Section 32 of the RTCA requires that notice in the form of an enforcement order be given to a person to be affected by such development. The order would state the nature of the development and action to be taken to rectify such development, such as the demolition of any building or discontinuance of any operation. An enforcement order in itself only begins to operate after one month from when it was served, meaning that any person to be affected has a one-month period to respond to it. The operation of this one-month period however depends on the nature of a prohibition order that can be filed simultaneous with the enforcement order. Section 34 allows a local authority to serve, on the same day as the enforcement order or there after, a prohibition order directing the stopping of any operation stated in the enforcement order with immediate effect or on any stated date.

Section 3 of the Administrative Justice Act [Chapter 10:28] is to the effect that “An administrative authority which has the responsibility or power to take **any administrative action which may affect the rights, interests or legitimate expectations of any person** shall act lawfully, reasonably and in a fair manner”. To fulfill such administrative obligation an administrative authority such as the Harare City Council must give a person adequate notice of the nature and purpose of the proposed action; and a reasonable opportunity to make adequate representations.

Recommendation 2: There is need for GoZ and other stakeholders to promptly mobilize sufficient resources to meet the above requirement.

Recommendation 3: There is an urgent need for the Government of Zimbabwe to facilitate humanitarian operations within a pro-poor, gender-sensitive policy framework that provides security of tenure, affordable housing, water and sanitation, and the pursuit of small scale income-generating activities in a regulated and enabling environment.

Recommendation 4: There is an immediate need for the Government of Zimbabwe to revise the outdated Regional Town and Country Planning Act and other relevant Acts, to align the substance and the procedures of these Acts with the social, economic and cultural realities facing the majority of the population, namely the poor.

Recommendation 5: There is an immediate need to revive dialogue and restore trust between different spheres of government and between Government and civil society. This process should emerge from a broad-based consultation among all Zimbabwean stakeholders.

Recommendation 6: 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 *Murambatsvina*. Evidence suggests a few architects of the operation based it on improper advice. The people and Government of Zimbabwe should hold to account those responsible for the injury caused by the Operation.

Recommendation 7: The Government of Zimbabwe should set a good example and adhere to the rule of law before it can credibly ask its citizens to do the same. Operation *Murambatsvina* breached both national and international human rights law provisions guiding evictions, thereby precipitating a humanitarian crisis. The Government of Zimbabwe should pay compensation where it is due for those whose property was unlawfully destroyed.

Recommendation 8: The wrecking of the informal sector by Operation *Murambatsvina* will have detrimental effects at a time that the economy remains in serious difficulties. Apart from drastically increasing unemployment, the Operation will have a knock-on effect on the formal economy including agriculture. The Government of Zimbabwe has to undertake corrective policy reforms in macro-economic management and governance issues, focusing on land reform and land tenure with a view to providing secure tenure for the poor both in rural and urban areas.

Recommendation 9: The Government of Zimbabwe should grant full citizenship to those former migrant workers and their descendants who have no such legal status

Recommendation 10: The government and all relevant stakeholders should ensure that there is transparency and accountability when selecting beneficiaries of Operation Garikayi.

(Except for recommendations 1, 2 and 10, the rest are adapted from Report by the U.N Envoy, Mrs. Anna Kajimulo Tibaijuka. July 2005)

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APPENDICES

APPENDIX 1: Survey Instrument

Questionnaire Details

Name of enumerator: _____
Date of interview: _____

Respondent's details

Sex of respondent:	1 = male 2 = female
What is your nationality?	
What is your citizenship?	
When were you affected by Operation Murambatsvina?	
05	
Month Year	Day

HOUSEHOLD DEMOGRAPHICS		
1.	How old is the household head?	Years
2.	What is the sex of the household head?	1 = male 2 = female
3.	What is the marital status of household head?	Married.....1 Widowed2

		Separated.....3 Divorced.....4 Single/never married.....5												
4.	What is the employment status of the household head?	Employed.....1 Unemployed.....2 Other (specify).....88												
5.	Total number of household members	Members												
6.	How many are:	<table> <tr> <th>Age range</th><th>Male</th><th>Female</th></tr> <tr> <td>Below 18 years (0-17 years)</td><td></td><td></td></tr> <tr> <td>Between 18 and 59 years</td><td></td><td></td></tr> <tr> <td>Above 60 years</td><td></td><td></td></tr> </table>	Age range	Male	Female	Below 18 years (0-17 years)			Between 18 and 59 years			Above 60 years		
Age range	Male	Female												
Below 18 years (0-17 years)														
Between 18 and 59 years														
Above 60 years														
7.	Are there any chronically ill members in your household? (a person who has been ill for more than 3 months with HIV/AIDS continuously)	1 = Yes 2 = No												
8.	If yes, how many?	99 = NA												
9.	Are there any orphans in your household?	1 = Yes 2 = No												
10.	If yes, how many?	99 = NA												
11.	Are there any children below 18 years not attending school?	1 = Yes 2 = No												
12.	If yes, how many?	99 = NA												
13.	Are there any mentally/physically challenged members in your household?	1 = Yes 2 = No												
14.	If yes, how many?	99 = NA												

LIVELIHOODS																	
15.	What was this household's primary source of income before Operation Murambatsvina? (Codes below)																
<table> <tr> <td>Codes for 15</td><td>5 = skilled trade/artisan (e.g. carpenter)</td><td>10 = begging, gifts, donations</td></tr> <tr> <td>1 = remittance</td><td>6 = formal salary wages</td><td>11 = no source of income</td></tr> <tr> <td>2 = flea market</td><td>7 = offering accommodation</td><td>88 = other (specify -----)</td></tr> <tr> <td>3 = tuck-shop</td><td>8 = petty trade (freezit, sweets etc)</td><td>-----)</td></tr> <tr> <td>4 = fruit and vegetable sales (vending)</td><td>9 = cross border trader</td><td></td></tr> </table>			Codes for 15	5 = skilled trade/artisan (e.g. carpenter)	10 = begging, gifts, donations	1 = remittance	6 = formal salary wages	11 = no source of income	2 = flea market	7 = offering accommodation	88 = other (specify -----)	3 = tuck-shop	8 = petty trade (freezit, sweets etc)	-----)	4 = fruit and vegetable sales (vending)	9 = cross border trader	
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16	How was your household affected by the Operation? (Prompt all answers)	a. How was your household affected by the Operation? (Prompt all answers) of shelter lost. How was your household affected by the Operation? (Prompt all answers)	1 = Yes	2 = No
		b. Source of income (specify)	1 = Yes	2 = No
		c. Education for children (specify, probe for loss of BEAM assistance)	1 = Yes	2 = No
		d. Property (specify)	1 = Yes	2 = No
		e. Deterioration in health (AIDS/HIV) (specify, probe for loss of medical support)	1 = Yes	2 = No
		f. Food security (	1 = Yes	2 = No
		g. Household safety and security (specify)	1 = Yes	2 = No
		h. Disruption of family unit (specify)	1 = Yes	2 = No
		i. Women status and dignity (specify)	1 = Yes	2 = No
		j. Religion (specify)	1 = Yes	2 = No
		k. Increased vulnerability for orphans	1 = Yes	2 = No
17	Have any of your family members fallen ill after the operation, illness likely to be attributed to the operation? (If yes specify the illness)	1 = Yes	2 = No	
18	Has any measure been put in place to compensate for lost time at school?		1 = Yes	2 = No
19	Have you sought any legal action concerning your loss?	1 = Yes		2 = No
20	If no, please specify the reasons why?			
21	How is the family currently managing? (Circle all responses)	1=Yes		2=No

		1 = own resources 2 = relatives support 3 = aid agency (NGOs) 4 = government support 5 = community based organisations 6 = not managing at all 88 = others specify (.....)

ASSISTANCE			
22 .	What assistance are you getting? (Circle all responses)	a. Shelter	1 = Yes 2 = No
		b. Food	1 = Yes 2 = No
		c. Compensation	1 = Yes 2 = No
		d. Relocation	1 = Yes 2 = No
		e. Education for children	1 = Yes 2 = No
		f. Legal help	1 = Yes 2 = No
		g. Monetary (financial help)	1 = Yes 2 = No
		h. Others specify (.....)	
23 .	What assistance do you require? (Prompt all responses)	a. Shelter	1 = Yes 2 = No
		b. Food	1 = Yes 2 = No
		c. Compensation	1 = Yes 2 = No
		d. Relocation	1 = Yes 2 = No
		e. Education for children	1 = Yes 2 = No
		f. Legal help	1 = Yes 2 = No
		g. Monetary (financial help)	1 = Yes 2 = No
		h. Others specify (.....)	
24	Would you like a lawyer to assist you?	1 = Yes	2 = No
25 .	Do you think the courts can help you?		

APPENDIX 2

Annexes

Annex 1: Socio demographic Dimensions

Annex 2: Household gender composition

Annex 3: Household head's marital status

Annex 4: Disruption of the family unit.

Annex 5: Impacts on Shelter

Annex 6: gender perceptions on orphan vulnerability

Annex 7: Gendered distribution of health impacts

Annex 8: Impacts on Employment

Annex 9: Loss of income

Annex 10: Assistance required (financial)

Annex 11: Financial assistance (received)

Annex 12: Deterioration of health (HIV and AIDS)

Annex 13: Dislocation of the Family unit.

Annex 14: Disruption of the family unit

Annex 15: Impacts on Education

Annex 16: Property loss

Annex 18: Impacts on Social Capital

Annex 19: Disruption of Social Capital

APPENDIX 3:

Fig 1: Marital status

Fig 2: Disruption of family unit

Fig 3: Impacts on orphan vulnerability

Fig 4: Impacts on Women's dignity

Fig 5: Employment status

Fig 6: Graphical presentation of financial requirements

Fig 7: Financial assistance received

Fig 8: Deterioration in Health

Fig 9: Gender Dimensions

Fig 9: Health Impacts

Fig 10: Impacts on Education

Fig 11: Loss of Physical property/ Capital

Fig 12: Legal Dimensions.

APPENDIX 4. Overview – Summary of Responses

Date of Interviews: November – December 2005

Number of Households: 4000

Estimated overall population: 24000

Sex of household heads: 1750 Households (43.8%) female-headed

Nationality: Zimbabwean: 3860 households (96.5%)

Alien: 131 households (3.3%)

When where you affected: May and June 2005

Household Demographics

Marital status:

- Married: (64.2%)
- Widowed: (15.0%)
- Separated: (10.3%)
- Divorced: (4.8%)
- Single/ Never married (5.8%)

Employment Status

- Employed: (19.8%)
- Unemployed: 3197 (79.9%)
- Self-employed: 13 (0.3%)

Loss of Income

- Lost Income: 2236(55.9%)
- Did not lose income 1764 (44.1%)

Assistance required: 3333 (83.4%)

Assistance received: 491 (13.3%)

Average household size: 6

Chronically ill: (15%)

Orphan vulnerability (Yes: 72.3%), (No: 27.7%)

Mental and physical health: (5%)

Primary source of income before Murambatsvina Majority relied on petty trade, cross border trade and fruit and vegetable vending.

Livelihoods

- Education:

- **School drop outs: (45.6%)**
- **Loss of BEAM assistance: (17.3%)**
- **Compensation: (Yes: 36.6). No: 63.3%)**
- **Education assistance required: (81.7%)**
- **Assistance received: (18.3%)**

Health:

Did Operation Murambatsvina affect health? HIV/AIDS: (47.0%)

Legal Dimensions

- **Legal assistance sought (6.7%)**

Legal assistance received (6.4%)

APPENDIX 5: Focused Group Discussion Guide.

- Historical transect of the Hatcliffe Community**
- Livelihoods before Operation Murambatsvina**
- Impacts**
- Mitigation**