



HOUSING AND LAND RIGHTS NETWORK

Habitat International Coalition

Cairo, 25 February 2021

Emmerson Dambudzo Mnangagwa
President of Zimbabwe
Munhumutapa Building
Corner Samora Machel Ave and Sam Nujoma
Harare, Zimbabwe

Dear President Mnangagwa:

It is our honor to address Your Excellency with reference to the inhabitants of Crowborough Farm, located some 20km west of Harare. We have received reports that these citizens are facing a gross violation of their human rights, in particular, the human right to adequate housing,¹ by forced eviction carried out under your authority as chief public servant and President of Zimbabwe. We are proposing alternative solutions in accordance with Zimbabwe's treaty obligations in this year of the country's report to the High-level Political Forum on its progress toward the Sustainable Development Goals.

The Crowborough Farm land area was formerly administered by the Harare City Council, when serving as the site for the city's now-defunct water treatment plant, operated jointly with a cattle ranch. It was later occupied by home seekers around the 2013 general elections.

With a deficit of 1.3 million housing units and a housing waiting list of over 500,000 individuals,² the City of Harare has not provided a single house for needy home seekers for two decades. Meanwhile, the demand for housing has spiked, enabling the emergence of unscrupulous "land barons" in a market of high demand. These are reported to be mostly politicians, linked to both the ruling and opposition parties and local council officials, who grab peri-urban state and council land for resale to desperate home seekers, including land allocated for other public purposes. Such allocations have developed into housing cooperatives in Crowborough Farm.

In 2016, the Harare City Council sought and obtained 23 rulings against the housing cooperatives in the City of Harare, of which 16 are from Crowborough Farm. The City already demolished one community (at Budiriro) amid both the global pandemic and the rainy season in December (2020), an act prohibited under Zimbabwe's treaty obligations.³ Soon after, central government put on hold demolitions of the other 22 cooperatives, but only until April 2021 (the end of 20/21 rainy season). In addition, a total of about 40 other cooperatives across the country's urban councils, housing thousands of men, women and

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children, are scheduled to fall victim to this gross violation. Of these cases, none has been able to seek reparation for losses and damages to which they are entitled under international law.⁴

Each of these “housing cooperatives” which are usually a group of people who come together to buy a piece of land and build their own houses usually comprised of between 100 and 1,000 people. Over most of a decade, the Crowborough residents have inhabited their land and managed to build permanent homes, some with service roads, electricity, sewage and water connections. According to information received, some have been paying taxes and service fees to the City Council, while some are in the process of formalising their settlement.

This amounts to tens of thousands of US dollars that these now-threatened households have invested into their homes and communities. Meanwhile, all spheres of government have failed to implement policies and corresponding duties to ensure adequate housing for Zimbabweans inadequately housed, including by sorting out the competing land claims that both public policy and corruption have generated over the past two decades. Instead, public servants and their private-sector cohorts have colluded to capture the housing and land markets at the expense of impoverished citizens.

We understand that most of the urban councils are affiliated with the opposition political parties, while the ruling party controls central government. This has resulted in urban housing land becoming both a political tool and partisan battleground for the two political forces at the expense of precariously housed Zimbabweans. In this scenario, ordinary citizens undergo gross violations of their human rights, enduring damages, high costs and losses of property, investment and wellbeing, while politicians notoriously profit at their expense.

Your Excellency has been quoted, pledging “To leave no stone unturned in bringing sanity to the country’s local authorities” that had failed Zimbabwe.⁵ In that pursuit, we urge you to support the formalisation of urban housing through provision of the required infrastructure, amenities and secure tenure as the cornerstones of the fundamental human right to adequate housing and Zimbabwe’s state obligations. From the recent experience of the December 2020 demolitions at Budiriro in Harare, victims have not been able to obtain any form of reparation to date, despite assurances from both local and central authorities. In the Budiriro case, Zimbabwe has violated the inhabitants’ human rights in both the act of force eviction by demolition and its aftermath.

Despite the harsh economic times in the country, these victims and potential victims have managed to assume the role that both the local and central government should play, building themselves standard housing units, infrastructure and communities. After years of investment and social production, all they get in return from their public duty holders is a bulldozer, rubble and deeper impoverishment. A clear regularisation and formalisation plan is needed, where possible, before demolitions, forced evictions, dispossessions and destruction of their property. Where that is not physically possible and conflicting rights are involved, reparations, including proper resettlement, are required of the state and its organs.

In this year of Zimbabwe’s 2030 Agenda sustainable development progress review, we urge your intervention to ensure that these settlements in Harare’s suburbs are regularized and properly serviced,

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wherever still possible, and to effect reparations to those Zimbabweans who have endured the gross violation of their human rights by forced eviction.

We look forward to learning of your efforts aligned with the state's human rights obligations and development commitments to ensure justice, while bringing sanity to local governance for fellow Zimbabweans.

In the meantime, Mr. President, please be assured of our highest consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Joseph Schechla', with a long horizontal line extending to the right.

Joseph Schechla
Coordinator
HIC-HLRN

References:

- ¹ Commission on Human Rights, “forced eviction,” resolution 1993/77, 10 March 1993, at: <http://www.hlrn.org/img/documents/ECN4199377%20en.pdf>; “Prohibition of forced evictions,” resolution 2004/28, 16 April 2004, para. 1, at: http://www.hlrn.org/img/documents/E-CN_4-RES-2004-28.pdf.
- ² Tinotenda Chidhawa, *The Right to Adequate Housing in Zimbabwe: A Contextual and Jurisprudential Anatomy of Public Housing Policy Implementation; Harare (2000–2018)*, Faculty of Economic and Management Sciences, University of the Western Cape, 29 October 2020, at: <http://etd.uwc.ac.za/xmlui/handle/11394/7676>.
- ³ International Covenant on Economic, Social and Cultural Rights (1966), which Zimbabwe ratified on 13 August 1991. See the human right to adequate housing, Article 11 of the Covenant, and General Comment No. 7: forced evictions (1997), E/1998/22, annex IV, at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f6430&Lang=en.

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⁴ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147, 21 March 2006, at: http://www.hlrn.org/img/documents/A_RES_60_147%20remedy%20reparation%20en.pdf.

⁵ "Zanu PF to flush out land barons," *The Herald* (9 February 2021), at: <https://www.herald.co.zw/zanu-pf-to-flush-out-land-barons/>.