

Order out of Chaos, or Chaos out of Order?

A Preliminary Report on Operation “Murambatsvina”

A report by the

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Executive Summary

“*Operation Murambatsvina*” and “*Operation Restore Order*” are the code names used by the police for a massive operation that began in Zimbabwe towards the end of May. This nationwide campaign, which has been conducted in the cities and towns, in peri-urban areas, and on farms settled after land invasions, has led to the destruction of many thousands of houses and means of shelter, trading stalls and markets. Whatever the reasons behind this, none of which can be morally justified, this campaign has created a huge humanitarian disaster causing enormous hardship and suffering. Within the space of a few weeks, *Operation Murambatsvina* has produced a massive internal refugee population who are homeless and without the means to earn a living.

By its mismanagement of the economy in pursuit of political ends, the Mugabe Government has created mass unemployment. As formal sector unemployment has risen, more and more people had to move into the informal trading sector to earn some sort of livelihood. Before *Operation Murambatsvina*, vast numbers of people were earning a living in the informal economic sector. Previously the Government encouraged the growth of the informal sector and allowed informal traders and vendors to carry out their activities. The authorities largely turned a blind eye to vendors and traders operating in violation of by-laws.

Because of drastic housing shortages, hundreds of thousands of people were occupying shanty and makeshift dwellings in urban areas. Many more were occupying houses erected by housing co-operatives on land occupied during the land invasions. Many of these housing co-operatives were registered, and senior government officials had often encouraged the establishment of these informal settlements or had given the approval to their activities. The authorities had previously done little to enforce the building by-laws in relation to these informal settlements.

Suddenly, in a military style operation, often 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 without warning on poor urban people in high-density suburbs, in and around towns and cities, all over Zimbabwe. The army was also deployed in a show of force to deter people from putting up resistance to the police action. The police bulldozed, smashed, and burned structures housing many thousands of poor urban dwellers. Among those whose buildings were destroyed were those who had proper plans for their buildings and those who had entered into valid leases to occupy those premises. The owners of the structures, and even bystanders in numerous instances were also press-ganged into assisting in breaking down these structures. The destruction of structures that housed thousands of people was done without providing any alternate accommodation whatsoever, although after all the destruction, the Government announced plans to build and rebuild housing.

Some estimates put the number of people now displaced at well over a million. The forced displacement of thousands of families has meant that many children of these families are no longer attending school. Amongst those that have been made homeless in the blitz are babies and young children, orphans, women and women-headed households, elderly people, disabled people, people with HIV and other sick people. The dislocation of these people has severely disrupted treatment and care programmes for people with HIV, and these persons will be exceptionally vulnerable as a result.

The police also destroyed large numbers of vending stalls and markets and drove away vendors from sites all around the towns from which they had been operating. Quite a number of vendors were unfairly affected as they held valid vending licenses. During these operations the police confiscated quantities of goods. Allegations were made that some of this property was misappropriated by police officers.

This operation was conducted in a brutal 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 to assist in dismantling these structures. Property worth millions of dollars was destroyed, in many cases this constituting an investment of the life savings of families. During this operation, many people were arrested on a variety of charges.

A number of non-governmental organisations, wishing to assist people thrown out of their homes, have been prevented from doing so.

The wrecking of the informal economic sector will have very detrimental economic effects at a time that the economy is already in a most parlous state. Apart from drastically increasing unemployment, the campaign will have a very detrimental knock-on effect upon the formal economy.

The City Council, various Government Ministers, and Government officials have advanced a whole miscellany of reasons for this operation. In general, the official explanations have been confusing, and occasionally at variance with each other.

The timing and magnitude of the 'clean-up' operation has led to much speculation as to whether there are in actuality other reasons than those officially proclaimed. For instance, some have argued that the campaign is to punish urban people for voting for the opposition. Others say that it is a pre-emptive strike against the urban poor to prevent unrest in the towns by driving people away into the countryside. There are problems with each of these speculations. A more comprehensive theory incorporates most of the fragmentary theories, and posits the campaign as a strategy to solve a related set of political problems for the government.

Some court cases have been brought to challenge the legality of the campaign and more are in the pipeline. In one action, the court dismissed the action on a questionable basis, but the presiding judge did make explicit reference to the adverse humanitarian consequences.

Operation Murambatsvina violates a whole range of international human rights norms as well as fundamental rights provisions in the Constitution of Zimbabwe.

Whatever the reasons for it, *Operation Murambatsvina* constitutes a widespread and systematic attack on a poor and defenceless civilian population. It has laid to ruins the homes and businesses of hundreds of thousands of people. Not without justification, have people likened the devastation wreaked by the government to that of a tsunami. However, unlike a tsunami, the targets of *Operation Murambatsvina* have been selective and it is this selectivity which has led to the speculation that the true motives behind it are political.

Accordingly, the Human Rights Forum calls upon the Government to take a number of immediate steps:

- To bring an immediate halt to all forced evictions until such time as a planned and humane relocation can take place;
- To end the forced relocation of persons to the rural areas;
- to allow immediate and unrestricted access by churches and non-governmental organizations to affected persons so that humanitarian assistance may be given to those affected;
- To allow a full and independent audit of the consequences of the forced evictions;
- To investigate all allegations of unlawful deprivation of property and to prosecute all alleged offenders.
- To make full restitution of all property illegally confiscated.
- To provide full compensation to all persons whose property was illegally damaged or destroyed.

Introduction

“*Murambatsvina*”, is a Shona word meaning, “to drive out rubbish” or “clean out the filth.” This is one of the code names given to the ongoing onslaught against informal residential settlements and informal trading markets and stalls. The other code name for this blitz is “*Operation Restore Order*”. This “clean out” operation is being carried out on a massive scale in towns and cities all around Zimbabwe. It has created a human tragedy of massive proportions in a country that has, over some years, suffered a whole series of human catastrophes mostly as a consequence of ill-advised Government policies and actions.

This report documents the nature and extent of this action and its impact upon the people affected. It locates this campaign within the context of the socio-economic and political situation prevailing in the country, particularly over the last decade. It probes into whether the official reasons given for this operation are plausible, or whether there were completely different reasons behind this campaign. It also examines the litigation challenging the legality of the campaign and the fundamental rights that have been violated during this campaign.

Start of campaign

On 19 May 2005, the Chairperson of the Harare Commission, Ms Makwavarara, gave a speech at the Harare Town House announcing the official launch of Operation Murambatsvina. This is what she said:

“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 Zimbabwe Republic Police (ZRP). This is a programme to enforce by-laws to stop all forms of illegal activity.

These violations of the by-laws in areas of vending, traffic control, illegal structures, touting/abuse of commuters by rank marshals, street-life/prostitution, vandalism of property infrastructure, stock theft, and illegal cultivation, among others have led to the deterioration of standards thus negatively affecting the image of the City. The attitude of the members of the public as well as some City officials has led to a point whereby Harare has lost its glow. We are determined to bring it back.

Harare was renowned for its cleanliness, decency, peace, tranquil environment for business and leisure; therefore we would like to assure all residents that all these illegal activities will be a thing of the past.

To intensify **Operation Murambatsvina**, an ongoing exercise, the City of Harare will work hand in glove with other enforcement units of the Government which include the ZRP to make sure that this exercise is realised. It is not a once-off exercise but a sustained one that will see the clean-up of Harare.

The eradication of chaos that currently prevails in the City, the seat of Government, home to all diplomatic missions, headquarters of major business and commercial activities requires the co-operation of all authorities, businesses and individuals. The people of Harare must all appreciate that the City is ours, it is our pride and belongs to us all; thereby let us be responsible citizens.

Pursuant to this objective the City is calling upon all stakeholders to report any cases of corruption or incompetence by municipal workers and any form of vandalism and abuse of municipal property at any municipal office.

Furthermore, I urge all organisations and residents to co-operate during this ongoing exercise, which is intended to bring sanity back to the City of Harare.

Operation Murambatsvina is going to be a massive exercise in the CBD and the suburbs which will see to the demolition of all illegal structures and removal of all activities at undesignated areas, among the prior mentioned activities.

I, as the Commission Chairperson of Harare declare **Operation Murambatsvina** officially launched and I urge all residents to remember **kuramba tsvina**.

Our aim is to keep Harare clean. What is your aim?

Your aim will help.

The person making this poorly worded, vague and confused announcement is head of an unelected body of Commissioners. These Commissioners were appointed by the Minister of Local Government after the elected Council of Harare had been sacked by Government. In Harare therefore the Operation *Murambatsvina* was implemented by an institution that was not democratically elected by the people of Harare.

On the same day that the text of this infamous speech appeared in the *Herald* newspaper, this newspaper also carried a notice from the City of Harare. The notice started by noting that, in the Greater Harare area, people had erected unauthorised and illegal structures in contravention of the Regional, Town and Country Planning Act [*Chapter 29:12*]. It referred specifically to illegal outbuildings, wooden and metal shanties used for human habitation and the conducting of illegal businesses. The City Council stated that, because of this illegality, it was issuing an enforcement order in terms of s 32 of the Regional, Town and Country Act. This order required the persons who had erected illegal structures to cease to use them and to demolish them. It also stated that this order was only to come into operation on 20 June 2005. Additionally the Council issued a prohibition order in terms of s 34 of the Act ordering owners, occupiers, and users of illegal structures to discontinue forthwith the use of such illegal structures, demolish the structures and remove all rubbish arising from the demolition of the structures. The use of these structures by the users was, it was said in the notice, not only a serious contravention of the provisions of the Act, but also “seriously injure[d] the amenities of the area by creating and maintaining unsightly objectionable and undesirable health conditions in the locality.”

Only a few days after this notice appeared, completely ignoring the date specified for the coming into operation of the enforcement order, a massive operation started not only in Harare, but countrywide. Clearly, the Harare City Council did not decide alone to embark on the clean-up operation. Considerable advance planning would have been required for such a huge scale enterprise, and undoubtedly the Cabinet would have had to give its approval to its implementation by the police and the local authorities right across the country.

Before examining further the nature and impact of this campaign, it is important to refer briefly to the social, economic, and political background to the current events.

Political, social and economic background

From 1980 until 1990, ZANU (PF), the ruling party, moved in the direction of establishing a legislated one-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.³

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 opposition.⁴ 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.⁵ 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*.

By its mismanagement of the economy, the Mugabe Government has created mass unemployment. Up to 60 per cent of the employable population is unemployed. As formal sector unemployment has risen, compounded by tens of thousands of youths entering the job market annually, more and more people have had to move into the informal trading sector to earn some sort of livelihood. The Government has very much encouraged the growth of the informal sector. In a speech in 1995, the then Minister of Home Affairs, Dumiso Dabengwa, had this to say at a conference on deregulation:

“In these harsh economic times, street vending not only creates employment but is also a valuable source of income. Therefore from a moral, social and economic point of view, harassing and arresting people who are trying to earn an honest living seems to be too harsh and unwarranted. . .”

At the same conference the then Attorney-General (now Minister of Justice) said:

“I think we are all agreed that deregulation is the bulldozer, so to speak, which will help pave the way leading to indigenous participation in the national economy.”³

For some years, the Government has allowed informal traders and vendors to carry out their activities. Some of these were operating with licences, but, to the knowledge of the authorities, others were operating in violation of legal requirements. Over a period of time, the authorities largely turned a blind eye to vendors and traders operating in violation of by-laws.

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 Government⁴, 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.

‘Clean-up’ campaign

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 structures⁴.

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.⁴ 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 officers⁴. 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.”⁴)

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.⁴

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.”⁴

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.

Very much after the event, and probably in response to the heavy criticism of these destructive actions, the authorities have announced plans to mount a massive reconstruction operation to provide “more decent accommodation and business shells and stalls.” This “reconstruction” programme is supposed to have a budget of three trillion dollars and army and youth militia personnel will help to carry out the construction.⁴ Commendable though a huge housing project to accommodate low-income people is, what is not commendable is to destroy large numbers of houses and structures accommodating huge numbers of people without having any alternate accommodation immediately available to house these people. What is also not commendable is the huge scale destruction of people’s property, property which the State will never replace. It also remains to be seen whether the new housing will be allocated on a non-partisan basis or will be used to pressurize people to support the ruling party.

Resistance to campaign

As already indicated, large forces of armed police carried out this campaign backed up by army personnel being ferried in large troop carriers. This was an awesome force to be deployed against poor unarmed people who included women and children and sick and disabled people. During the campaign it was publicly proclaimed that no resistance to the action would be tolerated. Local Government Minister Ignatius Chombo said, “We are simply restoring order. Yes we expected some resistance but the security forces are on hand to crush any hooliganism. It is these people who have been making the country ungovernable by their criminal activities actually.”⁴

One news agency alleged that the police were under orders to use live ammunition against civilians attempting to resist. It said that “sources” had told it that Harare police commander said to about 2 000 police officers at a police depot in Harare about to be deployed:

“Why are you letting the people toss you around when you are the police? From tomorrow, I need reports on my desk saying that we have shot people. The President (Mugabe) has given his full support for this operation so there is nothing to fear. You should treat this operation as a war. Those people fighting back need to be taught bitter lessons because that is the only way to avoid further confrontation.”⁴

Although there have been some pockets of resistance to the police action, including a few violent confrontations with the police⁴, for the most part people have felt helpless to do anything in the face of the show of force by the police backed up by the army. One woman with a baby told a reporter: “What could we do to stop them? They had guns. They came suddenly and then they were shouting, ‘Get away! Where are you supposed to go?’ ” Another woman told the same reporter that the police had arrived at the squatter camp in Bulawayo with six truckloads of police carrying assault rifles. The police had come in the morning and forced people from their homes at gunpoint and then set the homes alight. They told them to get out and that they would come back with dogs that night to make sure that the people had gone.⁴

General impact of the campaign

Whatever the reasons behind it, it is clear that the campaign has created a huge humanitarian disaster causing enormous hardship and suffering. Within the space of a few weeks, *Operation Murambatsvina* has produced a massive internal refugee population.² It has devastated the businesses of large numbers of people who were eking out a living in the informal sector.

The destruction of structures that housed thousands of people was done without providing any alternate accommodation whatsoever, apart from forcing some to go to transit camps in which the conditions were appalling. It is not known exactly how many people have been rendered homeless as a result, but, two weeks ago, Miloon Kothari, the *UN Special Rapporteur on the Right to Adequate Housing*, talked about a figure of 200 000 people having been left without accommodation. The most recent reliable estimate is that 64,677 families have been displaced, representing a total of 323,385 persons in need of emergency relief and resettlement.³ This is clearly conservative, and the ongoing operation has resulted in many more people being left without shelter. Some estimates put the number of people now displaced at well over a million.

It has been alleged that two small children have been killed as a result of the demolition of residential structures. One was said to have died when a wall that had been weakened by the breaking down of the structure collapsed on top of her child and one is alleged to have died when a wall being bulldozed collapsed on top of the child.⁴ There are also allegations that some people have died of exposure after having to sleep outside in freezing cold conditions after their houses were destroyed.

Large numbers of people evicted from their urban homes are camped beside major roads, unable to return to the places where they had been living⁵. Many of the people affected had nowhere else to go, and were forced to sleep out in the open, and some have been camping out for several weeks. It is now winter in Zimbabwe, and the nights are extremely cold: camping out without shelter creates the risk of people dying of exposure, particularly children, the sick and the elderly. Those with relatives in rural areas, and who had the money to travel to these places, were often unable to find transport to travel to these places with whatever possessions they had managed to rescue from their dwellings. This was because transport was at a premium due to an ongoing dire petrol shortage. Many people were simply unable to afford the expensive fares to travel to the rural areas.

Many family members who have been displaced by *Operation Murambatsvina* have had to move in with relatives who have not themselves been displaced. Many people were accommodating their relatives in outbuildings. When these outbuildings were in turn destroyed they had to move their relatives into their main houses, although many of these were already overcrowded. This has led to overcrowding in accommodation, increasing the strain on already overstretched families.

The dislocation of numerous families has meant that many children of these families are no longer attending school. Many parents have had to send their children to live with relatives elsewhere. Entire families have had to relocate and there are no places available in schools in the areas where the children are now located. Many parents who were earning a living by vending now do not have the money to pay school fees. Many children are simply sleeping out in

the open with their parents and the children are too traumatised or demoralised to attend school. The schooling of many of these displaced children has been disrupted at a particularly bad time because many were due to write examinations at the end of June.

According to one news report in mid-June, some 300 000 children of informal traders and city squatter families have dropped out of school in the last four weeks after their homes were destroyed by the Government. According to this report, officials at the Ministry of Education head office in Harare said directors of education in the country's 10 provinces were last week asked to compile figures of children, under 13 years, no longer coming to school because their families were evicted in the Government's urban 'clean-up' operation. One senior official who spoke to the news agency anonymously, for fear of victimization, said:

“The average figure of pupils no longer attending school because their family has been evicted is 100 per school and these are just primary school kids. But in secondary schools, it appears the effect of the evictions has not been that devastating.”²

Amongst those people that have been made homeless in the blitz are many people with HIV. The dislocation of these people has severely disrupted their treatment, and care programmes. In the Hatcliffe area, outside Harare, a Catholic Day-care Centre for AIDS orphans was destroyed. Persons with HIV or AIDS will be exceptionally vulnerable as a result of the disruption of diet, care, and medical treatment². *The Zimbabwe Association of Doctors for Human Rights*(ZADHR) issued a very strong statement in this respect².

The onslaught against the informal trading sector has rendered destitute people who were supporting themselves and their families by trading in the informal sector. Many of these traders lost their goods when the police confiscated them or they were damaged or destroyed during the 'clean-up' operation. In a speech to mark Africa Day, MDC leader, Morgan Tsvangirai, had this to say:

“Government's claim that such action is in the public interest is disingenuous. Street vendors are not sabotaging the economy; it is the government, which is sabotaging the economy through mismanagement and corruption. Teachers, doctors, nurses, factory workers and people from all walks of life have been forced into becoming street vendors as it has become the only means of survival. . . A government that destroys the properties of people, who are trying to make an honest living, is evil. It is people-insensitive. Millions of Zimbabweans have been made poor and jobless by this regime. The people have sought ways to provide for their families. Not only have flea markets and tuck shops been destroyed – the people's belongings have been stolen by the government. The government did not even have the heart to give people a notice period to salvage their belongings; it ploughed through their properties and looted their goods. That is unforgivable.”²

Removal of people to rural areas

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.”²³

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.

Barring of humanitarian assistance

Soon after the campaign started, there were a number of allegations that non-governmental organisations, wishing to assist people thrown out of their homes, had been prevented from doing so.²⁴ In one report, it was alleged that senior officials at the Social Welfare Ministry, which approves humanitarian assistance, said Governors of Provinces had been ordered to block donor groups from distributing food and clothes. This report suggested that, by accepting such aid, Government would in effect be admitting that there were grave shortcomings in this campaign.²⁵ Another possible reason for the reluctance to allow these organisations to provide food and shelter to urban people who had been rendered homeless was that such assistance might discourage people from returning to their rural homes as Government would have liked. In one report about the meeting between Government officials and non-governmental organisations it is said, “civic sources had maintained that Government wants to force people to the rural areas. Churches and NGOs who have housed or helped the displaced people have been labelled enemies of the operation and told to stop.”

However, despite discouragement from Government, churches and non-governmental organisations have felt morally obliged to render as much assistance as they can to the displaced persons, given the fact that Government itself is not rendering any such assistance. They have continued to give assistance, often clandestinely²⁴. One source has indicated that international assistance from one foreign government has at least reached US\$1,000,000, but it is not clear whether this has been given through governmental sources or through churches and NGOs.

Charity and church officials have said that the Government is blocking attempts to deliver aid to the displaced. "They tell us we are trying to embarrass the Government when we distribute food and blankets," one aid worker said. They say we are from the Opposition."

However, in a news report dated 24 June 2005, it was suggested that the Government had done a U-turn on humanitarian assistance from non-governmental organisations. This report suggested that the Government had become "alarmed at the humanitarian crisis caused by large-scale dislocation of families, and had tasked two Ministers to appeal for help from NGOs and churches to rehabilitate affected families and assist in the reconstruction of homes". The report suggested that the President and the Cabinet had endorsed the plan to make this appeal after realising that the Government had not adequately planned for the after effects of the 'clean-up' operation.

The economic impact

The information for this was provided by a leading Zimbabwean economist. He commented at the outset that economic data in Zimbabwe are increasingly suspect, and that, furthermore, by definition, there are no reliable data on the informal sector in any economy.

Accordingly, what follows draws in part on official and IMF numbers insofar as the formal sector is concerned. The informal sector data are drawn from what is seen as a somewhat unreliable *World Bank* study of the informal sector around the world, and estimates of the cost of the current campaign are then extrapolated from this.

The Formal Economy

GDP has fallen more than a third in real terms since 1998. On a per capita basis, income per head has declined 36% since 1998. In 2005, GDP is forecast to fall 5% to 6%, and, with population growth estimated to be flat, income per head will fall by the same amount.

Real per capita incomes in 2005 will be the lowest since the 1960s. They are now about half their peak level of Z\$2 280 (at 1990 prices) which was reached in 1991. Formal sector employment peaked at 1 350 000 to 1 400 000 in 1998. Latest official figures put employment at 1 100 000 in 2003, but these assume that there were still over 250

000 employed in commercial agriculture which seems very unlikely. Accordingly, the best estimate for 2004 is formal sector employment of around 950 000, implying a loss of some 400 000 jobs at the minimum since the downturn started. Job losses have been ongoing during the first half of 2005, suggesting that formal employment today is in the region of 900 000.

The Informal Economy

In 2002, the World Bank estimated that the informal sector constituted 40% on average of the Sub-Saharan economy, but was much higher in three countries – Zimbabwe (59%), Tanzania and Nigeria (about 58%). It also estimated the size of the informal economy at that time at US\$1.9 billion, which economists have suggested in on the high side.

GDP today in Zimbabwe is estimated at Z\$40 trillion (US\$4 billion at the auction rate). Assuming that 40% of GDP is in the informal sector, which is probably a realistic number, the informal sector would be in the region of US\$1.6 billion.

Total population is currently estimated at 11.5 million. Roughly half are of working age, but after adjustment for economically-inactive people – house minders, etc - the workforce is estimated at 5 million. Of those approximately 900 000 are employed in the formal sector, and a further 1.1 million in small-scale agriculture, much of which is really underemployment. This leaves a total of 3 million, or 60% of the workforce, that is either wholly unemployed, or employed in informal sector activities. With the loss of some 500 000 jobs since 1998, it is a reasonable estimate to suggest that the informal sector accounts for about half of the total “unemployed”, or 1.5 million people.

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).

Of course, indirect costs are impossible to gauge. Clearly the withdraw of \$700 million in spending power from a \$4 billion economy must have very far-reaching ramifications for the formal sector in terms of spending on food, clothing, transport, education, health, etc. Total consumer spending in the Zimbabwe economy in mid-2005 is of the order of Z\$35 trillion, and, thus, the direct reduction in consumer spending that will have a knock-on effect across the formal sector will be equivalent to a 20% cutback. This will have serious knock-on implications for retail turnovers, factory output, etc in the formal sector.

Clearly there will some offsetting effects. Some consumers who had accessed products from the informal sector will now be forced into the formal sector, and already there are reports in the *Herald* of the Government preparing stands and building retail factory shells for erstwhile informal sector participants. But the cushioning impact of this will be small.

The conclusions are sobering. Total unemployment will probably rise from the current 1.5 million people, excluding informal sector employees, to around 2.25 million. This is 45% of the workforce, but, however, this excludes 750 000 communal and small-scale farmers. If these are included, unemployment reaches 60%.

The direct impact on output (GDP) will be a likely reduction of some 17.5%. Various knock-on effects, conservatively, might add another 2.5% to give a 20% reduction, or very nearly two-thirds of the total output decline since 1998. Long-term effects are impossible to estimate. From a humanitarian and social viewpoint, there must be a substantial drop in the number of children attending schools, and in the number of people able to afford food, let alone shelter and medical care.

Reasons given by authorities for the campaign

The City Council, various Government Ministers, and Government officials have advanced a whole miscellany of reasons for this operation.

One general explanation is that it was literally a clean-up operation. The shanty dwellings and informal markets and stalls were an eyesore, and spoilt the beauty of the cities like Harare. Related to this was the explanation that the vendors and operations of commuter transporters were also causing chaos in the central business districts, including interfering with the flow of traffic, and it was therefore necessary “*to restore order*”.

The main official justification for the campaign against informal traders and vendors seems to be that, not only were they operating illegally in violation of various by-laws, but also they were engaging in a variety of other illegal activities, such as illegal dealing in foreign currency, or profiteering by hoarding scarce commodities such as mealie meal, cooking oil, and petrol, and selling them way above the controlled price. There were also allegations that there was dealing in stolen goods, and that these illegal activities were undermining the economy. The Police Commissioner, Augustine Chihuri, went so far as to say that *Operation Murambatsvina* was meant to “clean the country of the crawling mass of maggots bent on destroying the economy”.⁴

The main official explanation for the campaign against informal settlements and shanty dwellings seems to be that, not only had this housing being erected illegally without proper permits and planning permission, but these settlements had no proper sanitation and posed a health hazard, and they also harboured criminals, such as robbers, prostitutes, and illegal immigrants.

In general, the official explanations have been confusing, and occasionally at variance with each other. There has been no comprehensive policy statement from the Government, but it seems evident that the catch-all terminology, *Operation Murambatsvina*, can be used to cover a very wide range of reasons. For example, an official with the Harare City Council, Leslie Gwindi, announced that the police would be targeting offices set up in homes in the more affluent suburbs, whilst a senior police officer was quoted as saying that this was apparently on the grounds that such offices were an inappropriate use for domestic housing in the context of a housing crisis²⁴.

Some commentators have also noted the alarming similarity in the name of the exercise to the infamous campaign to deal with dissidents in Matabeleland in the 1980s, and indeed there is an unfortunate similarity in meaning between “*Murambatsvina*” and “*Gukurahundi*”. It is also noteworthy that the security forces in both exercises seemed to have wide and sweeping powers.

Possible real reasons for campaign

The timing and magnitude of the ‘clean-up’ operation has led to much speculation as to whether there are in actuality other reasons than the officially proclaimed ones behind this operation.

The main opposition party and several commentators have maintained that the real reason behind the campaign is to punish the urban poor for voting in substantial numbers for the opposition party in the March election. Connected to this, these persons maintain that the Government was also seeking to depopulate the cities of MDC supporters by driving them into the rural areas where the ruling ZANU (PF) party dominates, and where they can be effectively controlled.

There are various difficulties with the thesis that the entire campaign was aimed at the punishment and rural re-location of MDC supporters. As a number of ZANU (PF) officials have pointed out²⁵, although the campaign has affected many dwellers and vendors who are MDC supporters, it has also affected many staunch ZANU (PF) supporters, particularly war veterans who established housing co-operatives on land occupied during land invasions. Additionally, amongst the people affected are people who originally came to Zimbabwe from other countries, such as Malawi or Mozambique, and there are no rural areas in which these persons are entitled to settle. Furthermore, there are many MDC supporters who have been driven out of their rural areas and would not be welcome back in those areas.

Nonetheless, it is possible that, either before, or during the operation, the ruling party appreciated that it would be politically advantageous to force appreciable numbers of MDC supporters to move away from the towns and cities.

David Coltart, the legal spokesman for the MDC, sees the campaign as “a sinister pre-emptive strike designed to remove the maximum possible number of people from urban areas to rural areas where they are easier to control.”²⁴ There are many very effective intimidatory measures that have been applied in the past to rural inhabitants to ensure that they do not support the opposition, such as the use of food aid to ensure political acquiescence, and threats by chiefs and headmen to expel villagers if they support the opposition.

Again there are problems with this thesis. As already pointed out, quite a number of those affected are people of foreign origins with no right of abode in communal lands, although some could be employed on commercial farms and it would still be more advantageous for ZANU (PF) to have them in the rural areas. Secondly, people in the rural areas will be reluctant to try to absorb more people at a time of chronic food shortages. Furthermore, there have been some reports of chiefs refusing to allow people back to their original homes until they have paid a head tax for the period of time that they have been away, money that the people seeking re-admission just do not have.

Some commentators have sought to explain why the ruling party decided to target war veteran organised settlements during the campaign. They have suggested that, although the war veterans were a useful tool to carry out land invasions, with its spin off political benefits for the ruling party, they have now become a thorn in the side of the Government as they are seeking to hold the Government to ransom. Last year, President Mugabe had to discipline the war veteran leader, Jabulani Sibanda, after he had associated with a faction of ZANU (PF) that was seeking to block the elevation to the Vice-Presidency of Joyce Mujuru, the person chosen by the President for this post. This view holds that the war veterans are no longer needed to mount violent campaigns against the opposition now that there are ample supplies of youth militia. The war veterans are thus dispensable, and the ruling party has decided to suppress them.

Others have argued that for the ruling party substantial economic benefits would flow from the relocation of a sizeable number of urban dwellers (whatever their political affiliation) to the countryside. The acute shortage of foreign currency has made it nigh impossible for the Government to pay the bill for imported petrol and electricity supplies, and to maintain water supplies to urban dwellers. If the urban population were to be drastically reduced, Government’s economic problems in this regard would be ameliorated. The strain on the urban health services would also be diminished.

The leader of the MDC, Morgan Tsvangirai, has accused President Mugabe of setting the police against residents in opposition urban strongholds in a bid to provoke conditions that could enable him to declare a State of Emergency, and rule by decree. Again there are problems with this thesis. The police and army already have enormous powers under legislation, such as the Public Order and Security Act, and, even if the laws constitute some sort of legal restraints that would be removed by the declaration of a state of emergency, the police and army have shown that they are prepared to act in violation of the laws where they see fit²⁵. For instance, the power of indefinite detention without trial is superfluous when the police are willing to detain people without proper legal justification for excessive periods of time, regardless of the legal provisions prohibiting this. Added to this there now exist a series of restrictions on the granting of bail in respect of various charges under the Public Order and Security Act.

Another theory is that the clean-up operation was a type of pre-emptive strike against the urban poor. According to this theory, the Government, fearful of massive unrest and even a possible uprising, decided to strike first to smash, or irreparably weaken, all possible sources of mass protest. It did so by rendering many urban poor homeless, thereby forcing them to return to their rural homes, which would remove their ability to engage in any dangerous mass protest. Certainly the huge scale armed force deployed during *Operation Murambatsvina* was indicative either of a ruthless determination to carry through the programme, or a fear that the devastation would lead to a spontaneous uprising on the part of those affected.

There are also a number of theories regarding what underlies the decimation of informal trading. Some argue that the Government is deliberately destroying informal “*flea markets*” in order to tighten its control of the economy. The informal sector has contributed little to the fiscus by way of licence fees or through taxation, and, hence, by destroying the current largely uncontrolled informal economy and replacing with a trading and vending sector that is tightly controlled by Government, it can ensure that licences are allocated to party loyalists. At the least, direct political pressure can be put upon licensees to conform to the norms expected by the ruling party. It can also ensure that it has control over the foreign currency generated by informal trading, and stamps out black market trading in foreign currency by this sector.

A spin-off of the dispossession of people occupying informal settlements is that these plots can be re-allocated to ruling party loyalists⁴. This process has already commenced. In the main, Government-controlled, daily newspaper, it was reported that at least 20 000 residential stands and several thousands of vending stalls would be allocated in Harare, with civil servants, the army, air force, police, prison service, and intelligence service personnel being the biggest beneficiaries.⁴

As has been seen, each of these theories has some support, but also there are problems with each too. It should be remembered here that similar fragmentary theorising followed the land invasions in 2000, and, in retrospect, it was possible to see that this strategy was more comprehensive than any of the single theories advanced. Thus, some have advanced a more complex theory than those outlined above.

Firstly, it is evident, and was evident before the election, that the ZANU (PF) Government faced two major political problems, and these both related to the Government’s pressing need to overcome its international political and economic isolation. The first problem may be termed the “*illegitimacy*” problem, and this arises from the repudiation of election results by domestic and international observers - with the consequent refusal by a substantial portion of the world to recognise the ZANU (PF) Government as legitimate. The second problem may be termed the “*governance*” problem, and this revolves around the suppression of the media, the breaches of the rule of law, human rights violations, and the existence and application of draconian legislation. The second problem has also resulted in international opprobrium, and led directly to withdrawal of donor support and the support of the international finance institutions.

It is just possible that ZANU (PF) has resolved the “*illegitimacy*” problem in the recently completed election. This is not to support the notion that the election was won fairly; far from it, since there is strong evidence that a massive campaign of intimidation was mounted, especially at the seats won by the MDC in the 2000 Parliamentary election⁴.

However, irrespective of the outcome of the challenges to the election results, ZANU (PF) must solve the issue of good governance in order to attain international respectability and the re-engagement of the international community. This means a reversal of its whole style of governing, adherence to the rule of law, an end to political violence and repression, opening of the press and media space, and a cessation of all interference with citizens' basic freedoms. This would open the Government to the possibility of massive protest and civic pressure. It is in this context that some have advanced the most sinister interpretation of the current campaign of displacements, and an interpretation that combines most of the previous theories. It is predicated on the observation that the greatest risk to repressive governments comes when they seek to liberalise.

Here, the major problem revolves wholly around security. In the likely context of rising inflation and huge cost increases, the informal sector is a very probable vector for political discontent, and is already the base for civic and political party recruitment. It is probable that the government sees the risk in liberalising (solving the "governance" problem) in the context of rising dissatisfaction over hugely diminished livelihoods, and must seek to control this risk.

Putting this together, the elimination of risks requires moving the informal sector from the urban areas into the rural areas. This would require an operation on the current scale: remove the sources of income, and consequently remove their places of abode. Destroying livelihoods without removing a now highly angered population would not solve the security problem, so the second step of destroying their homes becomes necessary. In consequence, a significantly large proportion of the urban population is neutralised as both a potential economic cost and a potential political risk. It is also possible that the recent acceptance by the Government of international drought-relief is partly in service of this strategy, and that the Government will try to hide the social costs of the forced evictions in the assistance to persons needing drought relief.

This last theory is contentious, and whether it, or variants of it, have substance remains a matter of speculation. One thing is clear, and, that is, none of the Government's explanations satisfactorily explains the scale, the haste, or the violent implementation of the current displacements. The lack of warning, the use of weapons of war and riot police, the deliberate brutality and the destruction of people's homes and personal possessions, the total lack of provision for future shelter, and the wanton disregard for people's health and well-being, strongly suggest a *widespread and systematic* campaign, no matter what the explanation.

Litigation brought challenging the legality of the campaign

A number of court actions have been brought challenging the legality of the action taken by the police under *Operation Murambatsvina*. The *Zimbabwe Lawyers for Human Rights* have brought two cases to court. The first case involved the demolition of buildings housing members of the *Dare Remusha Co-operative*, which had been located in Hatcliffe outside Harare. This co-operative had about two thousand members. On 26 May 2005, the police came to Hatcliffe and told members of the co-operative to evacuate their houses and to start demolishing

them. They were told to remove all their belongings and wait by the roadside as vehicles were to be provided to take them to a farm outside Harare. The police then started to indiscriminately demolish the members' houses and convenience rooms with picks, hammers, and iron rods. In some instances, the police razed to the ground entire buildings by setting them on fire.

This housing co-operative was established by war veterans. The Ministry of Local Government had allocated stands to the co-operative in April 2005, and had thereafter entered into lease agreements with members of the co-operative. The leases, which were valid for six years, provided that the stand holders had to erect buildings that met certain specifications on the stands during the currency of the lease. The lease further provided that such buildings had to comply with the relevant local authority laws and the plans and specifications of these buildings had to be approved in writing by the City of Harare. Lessees were not permitted to occupy stands until the buildings had been erected to the satisfaction of the lessor.

The members sought a court order ejecting the police from their stands and allowing the members to return to their stands, and barring the police from destroying their property, or interfering with their possession of their stands.

The members had breached the lease by erecting buildings and occupying them without seeking approval of their building plans from the City of Harare. On 24 May 2005, the City of Harare had through the newspaper issued an enforcement order in terms of s 32 of the *Regional Town and Country Planning Act*. This order required all persons in the Greater Harare area who had erected illegal structures to cease to use those structures, apply for regularisation of their position in terms of the Act, or to demolish all structures erected without approved plans. It was clearly stated in the notice that the enforcement order would "come into operation on 20th June 2005".

Lawyers representing them admitted that the members of the co-operative had breached the lease, but argued that the manner in which the breach of the lease had been dealt with was illegal. The court found that there had been proper service on the members of the co-operative of the order through the newspaper notice, and found further that the action taken by the police was lawful, as they were acting in terms of an enforcement order. At no stage did the judge allude to the fact that, contrary to the notice that the enforcement order was only to come into effect on 20 June, the police had given the members less than 24 hours notice. The judge said that he agreed with the submission of legal counsel representing the Minister of Local Government that "public policy considerations far outweighed the interests of a few who had contravened the law for that matter." He went on to say the following:

"It would be naïve for me to conclude this judgment 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 applicant 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 going children were 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 days' notice was, in my view, not adequate."

Relevant international and local laws

The fundamental right to human dignity, to shelter, to employment, to education and to health care are all entrenched in a variety of international human rights instruments, to all of which Zimbabwe is a party. The main instruments in which these rights are contained are the African Charter on Human and People's Rights, the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. There can be no doubt that these fundamental rights were seriously violated during the implementation of *Operation Murambatsvina*.

Some of the relevant provisions in the international instruments are these:

“Every individual shall have the right to the respect of the dignity inherent in a human being.”[Article 5 of the African Charter]

“Everyone has the right to a reasonable standard of living which is necessary for the family's health and well-being. This includes adequate food, clothing, housing and medical care and necessary social services. Those who cannot provide for themselves and their family because they have no job, or if they are sick, disabled or elderly are entitled to support. Mothers and their children must be given special care and assistance. All children, whether born in or out of wedlock, have the same rights.” [Article 25 of the Universal Declaration]

“Everyone has the right to work and to choose where to work. Everyone must be given a fair salary so that they can support themselves and their family.” [Article 23 of the Universal Declaration]

“Everyone has the right to receive education.”[Article 26 of the Universal Declaration]

“The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.” [Article 22 of the International Covenant on Economic, Social and Cultural Rights]

“The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.” [Article 11 of the International Covenant on Economic, Social and Cultural Rights]

The campaign also violated other international human rights instruments, such as the Convention on the Elimination of All Forms of Discrimination Against Women and the International Convention on the Rights of the Child.

Also relevant is the definition in the Rome Statute of “*crimes against humanity*”. Included in this definition are the following:

- Deportation or forcible transfer of population;
- Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law;
- Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

To constitute a crime against humanity, any such act must be committed “as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack”. It is at least arguable that *Operation Murambatsvina* constitutes a crime against humanity in terms of this definition.

Operation Murambatsvina has also breached a whole series of local laws. Firstly, it has violated s 15 of the Constitution which provides that no person may be subjected to torture or inhuman or degrading punishment or other such treatment. Underlying this provision is obviously the right to human dignity.

The campaign also flagrantly violates a number of the rights proclaimed in the Administrative Justice Act, particularly the provision requiring that all administrative authorities (which would include the City Council and the police force) are obliged to act lawfully, reasonably and in a fair manner. The completely indiscriminate way in which the campaign has been carried out was neither lawful nor reasonable. The manner in which the powers were exercised amounted to a breach of natural justice (by failing to give reasonable notice of the planned action and to give the one month’s notice as required by the relevant Act). It also constituted an abuse of powers in terms of s.5 of the Administrative Justice Act.

Conclusions

Whatever the reasons for it, *Operation Murambatsvina* constitutes a widespread and systematic attack on a poor and defenceless civilian population. It has laid to ruins the homes, businesses and lives of hundreds of thousands of people. To destroy housing, no matter how rudimentary, without having available any alternate housing is totally unacceptable, and is reminiscent of the draconian actions of colonial governments: both in Rhodesia and South Africa there are many memories of police destroying “illegal” settlements and carrying out forced removals of whole sections of the civilian population.

Substantial numbers of persons who were able to survive by trading in the informal sector have had their only means of survival support for themselves and their families destroyed. Many of these traders lost their goods when the police confiscated them, or they were damaged or destroyed during the ‘clean-up’ operation. This has left these persons destitute and without the means of earning a livelihood for their families.

The restoration of the beauty of the City of Harare is certainly no justification for this brutal action against poor people. The rooting out of crime cannot justify indiscriminate destruction of the only shelter people have and the decimation of their only means of livelihood. If the more sinister political and economic explanations for this action are in fact true, then the action taken is even more deplorable.

Not without justification, have people likened the devastation wreaked by the Government to that of a tsunami. However, unlike a tsunami, *Operation Murambatsvina* has been aimed at specific targets. It is this selectivity of targets that has led to the speculation that the true motives behind it are political.

The Human Rights Forum would conclude by calling upon the Government to take a number of immediate steps:

- **To bring an immediate halt to all forced evictions until such time as a planned and humane relocation can take place;**
- **To end the forced relocation of persons to the rural areas;**
- **To allow immediate and unrestricted access by churches and non-governmental organizations to affected persons so that humanitarian assistance may be given to those affected;**
- **To allow a full and independent audit of the consequences of the forced evictions;**
- **To investigate all allegations of unlawful deprivation of property and to prosecute all alleged offenders.**
- **To make full restitution of all property illegally confiscated.**
- **To provide full compensation to all persons whose property was illegally damaged or destroyed.**

Appendix 1

Reports on forced evictions and displacements.

REPORT OF ASSESMENT OF EVICTIONS AT THE JOSHUA NKOMO HOUSING CO-OPERATIVE AT KAMBUZUMA

The Joshua Nkomo housing co-operative at Kambuzuma extension was demolished on Monday, 6th June 2005. The co-operative was started in 2000. The co-operative was mainly made up of Zanu (PF) war veterans and supporters. The co-operative was registered and certified as such by the Ministry.. The Government, through the Minister of Local Government, Mr. Chombo, and the then resident minister of Harare, Governor Witness Mangwende, recognised and encouraged the co-operative to continue construction at its site. This was done at a ceremony to officially launch the cooperative in 2003. The City of Harare, through acting Mayor Makwavarara, also acknowledged and encouraged the co-operative to provide housing to the homeless. The City of Harare even seconded people from its surveying department to subdivide the land into housing stands for the co-operative. However, this team later withdrew for unspecified reasons, but it had already subdivided close to half the land. The total number of people affected by the destruction of houses at this cooperative is 2500 households.

REPORT ON FORCED EVICTIONS AT EPWORTH

The situation in Epworth has continued to deteriorate since the first demolitions at the Dhonoro section of the suburb. At Dhonoro, it has not been possible to get the exact number of houses that were demolished and the number of individuals affected. However, based on information from members of the housing cooperative that had been set up at the section, it can be estimated that one hundred and twenty [120] houses were demolished. Most of these houses however had other side structures that were being let out. Based on this information, we therefore estimate that upwards of two thousand [2,000] individuals were made homeless. About half of these people moved off to the nearby Domboramwari suburb, which is just next to Dhonoro. The other half is still on site and the situation there is pathetic.

A pregnant mother gave birth in the open at the nearby stream. It took a long time for anyone to assist her as most people were trying to sort out their things. At Dhonoro, the ZANU (PF) Member of Parliament for Harare South promised the people that he was in the process of organising assistance for them, but the people doubt that there is any truth in this. At Dhonoro, there is an organisation that has been organising transport to ferry people to their rural homes, but this organisation doesn't want its identity known.

On Monday, the Komboni Yatsva section of Epworth was partially destroyed by the police. The demolitions were not completed for unknown reasons. However, only a quarter remains undemolished. The police have however promised to come back during the course of the week.

Domboramwari section of Epworth was being demolished yesterday (21/6/05). The demolitions were not completed and they will probably be finished today. If Sero seven section, of Domboramwari is demolished, we expected individuals affected to be in the thousands. This Domboramwari is one of the biggest sections of Epworth. This section was settled in the early 1980s with the complicity of the ruling party and Government.

Yesterday (21/06/05) another section of Epworth, known as Jacha area, was given warnings by the police that it was next on the demolition calendar. In response, the people began to remove their roofing materials, but they were not yet moving out of the area. That movement if it is to take place is not likely to be major, as these are already the poorest of the Harare population. In any case the displaced poor people of Harare were already moving to Epworth as a last resort. So if the people of Epworth are to move some of them will be moving for the second or third time.

REPORT ON FORCED EVICTIONS AT NEWPARK AND GOODHOPE EXTENSION SETTLEMENTS

An exercise was carried out to verify that the people settled at New Park and Goodhope settlements on the North-western outskirts of Harare had been forcibly rendered homeless, and was in the processes of being displaced from their area of residence, by the Government of Zimbabwe. These two settlements were established as housing co-operatives in 2000. The land on which the two co-operatives are situated was officially given to the two by the then minister of Local Government, Mr. John Nkomo, sometime in 2002. An official document detailing this handover, signed by the Minister is said to exist. The housing co-operatives are all officially registered with the Ministry responsible for co-operatives. Certificates of registration proving their existence..

In the last five years, several Government officials have visited and commended the co-operatives on their housing initiatives, and pledged Government support for their efforts. Roads had been constructed at the site, and plans to lay a reticulation system were being mooted. Buses from the Zupco bus company had begun to service the area.

The demolition of the residents' houses was carried out from Saturday, 28 May, from three o'clock in the afternoon, and it continued through out the night until Sunday evening. The police supervising the demolition have warned the residents that by Tuesday everyone ought to have vacated the site, whether or not they would have finished removing their belongings. Those who fail to comply for whatever reason would be forcibly taken to New Caledonia farm, which is on the outskirts of Harare, next to Tafara Township. At New Caledonia the people would be accommodated only for a week while they look for alternative accommodation. If they fail to find it, they would be forcibly taken to Mbare Musika to board buses to their rural homes.

As of Sunday afternoon 29 May, many families were still at New Park and Goodhope still trying to salvage what remained of their property after the Government bulldozer had destroyed their houses. The affected population is about 4 000 people.

Reasons for removing the residents are that they are alleged to have settled themselves illegally. However, it is interesting to note that Good Hope and New Park do not fall within the boundaries of Harare, but are under the jurisdiction of the Zvimba Rural District Council. At New Park, there is an unconfirmed rumour that the residents were being evicted because the land had allegedly been sold to two Chinese companies by a Government Minister, for four billion dollars. One of the companies, supposed to have purchased the land, is currently involved in brick-making at a nearby site.

It has been noted that army trucks are coming to the area to collect some of the materials that the former inhabitants left behind. They are collecting building materials, like roofing sheets, face bricks, and building sand.

REPORT ON FORCED EVICTIONS AT TAFARA, MABVUKU, HIGHFIELD & GLEN VIEW

In Tafara and Mabvuku, the police came and demolished a small part of the backyard structures at homes near Mabvuku police station. They then gave a warning that they would return on Wednesday, 8 May, to finish off the rest of the suburb. They then went around advising the residents to start voluntarily removing their property from the backyard structures before they lose their property when they come.

In Mabvuku and Tafara virtually every home has a backyard structure. If the evictions are to take place about half the suburbs population of about sixty thousand will be without accommodation. About half the backyard structures were being demolished and the occupants of those houses were sleeping in the open.

In Highfield, the police came to the area around Machipisa shopping centre and forcibly closed the operations of informal traders. Some shopping complexes around Mushandirapamwe Hotel, belonging to the brother of former Chinhoyi Member of Parliament, Mr Chiyangwa, were also forcibly shut down. In the residential suburbs, police demolished a few buildings and also forced some people to demolish their own property while they watched. They then promised to come back to destroy all undemolished structures. As in Mabvuku and Tafara, almost every house in Highfield has a backyard structure (legal or otherwise). If all these structures are destroyed, then over half the suburbs population of about fifty thousand will also be homeless.

In Glen View, the demolishing of residential properties was mainly taking place around area eight. This is also the area that had the thriving home industries that were previously destroyed by the police. As in other suburbs, the police promised to return to do the total demolishing.

REPORT ON FORCED EVICTIONS AT RUWA

The evictions have now affected people resettled at commercial farms in Ruwa. People who had been settled at Barbour farm were evicted, but the extent of the evictions and the number of people affected is still to be established.

REPORT ON BHOBHO FARM

This is a farm near to Tafara and Caledonia farm. This farm has had an informal settlement for some time. People who used to stay at the farm are those who could not afford house rentals in Mabvuku and Tafara. Since the start of operation Murambatsvina, the population of the area has been swelling. It is suspected that some of the new residents of the settlement could be people who have managed to escape from Caledonia farm. A health time bomb is looming at the area. The situation is desperate.

REPORT ON FORCED EVICTIONS IN MASHONALAND CENTRAL

The current clean up exercise has affected the following households in Bindura.

Place	Households Displaced
Kitsi Yatota	140
Chipadze	700
Faro	200
Chanaka	300
Jack Fero Farm	100

Assuming a minimum of 5 persons per family, this represents about 7,000 people, but is likely to be an underestimate, given that the families are likely to be larger, and that the households may have had other people residing within the accommodation. A figure of 10,000 is thus more probable. Some of the displaced people are camped by the roadside on the Bindura–Mt Darwin road. Their number has not yet been ascertained.

In Mashonaland Central, it appears as if the exercise is now moving onto commercial farms as reports indicate that Thrums Farm that was invaded by War Veterans around 2000 has been forcibly taken by Government, which appears to be in the processes of inviting the former owner back onto the farm. Jack Fero, which is indicated above, is also a commercial farm, which was invaded by Minister Goche around 2001. At the moment, it is unclear whether the people who have been evicted at this farm are people who had also been given land under the fast track exercise, or are part of the workforce that has been chased away.

REPORT ON FORCED EVICTIONS IN BULAWAYO

Forced evictions and demolitions of residential properties have now started in earnest in Bulawayo. At the start of the exercise, only Makokoba and Killarney area had been affected. A lot of people were affected by the initial operation, and eighty individuals have taken refuge at the Methodist church.

The next areas to be targeted were Iminyela (excluding the flats) and Mzilikazi suburbs. In fear some residents have started to demolish their backyard structures and the people who were living in them are starting to become homeless. House and other fixed property rents are reported to have suddenly jumped up by up to three hundred percent.

However, there appears to be a complication arising as the police are reportedly putting pressure on the church leaders to stop sheltering these people. The Agape ministries have reportedly taken in some of the people who have been affected by the police operation in Bulawayo. Their number, condition and intentions as regards their situation have still to be ascertained.

A later follow-up indicated that the number of displaced persons had continued to increase. Churches in the area continued to offer shelter and assistance to these people. However, they now appear overwhelmed with the situation, and are likely fail to cater for the affected people, many more of whom are still coming looking for assistance. The problem in Bulawayo has the added dimension of a number of disabled persons, who have also been affected by the situation. At present nineteen of these people have sought assistance at one of the Methodist Parishes, and the church was scrambling around trying to get something for them. The breakdown of affected displaced persons in Bulawayo who were in need of assistance at the time of this report was as follows:

Place	Number Affected
Hillside	107
Church of Acension	108
Agape Ministries	226
Baptist Church	161
Disabled persons	19

In addition to these displaced persons, the inner City Methodist Church had opened a drop-in centre, but the numbers being assisted were unknown.

UPDATE ON FORCED EVICTIONS [16/06/05]

Evictions are continuing countrywide. In Mutare, Harare and Bindura the evictions are still maintaining the same pace as last week with more people being made homeless. Today, Tuesday, 14 June, the evictions are supposed to take place in Mufakose.

In Chitungwiza, no evictions have yet taken place with reports, that the police are hesitant to start operations as there are reports that there are nightly messages being send around the Zengeza suburbs that people must gear up for resistance. In St Mary's suburb, the same message is also reportedly doing the rounds.

There are unconfirmed, but credible reports, that some resettled commercial farmers in the Mazowe valley, and around the town of Bindura, have been forced to vacate their farms by the police. It is reported that Lowdale farm, Chitamba farm, and another one have had their occupants forcibly evicted. At Trums farm, in Bindura, it is reported that the newly resettled farmer has been forced to abandon his wheat crops and a banana plantation, allegedly because he also prevented the former owner from harvesting his crop when he invaded the farm.

In Mutare, there are reports that the CCJP office that was distributing donated relief items to the displaced persons has been forcibly closed by the police. The reasons for the closure are not known at present.

In Matebeleland North, there have been reports of evictions in Victoria Falls. Bulawayo is still quiet, but some reports indicate that it might start seeing its first house demolitions today or tomorrow Wednesday.

Appendix 2

Statements about the campaign from Zimbabwean NGOs and churches.

Statement by Zimbabwe Human Rights NGO Forum on the Demolitions of structures and eviction of occupants by the police and local authorities

The Human Rights NGO Forum is deeply disturbed by the forcible evictions of occupants of allegedly illegal structures and the destruction of their properties that have been perpetrated by the Police and in some instances jointly with local authorities over the past two weeks.

The Forum notes that these actions are in clear violation of the law in that the authorities have not given the required notice to the evictees, which is 28 days under s 199 of the Urban Councils Act, and have not given the evictees an opportunity to contest the legality of the actions through a court of law. The Forum further notes that, notwithstanding the legality or otherwise of these actions, the manner of the demolitions and evictions is grossly and unjustifiably inhumane, and amounts to inhuman or degrading treatment of citizens in contravention of the constitution. These actions are also characterized by a massive and unnecessary show of force, which has instilled intense fear in the minds of the victims in particular and the public in general.

The Government has for several years acquiesced and in some instances actually encouraged the establishment of the settlements and other illegal structures, and has not shown justification for the urgent and high-handed manner in which it has acted.

Statement by Zimbabwe Association of Doctors for Human Rights (ZADHR) on Operation Murambatsvina

ZADHR deplores in the strongest possible terms the ongoing destruction of informal housing and businesses in Harare and other cities in Zimbabwe as part of Operation Murambatsvina. Families are being cast onto the street as armed police pull down their homes.

The brutal action by the Government of Zimbabwe has precipitated a humanitarian crisis against a backdrop of severe food shortages and 70% unemployment levels. In addition, approximately 25% of the sexually active population in Zimbabwe is infected with HIV. 760 000 children have been orphaned by the disease and many more of those who are victims of the “clean up” are affected by it.

The campaign has targeted the poorest members of the community, peaceful and law-abiding citizens, simply trying to survive. A minimum of 250 000 people have been affected with some placing the figure at more than 1 000 000. Many of the affected settlements and informal businesses have been in existence for more than 19 years and were established with government approval and support.

Of particular concern to ZADHR is the impact that this campaign is having on children and families infected or affected by AIDS. Hatcliffe Extension, situated on the Eastern outskirts of Harare and previously home to an estimated 15 000 people, serves as an example. The settlement has been totally destroyed. Many families are still sleeping in the open air amongst the ruins of their homes more than one week after the destruction, as they have nowhere to go. Amongst those affected at Hatcliffe were 180 orphaned infants who were attending a crèche established by Catholic nuns, 375 orphans and vulnerable children attending a local primary school whose fees were being paid by AID Service Organisations and 103 adults with AIDS who had been commenced on anti-retroviral therapy under the care of a 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.

The operation by the Government of Zimbabwe is a clear violation of international conventions including the International Convention on the Rights of the Child, the African Charter and the Universal Declaration of Human Rights, to all of which Zimbabwe is a signatory. ZADHR urges the ministry of Health and Child Welfare to exert whatever influence it has on its partners at the most senior levels of government to halt these abuses and

immediately institute an effective program of restitution which, at the minimum ensures that those affected be properly re-housed and nourished.

Press statement from Zimbabwe Lawyers for Human Rights entitled “Unlawful eviction of flea market vendors, tuck shop operators and street vendors and destruction of their property dated 24 May 2005

Zimbabwe Lawyers for Human Rights (ZLHR) notes with grave concern the ongoing unjustified and illegal action which has been taken against licensed flea market operators, tuck shop operators and street vendors by the Zimbabwe Republic Police (ZRP) and Harare Municipal Police in the previous days. In an operation codenamed “Operation Murambatsvina” police descended upon individuals operating within and without greater Harare and, without any lawful order or justification and without following the principles of natural justice summarily evicted the majority of these operators and destroyed or confiscated their goods. This was done even where the affected individuals were able to produce proof that they were legitimately carrying out their business therein. ZLHR is also disturbed by the unlawful assaults of civilians and destruction of property by the police in the ensuing melee.

These acts by the ZRP and municipal police are clearly and manifestly illegal as they had no lawful order to evict mostly licensed flea market operators and tuckshop owners. At one flea market, Mosque Flea Market, along Julius Nyerere Way, ZLHR received first-hand information that an estimated 200 flea market operators were forced to take flight with their goods despite having already paid the Harare City Council an amount of Z\$72 000 in rental for May 2005 in order to legitimately operate their stalls.

ZLHR condemns in the strongest possible terms the inaction of the commission currently running the affairs of the Harare City Council in protecting the rights of these tenants. Instead of guaranteeing the right to tenancy of these licensed flea market operators, the commission running the Harare City Council has negated its contractual obligations and has in fact been complicit in the open and criminal facilitation of the eviction of the flea market operators by the ZRP and the concomitant destruction of livelihoods. ZLHR does not hesitate to place on record yet again that the commission is an illegal institution which was not democratically elected by the people of Harare. These unlawful actions by an unlawful body have been noted and will be strongly pursued through all available legal channels.

The illegal action, which continues unabated by the ZRP and municipal police, is a clear violation of the constitutional right to protection from deprivation of property as guaranteed by section 16 of the Constitution of Zimbabwe. This deprivation under the veil of “Operation Murambatsvina” and the barring of business operations of licensed informal traders in turn violates the economic and social rights of the affected individuals and their families, as they are being deprived of their only source of income and livelihood.

This should be of primary concern to the government of this country, as any such deprivation can only impact further on the sector of the Zimbabwean community suffering most from the continued socio-economic decline and hardships, and therefore most in need of protection.

Article 22 of the African Charter on Human and Peoples’ Rights, to which Charter Zimbabwe is a state party, guarantees to all people the right to economic and social development. Zimbabwe’s government regrettably has, in the case of the evictions, assault of individuals and confiscation of property, failed to protect these rights and has, in fact, through its law enforcement organs, been a willing party complicit in the violations.

ZLHR is finalising legal proceedings, which shall shortly be instituted against all parties complicit in the continuing violations on behalf of the affected individuals and families, and will not hesitate to act in protecting the economic and social rights of Zimbabwean citizens, which responsibility has been abandoned by their state protectors.

ZLHR calls upon the Zimbabwe Republic Police and the commission currently running the Harare City Council to desist immediately from violating property rights, economic and social rights, and to publicly and definitively put an end to this exercise of impunity.

Statement from the Crisis in Zimbabwe Coalition entitled “Stop waging war against the poor” issued on 27 May 2005

Since Wednesday the 19th of May 2005, the government of Zimbabwe unleashed its regiment of violence, the Zimbabwe Republic Police, the army, the green bombers and the City Council security to wantonly destroy and torment informant merchants in the towns and cities of Zimbabwe. The Crisis Coalition strongly condemns this uncivilized behaviour and urges the government to halt its illegal attacks against the unemployed, women and poor.

President Mugabe’s war against the poor comes in the background of unsustainable foreign currency, fuel and food shortages. In an economy where the informal sector employs 80% of the labour force, torching people’s markets and arresting street kids will not help the economy let alone bring fuel, foreign currency or fill the granaries of Zimbabwe.

Crisis in Zimbabwe Coalition is perturbed by the selfish and confused manner in which the government suspends common sense in dealing with socio-economic and political issues bedevilling the country. The organization urges the state to respect human lives and uphold the rule of law. The police should also desist from attacking innocent Zimbabweans who have been driven into poverty by the current government.

The flimsy explanation that the current terror is war on dirty (sic) is as silly as it is far from the truth. It smacks of hypocrisy that the government spends millions of dollars destroying market and industrial stalls, the livelihood of its people looking for foreign currency whilst the people within government continue to send their children to schools and colleges abroad paying in foreign currency.

The current war on workers is in contrast to one of the virtues of the liberation struggle, sovereignty. The Mugabe regime is negating the wishes of thousands of people who sacrificed their lives for independence. This confirms that the people of Zimbabwe are not free from their government, and people will not let their sovereignty and freedom go. Sovereignty will be guarded and the people have begun to do so in various townships of Harare and this should continue. Zimbabweans have a right to self-determination as enshrined in the Constitution of the Republic.

Electoral democracy and popular governance means free and fair elections and consultative processes of governance. Having fair in using the gun to guard power and ideas has the risk of inviting equal force, especially when the poor workers and peasants have fallen victim to a government’s native imperialist actions.

At a time when the people are hungry, it makes more sense for the government to use people’s taxes to secure fuel and food, rather than using people’s taxes to buy teargas.

Arrests, torture and property vandalism in the name of “cleaning the city” does not bring foreign currency, food or fuel. The government needs to reconsider its domestic and domestic and foreign policies for no, however, wonderful, monetary policy its adopts will fortunes of Zimbabwe form the current slumber without the people’s support.

The government must urgently compensate the full market value of these informal sector traders and withdraw its infrastructure of violence from residential areas. It is also prudent and important for the government to remove the art of waging wars with fictitious enemies from its political reference library. The current onslaught against Zimbabweans will not solve the twin crises of legitimacy and governance.

Statement from the National Association of Non-Governmental Organisations on the raids on informal settlements and flea markets

The National Association of NGOs (NANGO), representing NGOs in the country, notes with great concern the severe impact that the current Operation Restore Order and Operation Murambatsvina are having on family livelihoods and on the welfare of the orphans and vulnerable children.

Although a detailed audit of the impact is not yet complete, indications from Organisations working directly with those that have been affected point to the significant entrenchment of an already dire urban poverty, unemployment and human rights violations. Women, orphans and vulnerable children are by far the most affected groups requiring urgent assistance in the form of shelter, warmth, sanitary wear, food and medication.

Whilst acknowledging the need for a broad economic turnaround and the efforts made so far towards the redress of the country's economic position, NANGO insists that the Operations are incongruent with the government's expressed commitments to the Informal Sector Economy and to Orphans and Vulnerable Children. It is unfortunate that the coping mechanisms and social safety nets that people have been building over time, at times with government support, are being decimated overnight.

By no means should the prerogative of fostering clean environment be allowed to override government's obligation to protect the interests of the poor, the marginalized and the vulnerable. A more responsible course of action should be to put in place to deal with the crime and dirt in the city without prejudicing people's basic livelihoods.

As the population battles to ameliorate the emerging humanitarian crisis that has been predicated by the poor performance of the economy and the looming drought, the call is for government to support rather than impede its population in the struggles against poverty and unemployment. NANGO thus calls upon government to increase its spending on social service delivery, to support the informal economy and to focus more on putting in place social protection programmes and mechanisms.

NANGO hereby calls upon government to stop the Operations immediately until appropriate alternative mechanisms are put in place. NANGO is also calling on all NGOs to respond to the crisis by offering practical humanitarian assistance to those affected.

Statement by Christians Together for Justice and Peace, Bulawayo Archdiocese entitled "Give us this day our daily bread"

Zimbabwe is facing an unprecedented crisis on many fronts. As church leaders we are concerned about many aspects of the crisis, but none more so than the desperate shortage of food across the country, now approaching a famine situation. We are aware of massive suffering among our people, due either to non-availability of food or its non-affordability by large sections of the population. Worse still, we are aware of many instances in which members of the opposition MDC or those perceived to be sympathetic to that party are deliberately and systematically being denied access to food. This gross violation of human rights has caused, and continues to cause, needless suffering to some of the most vulnerable in the community and we could remind those responsible for this victimization (and any who acquiesce in this evil policy) that they are guilty of the most grave crimes against humanity. We trust that one day those responsible for these dastardly crimes will be held to account before an international tribunal. We know - a more awesome and terrible prospect by far - that they are answerable before Almighty God.

At such a time of widespread hunger and massive social deprivation the launching of the so-called "Operation Murambatsvina" ("Operation Drive Out Trash") is in our view particularly insensitive and inappropriate. Indeed the whole operation smacks of callout indifference to the plight of the poor. The street vendors in our cities who have been the target of police brutality these last few days and have seen their pathetic shelters destroyed and few belongings confiscated, deserve better of us all. Whatever criminal elements may lurk in their midst or feel off their vulnerability, they are still, and will ever remain, children of God -not so much "trash" to be swept away. Their squalid living conditions are an indictment of the kind of society we have allowed to develop in recent years, with

extremes of wealth and poverty existing side by side, and those enjoying prosperity not caring enough to begin to tackle the root causes of homelessness, unemployment and degrading poverty.

As Christians it is our conviction that all the rich resources of the earth, including the harvest, are gifts of a generous and loving God. These good gifts are given to us in trust for the benefit of all. The task of leadership therefore is to act as good stewards of God's bounty, ensuring that "one man's greed does not become another's need", and most particularly that the poor are not overlooked in the general distribution. Hence when we pray in our Lord's words "Give us this day our daily bread", we are not only acknowledging our common dependence on the generosity of the heavenly Father; we are also facing up to our interdependence as human beings and our responsibility to one another. To pray "Give ME . . . MY bread" would be another prayer entirely, and hardly Christian.

It is therefore commonly accepted that one of the foremost duties of any government is to ensure an adequate supply of food for all. Indeed a measure of the integrity of any administration is the provision it makes for those who are least able to fend for themselves. Race, tribe, religion and political affiliation do not come into it. A government on the other hand that, having created or allowed a famine situation to develop, then uses its powers deliberately to withhold food from one section of the population, has violated its most sacred trust. The same is true of a government which victimizes the poor or exacts retribution from those it perceives as supporting a different political party. Such a government has lost all moral and spiritual authority to govern. In Christian terms it has passed over from being an authority "established by God" and deserving of respect and obedience (Romans chapter 13) to becoming a Satanic beast which it is the duty of all good Christians to resist to the utmost (Revelations chapter 13).

Leaving aside for the present the root causes of our present predicament, we take it to be self-evident that no effort should be spared in obtaining and distributing relief supplies of food, starting with those at greatest risk, including the recently dispossessed street traders and victims of political abuse. This is clearly a matter of the utmost urgency, requiring the concerted efforts of the whole nation - and indeed the international community. So far as the local effort is concerned we call on those in power forthwith to remove the unnecessary controls and obstacles which until now have blocked the relief efforts of private and non-governmental organisations. Our particular concern is with empowering the churches to play their full part in humanitarian relief, but at the same time we are aware there are many other civic players who are ready and able to assist. It is scandal in our view that so many NGOs are standing idly by for fear of jeopardising their own interest while the suffering of the hungry and homeless intensifies with every passing day. What they need, and the nation needs, is a clear signal that the policy of politicising food is over, and that any contribution towards averting the famine, is now welcome.

So we pray, and invite all who share our sense of gratitude to God and love for his children, to pray with us: "Give us this day our daily bread".

Pastoral Letter Of The Zimbabwe Catholic Bishops' Conference entitled "The Cry of the Poor", June 2005

We, the members of the Zimbabwe Catholic Bishops Conference, issued a press statement on June 2, 2005, in regard to the 'clean up' operation, dubbed 'Operation Restore Order' in which we expressed our dismay at the suffering and hardship experienced by the most vulnerable members of society in some areas nationwide. Now, almost four weeks after the event, countless numbers of men, women with babies, children of school age, the old and the sick, continue to sleep in the open air at winter temperatures near to freezing. These people urgently need shelter, food, clothing, medicines, etc. Any claim to justify this operation in view of a desired orderly end becomes totally groundless in view of the cruel and inhumane means that have been used. People have a right to shelter and that has been deliberately destroyed in this operation without much warning. While we all desire orderliness, alternative accommodation and sources of income should have been identified and provided before the demolitions and stoppage of informal trading. We condemn the gross injustice done to the poor.

As a follow-up to our press statement, we wish to offer a pastoral reflection on recent events based on Scripture and on the Social Teaching of the Church.

SCRIPTURE

In the gospel of Sunday, June 5, while these events were taking place, Jesus tells us “what I want is mercy, not sacrifice” (Mt. 9:13). His words reflect those of the Old Testament prophets who continually state that prayers and sacrifices are of no value unless there is concern for the poor and needy (Amos 5:1-4). There has been no concern for the poor and needy in this Operation and the prayers and offerings of those responsible find no favour before God.

The prophet Isaiah reminds us ‘to share our bread with the hungry, to shelter the homeless poor and to clothe the man seen to be naked . . . ’ (Is. 58:5-7). The entire ministry of Jesus is marked by concern for the weak and vulnerable. Jesus tells us that we will be judged at the end of time on whether we have shared this concern, and he has terrible words to say to those who saw him hungry, thirsty, a stranger, or naked, or sick (or homeless . . .) and neglected to help him (Mt. 25:42 -46).

As Christians we must hear the cry of the poor and the homeless in our townships and villages and support them in their efforts to gradually rebuild their lives. In this task we should be motivated and guided by the Social Teaching of the Church.

THE SOCIAL TEACHING OF THE CHURCH

The Social Teaching of the Church sheds the light of the gospel on issues that affect our lives in society, and offers the church’s wisdom, insight and experience in dealing with them. This teaching, based on scripture, has developed over more than a hundred years, and is mainly found in Papal letters and documents emanating from Synods and Conferences of Bishops. It contains a number of principles, which are particularly relevant at this time:

1. The Dignity of the Human Person

Created in the image and likeness of God (Gen.1:26-27), each person has an innate human dignity, given to us, not by secular authorities, but by the Creator himself. This dignity was gravely violated by the ruthless manner in which ‘Operation Restore Order’ was conducted in the townships and other areas.

Every violation of the personal dignity of the human being cries out for vengeance to God and is an offence against the Creator of the individual (Christifideles Laici, 37 - Pope John Paul 11).

2. The Basic Rights of the Human Person

Basic human rights are an offshoot of our God-given dignity. Every human being- man, woman and child - has the right to life, shelter, clothing, food, education, health care, employment, etc. These basic rights have been and are being violated. No secular authority, no group, or no individual should be allowed to violate such rights.

As Christian leaders we must continually remind authorities of both their duty to respect and uphold human rights, and of the serious consequences of failure to observe such rights. Furthermore, it is our duty as a teaching Church to form and educate Christian people in rights, values and principles – a task that we will continue to perform.

3. The Promotion of the Common Good

Public authorities should promote the common good of all members of society - not the good of an elite group - by creating an environment in which economic, social, cultural and political life can flourish. In such an environment all citizens - including those who have lost their homes and livelihoods - can have access to the goods of the earth which are intended by God to be equally shared.

The promotion of the common good should be the first priority of public policy, not the promotion of party political aims.

‘It is the proper function of authority to arbitrate, in the name of the common good, between various particular interests; but it should make accessible to each what is needed to lead a truly human life: food, clothing, health, work, education and culture, suitable information, the right to establish a family, and so on.’ (Catechism of the Catholic Church, 1992, par. 1909) In the order of things, people always come first and cannot be subservient to an economy, a political agenda or an ideology for that matter.

4. The Option for the Poor

In the application of the principle of the common good, some people remain poor and marginalised. The church must show particular concern for them. The moral test of a society is how it treats its most vulnerable members. As Christians we must continue to examine public policy decisions, including policies related to housing, health care and food security, in terms of how they affect the poor, and bow our heads in shame at the nation-wide operation that has greatly increased poverty and destitution in all areas. The interference with informal trading, which supports formal trading, can only accelerate our economic decline. The option for the poor, most of whom are informal traders, is an essential part of society’s effort to achieve the common good of all its members. To the Church, the poor are a treasure (St. Laurence, in Butler, Lives of the Saints, 10 August).

5. Subsidiarity

The principle of subsidiarity refers to passing powers downward from the top to the grassroots, or as close to the grassroots as possible. The principle implies a preference for local over central decision making. Central authority should support local authority efforts and only undertake those tasks which local bodies cannot achieve. If there is a ‘clean-up’ required on our streets or if there is a problem of criminality in the townships, it is essentially the task of local authorities - including community/residents associations and church bodies - supported by the police and the courts, to deal with these problems. This should take place in an ordered process over a period of time, and in a way that promotes and preserves human dignity, people's rights and the common good.

6. Solidarity

As sons and daughters of our loving Father, we are all sisters and brothers who are called by God to build a society where we can live together in solidarity with each other. Solidarity means being ready to see the other person as another "self" and to regard acts of injustice done to others as done to oneself. Solidarity is not a passing feeling of distress at the suffering of others. Rather, it is a commitment to stand side-by-side with those who are without shelter and means of livelihood, to do what one can do to rectify a situation of grave injustice, and to promote the common good. The principle of solidarity reflects St. Paul’s theology of the body of Christ: where one person suffers, each person suffers and the whole body is weakened (1 Cor 12:12-30).

Reflection on the above six principles should concern all members of society, for a whole nation has suffered because of recent and ongoing actions. Specifically as Christians, we cannot pick and choose which principles we wish to follow; all of them are binding. Putting them into practice in daily life is as important as going to Church on Sundays.

Finally, we repeat what we said on a previous occasion: ‘...we call upon All those (Christians in particular) who hold special responsibilities in society, be it government, the business community or other spheres of influence, to exercise your duties according to the social teaching of the ChurchWe cannot lead a double way of life, one for Sunday services in Church and another for our public tasks, be they political, economic, social or other kind. We are always called to be guided by our conscience and to live our Christian faith as an integral part of our lives’

(ZCBC, Lenten Pastoral Letter, March 2003, Par.7:3)

As always our prayer for you is PEACE BE WITH YOU.

+Mt. Rev. Robert C. Ndlovu of Harare

+Mt. Rev. Pius Alec M. Ncube of Bulawayo

+Rt. Rev. Michael D. Bhasera of Masvingo (ZCBC President)

+Rt. Rev. Alexio Churu Muchabaiwa of Mutare

+Rt. Rev. Angel Floro of Gokwe

+Rt. Rev. Patrick M. Mutume, Auxiliary Bishop of Mutare

Very Rev. Fr. Alphonse Mapfumo - Administrator of Gweru

Very Rev. Fr. Matthew Jonga - Administrator of Chinhoyi

Very Rev. Fr. Albert Serrano, SMI - Administrator of Hwange

Statement from the Women’s Coalition Condemns Operation Murambatsvina/ Restore Order

The Women’s Coalition of Zimbabwe is a network of women’s organisations and activists whose aim is to work for the full and equal enjoyment of rights and freedoms by women and men in Zimbabwe. The Women’s Coalition notes with grave concern the effects of Operation Murambatsvina/ Restore Order on people’s lives and rights particularly of women and children. According to the United Nations over a million people were affected in that they lost their sources of income or their shelters were pulled down. People’s homes, vending stalls, goods and property worth millions of dollars have been and are still being destroyed. Sadly, women being the most disadvantaged economically, socially and politically are suffering the most.

Our society is characterised by gender inequalities, injustices, discrimination and exclusion such that women find themselves at the bottom of the social, economic and political structure. It is an undisputed fact that women are the majority of the poor in Zimbabwe and with the growing levels of urban poverty the trend of women’s poverty is manifest in urban areas. Women have limited access to the formal sector and therefore form the bulk of the 80% unemployed people in this country. Low-income levels have led to people occupying shanty houses. After all, who would want to live in a slum if they had access to a mansion.

Zimbabwe is critically affected by the HIV/Aids pandemic where 60% of the infected are women. Nutritional security is poor as food shortages are rampant and food prices are extremely high. Operation Murambatsvina merely

exacerbates this situation for women, who are also expected to care for the infected, the children and the elderly under such difficult circumstances.

Some of the effects on women and girls are:

1. Women who had successfully survived in the informal sector will become destitute. Women who had successfully operated in the informal sector will become more vulnerable in every way since they have no source of income.
2. The most vulnerable people are the sick, infants and expecting mothers. Already there are reports of newly born babies dying of cold. The burden of caring falls on the woman.
3. Women were psychologically traumatised during the demolitions. Suicides and stress related illnesses have increased among the affected.
4. Many women and child-headed households have nowhere to go, particularly as women's property rights are limited. Many of the women do not own land.
5. Already there are confirmed reports from the Ministry of Education and Culture that 300 000 children have dropped out of school. A sizeable number of these kids will not get a chance to finish school.

The government's clean up campaign has destroyed people's shelters and sources of income. Whilst the Women's Coalition appreciates the need to restore order and cleanliness in the country., it views the manner and timing of the Operation as a violation of women's rights to economic livelihoods, security, health, housing and peace of mind. Given that the state had the opportunity to give adequate notice to allows victims to suffer minimal inconveniences and non-violation of the rights to economic livelihood, security, housing, education and other human rights.

These rights are clearly provided for in regional and international treaties that government has acceded to. The African Charter on Human and People's Rights guarantees a people rights to education, work, healthy, housing and all the human rights that citizens of a country should have access to. The Convention on the Elimination of All Forms of Discrimination Against Women and the SADC Declaration on Gender and Development which our government has signed goes in the same thread.

The Women's Coalition appreciates the efforts being made by the state, UN agencies, Red Cross Zimbabwe, churches, NGOs and other civic organisations to assist the victims of Operation Murambatsvina. We urge you all to strategise around the special needs of women, girls, and orphaned children. We also urge the government to ensure equitable distribution of stands to both women and men as a measure of beginning to address imbalances in property ownership of women.

The Women's Coalition empathises with all the women and families affected and implores government to assume the role of protecting its citizens and consulting them to find solutions to what it perceives as problems rather than acting unilaterally. The Women's Coalition also calls for a suspension of the Operation until meaningful plans and mechanisms are put in place to cushion women from the effects of such an operation.

¹ *The Herald*, 24 Ma y 2005.

² The Mugabe administration's excuse for this brutal suppression was the need to combat "dissidents" being used by the apartheid regime in South Africa to destabilise the country. In fact the main reason was to destroy PF ZAPU and intimidate it into being absorbed into a so-called Unity government.

³ See Zimbabwe Human Rights NGO Forum (2002), *Human Rights and Zimbabwe's Presidential Election: March 2002*, (Harare Zimbabwe Human Rights NGO Forum 2002), *Are They Accountable?: Examining alleged violators and their violations pre and post the Presidential Election March 2002*, (Harare Zimbabwe Human Rights NGO Forum 2002) See also Redress Trust (2004), *Zimbabwe. Tortuous Patterns Destined to Repeat Themselves in Upcoming Election Campaign. Preliminary Study of*

Trends and Associations in the Pattern of Torture and Organised Violence in Zimbabwe, July 2001 - December 2003, (Redress Trust, London).

[4](#) See Zimbabwe Human Rights NGO Forum (2001), *Politically motivated violence in Zimbabwe 2000–2001. A report on the campaign of political repression conducted by the Zimbabwean Government under the guise of carrying out land reform*, (Zimbabwe Human Rights NGO Forum, Harare.)

[5](#) These two quotations are taken from an article entitled “Flea markets are free markets”, *Zimbabwe Independent*, 17 June 2005, p13.

[6](#) Here see the report on the Joshua Nkomo Housing Co-operative in Appendix 1.

[7](#) See again *Zimbabwe Human Rights NGO Forum (2001), Politically motivated violence in Zimbabwe 2000–2001. A report on the campaign of political repression conducted by the Zimbabwean Government under the guise of carrying out land reform*, (Zimbabwe Human Rights NGO Forum Harare).

[8](#) *Chimurenga* is a Shona word derived from the word *murenga*, meaning “rebel” or “fighter.” It was first applied to the uprisings of the indigenous blacks against the white settlers in 1896–1897. The guerrilla war against the settlers became known as the Second Chimurenga war. ZANU (PF) has referred to its present campaign to redistribute land and other economic assets to the black majority as “the Third Chimurenga”.

[9](#) It has been estimated that up to 83% of commercial farms in Zimbabwe have changed ownership since 1980. Many farmers have therefore acquired their farms after the Mugabe Government came to power. Some commercial farmers invested large sums of money into their farms after receiving no-interest certificates from the Mugabe Government, meaning that they had been told that Government had not earmarked these farms for acquisition.

[10](#) See A. Hammar, & B. Raftopoulos (2004), *Zimbabwe’s Unfinished Business: Rethinking Land, State and Nation in the Context of Crisis*, (Weaver Press, Harare).

[11](#) Here see report on forced evictions in Tafara, Mabvuku, Highfields and Glen View in Appendix 1.

[12](#) *News 24* 15 June 2005

[13](#) There has been disquiet over the disposal of these goods, and recently the Zimbabwe Republic Police responded to this. In the *Zimbabwe Standard*, 19 June 2005, the following was quoted: “We are not under any single legal obligation to tell people what we are going to do with exhibits. Everyday we recover exhibits in our day-to-day operations,” said Mandipaka. See also report on forced evictions in New Park and Good Hope Extension settlements in Appendix 1, where it is alleged that soldiers are removing building materials from the demolished homes.

[14](#) *The Herald* 2 June 2005

[15](#) *Zimonline* 21 June 2005

[16](#) *Zimonline* 21 June 2005

[17](#) *Herald* 25 June 2005

[18](#) *Zimonline* 28 May 2005

[19](#) *Zimonline* 28 May 2005

[20](#) Here see update on forced evictions in Appendix 1, where it is alleged that resistance was being planned in Chitungwiza and St Mary’s.

[21](#) *Independent* (UK) 12 June 2005

[22](#) The number of refugees created is even greater than when farm workers were thrown off the farms during the land invasions.

[23](#) This is the figure from analysis of only 45 sites, and the final figure may be considerably higher. The IOM reports that, of the 64,677 households identified, verification has been possible for only 15,287, and only 9,753 households have been assisted with blankets and food. There is clearly a considerable lag between identification and assistance, probably affected by the fuel crisis, and, therefore, there are many families that will continue to suffer hardship for some time still.

[24](#) *Zimonline* 24 June 2005

[25](#) Here see report on forced evictions in Mashonaland Central Province, where this observation is confirmed.

[26](#) *Zimonline* 18 June 2005

[27](#) According to one medical expert, there will also be serious long-term consequences as a result of the interrupted anti-retroviral treatment. Large numbers of HIV-infected individuals, including orphan adolescents, will have developed NVP-resistant virus and are now 'at large' in a community whose structures, physical and communal, have been systematically broken down. In such circumstances, as has been documented following the tsunami in south-east Asia, an epidemic of sexually transmitted infections including HIV (and unwanted pregnancies) is entirely predictable.

[28](#) See *Operation Murambatsvina (Sweep up the Rubbish), Harare, 10 June 2005*, Zimbabwe Association of Doctors for Human Rights. Also see Appendix 2 for the full statement.

[29](#) *Daily Mirror* 27 May 2005

[30](#) *Daily Mirror* 1 June 2005.

[31](#) Here see update on forced evictions, where it is alleged that the Catholic Commission for Justice and Peace were forced to close their office in Mutare.

[32](#) *Zimonline* 13 June 2005

[33](#) Here see report in Appendix 1 on forced evictions in Bulawayo for brief details about assistance being rendered by churches in Bulawayo.

[34](#) *Times* (UK) 17 June 2005.

[35](#) *News24*, "Zim clean-up moves to business" 20 June 2005

[36](#) For instance Harare Metropolitan governor David Karimanzira denied that the clean up exercise was retribution against urbanites perceived as MDC supporters. He said the exercise had not only affected MDC sympathisers, but also members of Zanu PF and other political parties. "As I speak to you right now there are scores of people at the Harare Zanu PF provincial offices affected by the clean-up exercise. There is no retribution. We are simply trying to clean up the city," Karimanzira said. *Daily Mirror* 27 May 2005

[37](#) *Sunday Times* (UK) June 05, 2005

[38](#) There are a large number of human rights reports supporting the thesis that the security forces act with impunity. One of the more notorious cases is well described in a report by the Redress Trust. Here see, *The case of Henry Dowa. The United Nations and Zimbabwe Under the Spotlight*, (Redress, London, 2004). This policeman, alleged to have committed torture in Zimbabwe before being sent to Kosovo, has been implicated in further allegations of torture in Zimbabwe after the UN sent him back. The latest incident was reported in the *Zimbabwe Daily Mirror* on 11 April 2005, linking him to allegations of torturing MDC MP Nelson Chamisa in police custody shortly after the March 2005 elections.

[39](#) Here see report on forced evictions at New Park and Good Hope Extension settlements in Appendix 1, where it is alleged that people had been displaced as a consequence of a deal struck between a government minister and a Chinese businessman with interests in brick making.

[40](#) *The Herald* 7 June 2005. See again report on forced evictions in New Park and Good Hope Extension settlements in Appendix 1, where there are allegations of pilfering of building materials by soldiers.

[41](#) For a detailed analysis of the election, and the thesis that Zanu (PF) won the election by pressure rather than rigging, see *Reeler, A.P., & Chitsike, K.C., Trick or Treat? The effects of the pre-election climate on the poll in the 2005 Zimbabwe Parliamentary Elections. June 2005.* (Dialogue Unit, Idasa, Pretoria, 2005 [*in press*].)