



**OPERATION MURAMBATSVINA / OPERATION
RESTORE ORDER**

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Introduction

'Operation Murambatsvina/Restore Order' was launched by the Government on Friday, 20 May 2005 after extensive consultations among stakeholders. The Operation has largely involved the Ministries of Local Government, Public Works and Urban Development, Home Affairs, and Small and Medium Enterprises Development. The primary objective has been to rid the urban environments of illegal structures and unlicensed trading premises. The aim of the national clean-up exercise is meant to decongest the cities and towns and establish an environment conducive to investment. A clean Zimbabwe provides a credible vehicle for investment, and a clean Zimbabwe provides and opportunity for tourism to flourish.

In his speech during the opening of the first session of the 6th Parliament of Zimbabwe on 9 June 2005, His Excellency, the President of the Republic of Zimbabwe, Cde R.G. Mugabe said, "*The current chaotic state of affairs where SMEs operated outside the regulatory framework and in undesignated and crime ridden areas could not be countenanced for much longer.*"

Despite the noble objective of the operation, the Government of Zimbabwe has been condemned by some western countries for carrying out 'Operation Murambatsvina/Restore Order.' The European Union Presidency has issued a declaration

citing 'brutal actions' in the operation; the British Government summoned Zimbabwe's Charge d'Affaires to express its anger regarding the whole operation and called on the Government of Zimbabwe to desist from carrying out the operation; the Canadian Department of Foreign Affairs summoned Ambassador Machinga to protest prior to issuing a damning statement on June 8 2005; the Australian Foreign Minister released a press statement alleging violation of basic human rights and the rule of law, and the US Embassy's Public Affairs issued a news release deploring the displacement of people.

The United Nations Executive Director of the Nairobi-based Habitat wrote, in disapproval, to Ambassador Muzonzini offering policy advice and technical assistance to the Government of Zimbabwe. The Office of the United Nations High Commissioner for Human Rights, through its Special Rapporteur on Adequate Housing, has said that the operation is contrary to Zimbabwe's obligations under the International Covenant on Economic, Social and Cultural Rights and the Government's obligation to provide adequate housing for its population.

The clean-up exercise has been blown out of proportion and out of context by the western media. It is ironic that this is the same media that accused the Government of Zimbabwe of flouting the rule of law by letting people settle wherever they wished, and now that the Government is removing the people in order to regularize the settlements, the same media sees cause for criticism again.

The western media blitz is not only ignoring clean-up exercises in their own backyards, but those in Botswana, Nigeria, South Africa and Zambia as well.

Thus the clean-up operation undertaken by the Government of Zimbabwe is not the first of its kind in the world, or indeed in Africa. Latest British media reports indicate that the Labour Government led by John Prescott, the Deputy Premier, is demolishing 400 000 homes in the Midlands and the North because these homes have now become slums. The British local authorities feel that the houses are too old and it would be cheaper to knock them down rather than try to restore them. About 20 000 homes were also demolished in Meyerside, Liverpool, in an operation that was defended by Yvette

Cooper, the British Housing Minister, who insisted that the demolition was the only realistic option. Basildon Council has announced plans to evict hundreds of residents at the controversial 600-strong Cray's Hill encampment near Wickford in Essex, because the settlers have no planning permission to stay there.

Zambia began a clean-up operation called "Clean-up Lusaka" in 1999, and is currently engaged in an exercise to rid all Zambian towns of illegal structures and settlements. Botswana has embarked on a campaign called "Clean Up and Make Botswana Beautiful", which was kick-started by the Botswana First Lady, Mrs. Barbra Mogae. This operation is meant to compliment Botswana's traditional no-nonsense approach to illegal structures that are razed down at short notice. South Africa is also carrying out a clean-up operation with the help of a private company called Wozani Security, which is popularly known as the 'Red Ants' because of the red overalls worn by the demolition teams. Since June this year, these teams have destroyed 6 000 shacks housing 18-20 000 people in Boksburg, an informal settlement in Lilianton. Another 300 people were evicted after the demolition of another illegal settlement in Germiston in Wadeville.

The current condemnation of Zimbabwe by the west cannot be divorced from the onslaught that the country has suffered as a result of its policies on political governance, on land reform and on the economic turnaround programme. Having been silenced by the successful conduct of Zimbabwe's sixth Parliamentary elections, the enemies of Zimbabwe's sovereignty have seized this clean-up exercise to once again turn the spotlight on the country. But contrary to the perception by the critics that the operation is politically motivated, the exercise has netted ZANU PF supporters, war veterans, civil servants and the generality of the populace including opposition party supporters.

This Briefing note seeks to make clear the circumstances of the clean-up exercise.

1. RATIONALE FOR THE CLEAN-UP OPERATIONS

- 1.1 Right across Zimbabwe over the past few years, there was an unprecedented and menacing influx of illegal vendors, traders, street dwellers, vagrants and loiterers compounded by the mushrooming of street garages, illegal structures, shebeens, car washing outlets and the unbecoming behaviour of commuter omnibus touts in and around the Central Business District areas. The orderliness of the cities had seriously been compromised and unscrupulous business practices had reached alarming proportions.
- 1.2 The action to rid our urban environments of illegal structures and unlicensed trading premises in the form of flea markets, illegal shacks, and pavement trading cabins is therefore seriously meant to cleanse those areas that had since become havens for thieves and criminals, touts, illegal immigrants, illegal foreign currency dealers, drug traffickers, street dwellers, brothel operators and prostitution. The clean-up enhances the aesthetic value of the cities as well as addressing the sanitary and health concerns of urban centers.
- 1.3 Health studies have shown that overcrowding and squalid living conditions subject the human kind to disease outbreaks such as Cholera, Diarrhoea and Tuberculosis to mention but a few. Consequently it would be inhuman and abuse of fundamental rights if the authorities fail to take action.
- 1.4 Immediately after the 31st of March 2005 Parliamentary Elections, Zimbabwe plunged into unexpected economic morass characterized by an acute shortage of basic commodities, fuel and the re-emergence of black market activities in foreign currency and illegal dealings in precious stones.

Proliferation of illegal business premises and practices

- 1.5 The scarcity of basic commodities caused panic among members of the public, resulting in the resurgence of hoarding of basic commodities, over pricing and black market activities. Unauthorised tuck shops and unsafe illegal structures especially in the urban areas provided a ready sanctuary and market for hoarded basic commodities, which would be sold to the public at exorbitant prices. Furthermore the illegal structures that sprouted over the years also served as hideouts or havens for criminal elements and activities.
- 1.6 Places such as the renowned *Siyaso* and Market Square, which were originally set by the Government to promote entrepreneurship among its citizenry, had become viable and ready markets of stolen property, often disguised as second hand goods.

Breakdown of Corporate Governance and Business Ethics

- 1.7 Corporate governance, generally defined as the system by which business entities are planned, controlled and directed was under serious threat. The sprouting of illegal housing structures in the urban and peri-urban areas further compounded the situation. Most towns and cities had lost their glow and befitting urban statuses, heavily infested by conspicuous malpractices such as vending, touting, black market, trading of basic commodities and foreign currency dealings. Approach in the business environment depicted that of everyone conducting his/her own business without regulation, contrary to city by-laws, business ethics and morals among the Zimbabwean people.
- 1.8 The mushrooming of these illegal premises has seen the government losing billions in potential revenue, which could otherwise be used to enhance living standards and infrastructure development in the country.

Illegal Dealings in Foreign Currency and Precious Stones

- 1.9 In provinces with rich gold deposits, illegal panning activities and illegal dealings in precious minerals were rampant, a situation detrimental to our national efforts to turnaround the economy. The illicit panners and gold dealers apart from plundering the country's resources, were also settling themselves everywhere deemed convenient to their unlawful operations, and in the process have caused extensive environmental degradation.
- 1.10 Conceivably, these economic challenges which are largely contrived machinations by enemies of the state bent on discrediting the government and its leadership, demanded a decisive and appropriate response. Thus the Local Authorities and Central Government have moved to restore sanity to the urban environment.
- 1.11 It is appreciated that some honest small-business operators and informal traders have suffered loss of business and would therefore have difficulty in meeting their family commitments but it has to be understood that any Local Authority operates within and enforces laws and by-laws which are meant to ensure orderliness, civility and decency in the conduct of business by entrepreneurs. Operating any form of business from prohibited or undesignated places essentially constitutes an offence in terms of Local Authority planning, building and operating by-laws.
- 1.12 After giving due notices to the target groups, the clean-up exercise kicked-off on Friday May 18, 2005 with the arrest of touts, street dwellers, illegal vendors, traffic offenders, loiterers, public drinkers and car-washers. The operation has been sustained with the destruction of illegal flea markets and structures at bus termini, the removal of vendors from all undesignated areas within the Cuds, the demolition of illegal structures in high-density suburbs and even rural service centers or Growth Points countrywide.

2. INSTITUTIONAL ARRANGEMENTS TO EXECUTE THE OPERATION

2.1 Contrary to common misconceptions, the operation was conceived and planned by Government and the concerned Local Authorities in order to address the observed problems. To this extent the following Government organs were activated and mandated to execute the operation:

2.2 **Provincial Coordinating Committees**, which are chaired by the Provincial Administrators and given guidance by the provincial Governors/Resident Ministers. The Committees are composed of:

- Law enforcement agencies
- Ministry Local Government, Public Works and Urban Development
- Ministry of Health and Child Welfare
- Ministry of Public Service Labour and Social Welfare
- Ministry of Youth Development and Employment Creation
- Ministry of Lands and Agriculture
- Ministry of Small and Medium Enterprises Development
- Local authorities.

2.3 The Committees operate through a number of subcommittees as follows:

- a. Identification sub-Committees, mandated to identify the illegal developments.
- b. Allocation sub-Committees, which re-allocate space for legitimate use.
- c. Development and funding Committees, mandated to source funds for financing legitimate land use – the Committee has already sourced \$2 billion for SMES.
- d. Social Services Committee – provides social protection to cover the temporarily induced vulnerability.

- e. Co-operatives Committee – Assist in reorganising the affected persons into organised units for orderly development.

- 2.4 The same structures have been replicated at district level to cater for small urban and rural centres.

3. LEGAL BASIS

- 3.1 The Government of Zimbabwe is quite aware, and needs no reminding, that with the adoption of the Universal Declaration of Human Rights in 1948, the right to adequate housing joined the body of international law, and that since that time this right has been reaffirmed in a wide range of additional human rights instruments. In this regard, the Government of Zimbabwe is also aware that no less than twelve different texts adopted and proclaimed by the United Nations explicitly recognize the right to adequate housing. The Government of Zimbabwe is proud of the fact that it participated actively in the fashioning and adoption of many of these texts.
- 3.2 The Government is also aware of the entitlements that follow from the right to adequate housing such as that the beneficiaries of the right to adequate housing should have sustainable access to clean drinking water, heating and lighting, refuse disposal and site drainage. Adequate housing must be habitable, providing the inhabitants with adequate space and protection from the cold, damp, heat, rain, wind or other threats to health. We are aware that housing should not be built on polluted sites or in immediate proximity to pollution sources that threaten the right to health of the inhabitants. In short, the physical safety and health of the occupants must also be guaranteed. As becomes clear, these extensive entitlements reveal some of the complexities associated with the right to adequate housing.
- 3.3 As regards the illegal structures subject of the evictions, the basic entitlements of the right to adequate housing were absent. The Government

could not provide these entitlements since the settlements and structures were unplanned and unlawful. Some houses were built on polluted sites or in immediate proximity to pollution sources that threatened the right to health of the inhabitants. Occupants of these illegal structures threatened the rights and entitlements of those others in the same areas living in planned and legally recognized places and settlements. In those circumstances, the Government could not allow the rights of those others to continue being violated by those who had settled illegally and were putting a strain on resources allocated to those legally entitled to them in terms of the relevant city by-laws.

3.4 General Comment No. 4 (1991) on the right to adequate housing made by the UN Committee on Economic, Social and Cultural Rights, and to which the Special Rapporteur makes reference in his condemnation of the Zimbabwe clean-up exercise, states that "forced evictions are *prima facie* incompatible with the provisions of the Covenant and can only be carried out under specific circumstances." The term "*prima facie*" means 'on the face of it.' In other words, it is only a presumption that forced evictions are incompatible with the Covenant. That presumption is not sustainable in the case of the evictions being lawfully carried out in Zimbabwe.

3.5 The same General Comment No. 4 states that "The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law..." The evictions undertaken in Zimbabwe are in accordance with the relevant city by-laws that regulate the putting up of structures in any city in Zimbabwe. Illegal and unplanned structures of any kind are prohibited by these laws. And these are the structures that are being removed. Article 17.1 of the International Covenant on Civil and Political Rights recognizes, among others, the right to be protected against arbitrary or unlawful interference with one's home. It is especially pertinent to recall General Comment 16 of the Human Rights Committee, relating to Article 17 of the International Covenant on Civil and Political Rights, which states that

interference with a person's home can only take place *"in cases envisaged by the law."* In the Habitat Agenda Governments committed themselves to protecting all people from, and providing legal protection and redress for, *forced evictions that are contrary to the law*, taking human rights into consideration.

- 3.6 The evictions being carried out in Zimbabwe are neither arbitrary nor unlawful, since they are being undertaken within the confines of the relevant applicable laws, with the objective of ridding the capital, and other cities, of illegal structures, illegal business and criminal activities. The Government of Zimbabwe is aware that where evictions are justifiable, as they are in this case, it is incumbent upon the relevant authorities to ensure that they are carried out in a manner warranted by law, and that all the legal recourses and remedies are available to those affected. Before the evictions were carried out, occupants were given sufficient notice, and the choice to voluntarily take down their illegal structures. Many did. Those who failed to heed the notice and refused to take down their illegal structures had this done for them by the relevant authorities in the operation.
- 3.7 For evictees who feel aggrieved or believe that they were prejudiced, there is room for recourse to the courts. Some of the evicted persons have indeed instituted proceedings in the courts asking the courts to stop the evictions. The High Court of Zimbabwe upheld the clean-up exercise on June 3, 2005, in a case that was filed by Dare Remusha Housing Cooperative against the Government and the City of Harare.
- 3.8 The international community as a whole is legally obligated to ensure the protection and realization of the right to adequate housing, which is part of the recognized economic, social and cultural rights. Under Articles 55 and 56 of the Charter of the United Nations and in accordance with well-established principles of international law, international cooperation for the realization of economic, social and cultural rights is an obligation of *all* States. This

responsibility is particularly incumbent upon those States which are in a position to assist others in this regard. The 1986 Declaration on the Right to Development emphasizes that in the absence of an active programme of international, technical and financial assistance and cooperation, the full realization of economic, social and cultural rights will remain an unfulfilled aspiration in many countries.

- 3.9 And there are many of those in this world that could assist Zimbabwe achieve its goal for adequate housing for its population, but who have deliberately refrained from doing so for unjustifiable political reasons. The United States passed a sanctions law called the Zimbabwe Democracy and Economic Recovery Act in December 2001. This illegal and unjust law provides for the cutting of all lines of credit to Zimbabwe from the multilateral lending institutions. These institutions have been advised to release aid or credit to Zimbabwe only if President George Bush authorizes it. On its part, the EU has placed overt and covert sanctions on Zimbabwe because of a bilateral dispute between Harare and London. The actions by the US and the EU have worsened the plight of all Zimbabweans.

4. POLICE INVOLVEMENT

- 4.1 On 18th May 2005 the Zimbabwe Republic Police (ZRP) launched Operation Restore Order and the factors and rationale that prompted this nationwide operation as explained in section 2 above, were based on a number of social, economic and security shortcomings that confronted the policing environment with astounding ramifications on the country's economic turnaround programme and its citizens. **"Operation Restore Order"** is consistent with the ZRP's Strategic Plan and Vision 2008, "Policing for National Economic Revival" and is arguably the biggest operation the ZRP has undertaken since the country's independence in 1980. When the operation kicked off on May 18, 2005, the objectives of the operation were clearly spelt out and teams put in place to carry out the operation. Police officers involved

in the operation were briefed on the need to respect human rights and dignity. No complaints were officially registered of untoward actions by the police officers. No structures were burnt other than rubbish which accumulated as a result of the clean up. Both the print and electronic media were used to warn the people that they should demolish their illegal structures before the police could move in to supervise the removal of such structures.

- 4.2 The Zimbabwe Republic Police is under spotlight from our detractors who ironically in the past have criticized the force for failing to restore the rule of law by allowing Zimbabwean citizens to settle indiscriminately. The legitimacy and justification of this operation by the police draws from its constitutional obligation as espoused in section 93(1) of the supreme law of the country.
- 4.3 Contrary to media and western criticism that the operation amounted to retributive measures against the urban electorate following the outcome of the 31st March 2005 legislative polls, the effort by the Police to suffocate illegal activities, weed out criminal elements, restore law and order and paralyze illegal markets serves no political party, but is meant to decongest Central Business Districts in most cities. Indications on the ground confirm that the exercise was not only necessary and logical but that it was also long overdue.
- 4.4 Allegations of police brutality and inhuman treatment are unfounded and attempt to create mischief, confusion, hostility and to gain illicit political mileage. The Z.R.P. respects the dignity of human life, observes human rights and has a duty to protect peace-loving citizens from criminals.
- 4.5 During the course of this operation, the Police raided and arrested various criminals including foreign nationals at the popular points such as Mereki in Warren Park, Pamuzinda, the Gulf Shopping Mall and the Ximex Mall, which had become havens of criminal activities.

- 4.6 Illegal gold panning and dealings have since diminished following the launch of the operation. Since its inception, gold inflows to Fidelity Printers have significantly increased.
- 4.7 Ready markets for meat from cattle rustlers were destroyed and significant amounts of revenue have accrued from deposit and other fines. Enforcement of traffic laws by the police during the operation has resulted in impounding of road unworthy vehicles.
- 4.8 The recent report by *The Standard* headlined "**Child killed in Clean Up**" is a deliberate and mischievous attempt by the opposition media fraternity to paint the operation as inhuman and provoke hostility against Police and the Government. The deceased, Charmaine NYIKA died after a wall of an illegal structure that was being demolished by her mother collapsed on the unfortunate child. The police was nowhere near the scene and the sudden death matter is currently under investigations.

5. CONCLUSION

- 5.1 The Operation is not yet complete but it is prudent to take stock of some notable achievements registered by this exercise. Among many others, the following are the major successes of the Operation: -
 - (i) Most of the Central Business Districts throughout the country are clean and peaceful following the removal of menacing street kids, touts and kombis, illegal vendors and unroadworthy vehicles. The exercise has resulted in significant decongestion of CBD's in the cities in general.
 - (ii) Crime has significantly gone down following the destruction of illegal structures, which served as rendezvous for criminal activities.

- (iii) Enforcement of traffic laws by the police during the operation has resulted in impounding of road unworthy vehicles
- (iv) Basic commodities, which had disappeared from the shelves of most shops, are slowly re-emerging following the destruction of illegal tuckshops, which served as ready markets for such goods.
- (v) The provision of services such as water and electricity supplies and sewerage systems are set to improve following the demolition of the illegal structures, which diverted the provision of such services away from the proper facilities.
- (vi) Incidences of traffic congestion have reduced following the relentless crackdown on all traffic offenders.
- (vii) Cases of sexual abuse that emanated from the over crowding conditions of some areas such as Mbare are set to diminish.
- (viii) The rapid urbanization of the country in the past decade has witnessed the migration of young and able-bodied man and women into the town and cities some of whom partook in illicit pre-occupations such vending, touting, prostitution, begging, among others. The launch of this operation has reversed this trend and rejoined youths with the elderly who had to fend for themselves in the absence of this productive age group.

5.2 The operation has been received with mixed feelings among the populace with the majority expressing sentiments of appreciation that the operation is the only panacea to the restoration of law and order in the country and provides a sound and lasting solution that complements the current Government efforts to turn-around the economy through monetary and fiscal reforms.

- 5.3 The momentum that the operation has gathered since its inception should be further enhanced through Government support and anti-corruption drive to rid the country of crime that has distorted business practices.
- 5.4 The Operation should be viewed as a sound and lasting solution that will go a long way in complementing the current Government efforts to turn-around the economy through monetary and fiscal reforms.
- 5.5 It has to be appreciated and it is not far fetched to point out that the Western world has glittering cities and does not tolerate illegal structures or unauthorized settlements. It is outright hypocrisy by the west, private/independent and international media organizations to condemn the clean-up operation.
- 5.6 Attempts by the so-called Broad Alliance pressure group led by the opposition to hijack the operation by calling for a stay away on the 9th and 10th of June 2005, proved fruitless as the stay away flopped.
- 5.7 Interestingly, the international media and its allies have kept mouths shut on the vulnerability measures being undertaken by the Zimbabwe Government under which the affected people have already secured designated places from which to conduct their legal businesses or build descent homes. A case in point is the Siyaso informal traders who have been re-allocated stalls at a new multi-million dollar complex in Mbare.
- 5.8 Notwithstanding the campaign to misinform the international community by forces at home and abroad, important achievements has been registered to face-lift the complexion of the policing environment throughout the country. The ZRP will continue to arrest anyone involved in these illegal deals, irrespective of how big or small one is his or her nationality nor the strength or web of economic and political connections one commands.

5.9 The erstwhile chaotic business activities are paving way to an orderly and legal business environment. Proper and well-designated premises with viable infrastructure should be set aside by the local authorities to ensure that local services of electricity and water supplies are not diverted. Once proper public amenities and premises have been set aside, security of such places can be easily arranged by the Zimbabwe Republic Police through establishment of police reporting centres, bases or posts depending on the size of the population to be policed and infrastructure.

MINISTRY OF FOREIGN AFFAIRS