

**POLITICAL ECONOMY OF URBAN SETTLEMENT  
DEMOLITIONS AND STATE POWER IN ZIMBABWE: A CASE  
STUDY OF HARARE METROPOLITAN PROVINCE SINCE 2013**

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## Declaration

I, Kowanai Mhlanga, declare that the thesis, (or interrelated, publishable manuscript), that I herewith submit for the Doctoral Degree in Human Geography at the University of the Free State, is my independent work, and that I have not previously submitted it for a qualification at another institution of higher education.

Kowanai Mhlanga 

31 December, 2022

As the candidate supervisors, we hereby agree to the submission of this thesis

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**Supervisor:** Dr M Hansen

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## **ABSTRACT**

After the enactment of the Constitution in 2013, which prohibits arbitrary eviction, urban settlement demolitions resumed and escalated in Zimbabwe. This thesis examined the political economy of urban settlement demolitions and state power in Zimbabwe, to assess the extent to which the new Constitution, adopted in 2013, has transformed the conduct of urban settlement demolitions in Harare Metropolitan Province since then. If there is transformation, the thesis sought to understand how the opposition-party-led local authorities have been able to alter the nature of urban settlement demolitions. If there is no transformation, the thesis sought to expose the bottlenecks or restrictive underlying conditions that have curtailed the transformation in the conduct of urban settlement demolitions. It also sought to highlight the consequences of such transformation, or lack thereof, for the State.

The political economy approach, the Actor-Network Theory (ANT), and the Procedural Social Justice Theory informed this study. Guided by the constructivist paradigm, the study adopted qualitative methodology. Purposive sampling was employed to select study sites, participants from the state sector and some from the non-state sector. Snowball sampling was employed to choose evictees and other participants from the non-state sector. Convenient sampling was used to select people who witnessed demolitions. Court judgements and newspaper articles on evictions complemented the primary findings.

Whilst the study was based on the premise that Zimbabwe's Constitution which was adopted in 2013 is transformative on matters of urban settlement demolition, the research outcomes show that these constitutional changes have not in any way transformed the conduct of demolitions. The research outcomes revealed that up to 2020, demolition of illegal settlement occurred in violation of the canons of Zimbabwe's declaration of rights. First, demolitions occurred without the court authorisation. Second, they were conducted without any consideration of all relevant circumstances. However, such violation of the eviction law taints the image and reputation of the State.

Legal, behavioural and institutional factors were found to be the main bottlenecks that have inhibited the transformation. The study found that the 2013 Constitution is still based on the Roman-Dutch law, which is hostile to the plight of illegal land occupiers. Hence, these vestiges of colonial planning legislation do not provide for fair compensation to anyone deprived of property during the councils' operationalisation of the master plan.

Regarding behavioural factors, the study found that besides councils' resistance to embracing Section 74, the citizens' adversarial action towards the governmentality of urban space has impeded transformation. The study recommends that citizens should respect the administrative authorities' governmentality of the urban space. It also recommends that since Section 74 is the blueprint on matters of evictions, the judiciary which is the guarantor of this Section, should strongly penalize officials who violate this eviction procedure.

As a contribution to knowledge production, the study brought new approaches to the investigation of urban settlement demolitions. First, these demolitions have been investigated from the constitutional perspective. This is a departure from the planning perspective that has dominated debates on evictions. No planning law should supersede the Constitution. Second, the ANT has been used to analyse the demolitions. The approach showed the contribution of a multiplicity of players. It revealed how the illegal settlers' counter-conduct has been exploited by authorities to justify the use of force.

Another contribution is the enhancement of S74 as the new eviction framework. The study reveals that this framework can further be strengthened through stakeholder participation and prosecuting its violators. Regarding stakeholder participation, the thesis demonstrates how the Parliamentary Portfolio Committee can use citizens' voices to devise an Act that defines relevant circumstances the court should consider before granting an eviction order.

**Keywords:** demolitions, urban settlements, political economy, Harare Metropolitan Province, transformation, Constitution, state power, Section 74

### **Special dedication**

I dedicate this work to my wife, Charity, and children, Tariro, Tadiwa and Makatendeka for enduring my absence throughout the study period. I also dedicate this thesis to my parents, James and Celia Mhlanga.

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### **Publications and presentations arising from the research**

In terms of publication, one aspect of this study has been published in the Proceedings of the Biennial Conference of the Society of South African Geographers. It is published as;

- Mhlanga K & Hansen M., 2018. Political economy of urban settlement demolitions in Zimbabwe.

Two papers from this work were presented at the Biennial Conference of the Society of South African Geographers. The first presentation was done at the Biennial Conference of the Society of South African Geographers hosted by the University of the Free State in 2018, and the second was presented online in September 2021 and it came courtesy of University of KwaZulu Natal. The two papers presented respectively were titled as;

- ‘Political economy of urban settlement demolitions in Zimbabwe’.
- Continuity or change? The political economy of urban human settlement demolitions in Harare Metropolitan Province since 2013.

## Abbreviations and Acronyms

AGFE	Advisory Group on Forced Evictions
ANT	Actor Network Theory
AU	African Union
Cde	Comrade
CHITRUST	Chitungwiza Residence Trust
COHRE	Centre on Housing Rights and Evictions
EMA	Environmental Management Agency
ESCR	Economic Social and Cultural Rights
EU	European Union
GNU/IG	Government of National Unity/ Inclusive Government
GoZ	Government of Zimbabwe
ICC	International Criminal Court
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Commission of Jurists
IDS	Institute of Development Studies
IIDEA	International Institute for Democracy and Electoral Assistance
LEDRIZ	Labour and Economic Development Research Institute of Zimbabwe
MDC	Movement for Democratic Change
MDG	Millennium Development Goals
MLGPWUD	Ministry of Local Government, Public Works and Urban Development
MSMECD	Ministry of Small to Medium Enterprises and Cooperative Development
MTP	Medium Term Plan
NHDP	National Housing Delivery Programme
OG/HK	Operation Garikai/ Hlalani Kuhle
OM	Operation Murambatsvina
ORO	Operation Restore Order
RTCPA	Regional Town and Country Planning Act
SADC	Southern African Development Community
SDGs	Sustainable Development Goals
SI	Statutory Instrument

SIDA	Swedish International Development Agency
STERP	Short Term Economic Recovery Programme
UN	United Nations
UPR	Universal Period Reviews
USAID	United States Agency for International Development
WADCO	Ward Development Committee
Zanu-PF	Zimbabwe African National Union Patriotic Front
ZIHOPFE	Zimbabwe Homeless People's Federation
ZimAsset	Zimbabwe Agenda for Sustained Socio-Economic Transformation
ZIMFE	Zimbabwe Forced Evictions
ZimStat	Zimbabwe National Statistics Agency
ZPLRM	Zimbabwe People's Land Rights Movement
ZRP	Zimbabwe Republican Police

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# CHAPTER 1: INTRODUCTION AND BACKGROUND TO THE STUDY

## 1.1 Introduction

Some African governments neither have the fiscal space nor the capacity to embark on a vast eradication of settlements that are regarded as slums (Bah et al., 2018). This emanates from the heavy costs involved. These heavy costs include compensation packages, relocation costs and the provision of infrastructure and adequate housing (Bah et al., 2018; Toriro, 2018).

While this is the case, there is also consensus that housing demolitions are politically, socially, economically and environmentally unacceptable (Kothari and Vasquez, 2015; Matamanda et al., 2020; Tibaijuka, 2005). It has been observed that wherever they have occurred, people have been rendered homeless and destitute; exposed to the vagaries of weather; and robbed of their property and otherwise lifetime investments (Kothari and Vasquez, 2015; Tibaijuka, 2005).

This was the case with Zimbabwe, when the State implemented Operation Murambatsvina/ Restore Order (OM/RO) in 2005. OM/RO was a large-scale clean-up programme or blitz the State and urban local authorities jointly implemented to eradicate illegal housing and informal jobs within towns and cities (Chipungu and Adebayo, 2013). However, this Operation (OM), exposed the State to external enemies who had already been there, waiting to condemn any of its actions<sup>1</sup>. It received huge condemnation from both local and international society organisations that impressed upon the international community to take action on Zimbabwe. They accused the State of having breached local and international laws<sup>2</sup> governing demolitions and evictions (Bratton and Masunungure 2007). They even described the evictions as an outright barbarity of a government on its people, and as a crime against humanity (Mlambo, 2008; Nyere, 2014; Tibaijuka, 2005).

Against such manoeuvres and onslaught on the character of the State, urban settlement demolitions resumed and have been escalating in Harare Metropolitan Province, Zimbabwe since 2013. Interestingly, issues of the political economy of urban settlement demolitions and state power in Zimbabwe have surfaced at a time when there is a new Constitution that was

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<sup>1</sup> Already, western counties such as Britain, Netherlands, France, and Australia among others had put Zimbabwe under international sanction, on the pretext of human rights violation. OM also occurred after the implementation of the Fast Track Land Reform Programme, which was not well received in the western world.

<sup>2</sup>The State was accused of having violated Article 27 (1) of the United Nations Conventions on the Rights of the Child (UNCRC). This Article specifies that children have the right to adequate shelter, education and security (Mazuru, 2019; Nyere, 2014).

adopted in 2013<sup>3</sup>. This Constitution is called Amendment (Number 20), Act 2013. It is a Constitution that was crafted from 2009-2013 by three political parties<sup>4</sup> that were in the Government of National Unity (GNU) (Nhede, 2012).

The GNU was a creature of the Global Political Agreement (GPA). The latter was an internationally mediated mechanism to settle Zimbabwe's political squabbles. These squabbles followed the inconclusive presidential run-off elections in 2008, pitting Robert Mugabe of the Zimbabwe African National Union – Patriotic Front (Zanu- PF), and Morgan Tsvangirai of the Movement for Democratic Change (MDC-T) (Masunungure and Mutasa, 2011; Nhede, 2012). The latter, however, withdrew from the presidential race, citing uneven electoral field (Madenga, 2017).

The uneven playing field seemed to have also been observed by the regional leaders of the Southern African Development Community (SADC) and the African Union (AU), who did not endorse Mugabe's re-election in the solo-run off (Masunungure and Mutasa 2011). At the same time, in facilitating the formation of the GNU, regional leaders wanted a power-sharing mechanism to stabilise the political and economic situation of Zimbabweans (Oosterom, 2019). Apparently, the domino effects of the political and economic situation had already been felt in many SADC countries. Highlights of those effects were massive exodus of Zimbabweans, both professionals and non-professionals, to countries such as Botswana, South Africa, Namibia, and Mozambique (Hammar, 2008; Mutsindikwa, 2020).

The prevailing political and economic situation was viewed as emanating from the Lancaster House-crafted Constitution, which had been used to govern the country since political independence in 1980. It is also important to stress that this constitution had been amended several times and had become the centre of controversy (Dzinesa, 2012). Therefore, in facilitating the formation of the GNU, these leaders stressed the need for crafting of a new constitution because it was serving no purpose.

It is trite to point out that the constitution of a country is the main law of the land. This is a document that contains a framework upon which a society is ruled as it directs the operation of all the institutions and any other laws (Chirisa et al., 2019). So many expectations and hopes are pinned on a constitution and constitutional reforms. Samaai (2006) points out that

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<sup>3</sup> After crafting, the draft constitution went through a referendum on 16 March 2013 and was then signed into law in May 2013 (Mpofu, 2016; Oosterom, 2019; Sachikonye, 2016).

<sup>4</sup> The three parties in the GNU, were, the MDC-T under Morgan Tsvangirai, the MDC which was led by Prof Mutambara, and then Zanu-PF under Robert Mugabe.

constitutional reforms are done with the three aims in mind; avoiding a repetition of the socially unjust practices of the past, addressing the inequalities inherent in the society and specifying new governing norms as a guide to future conduct. It is generally agreed that a constitution works as a bulwark against the excessive use of state power (Mwenda, 2015). The objective of a constitutional reform, according to Chirisa et al (2019), is to change the operation of the State, its institutions and citizens. Therefore, clauses inserted in a constitution should guide the State and all its institutions, the executive including every person in their operation.

One can also argue that the SADC and AU leaders wanted Zimbabwe's new constitution to provide tools that would address issues of good governance and socio-economic rights. These were the issues that the Zimbabwean government had long been accused of ignoring and undermining (Madenga, 2017; Muchadenyika 2020). It is argued that by calling upon the GNU to facilitate the crafting of a constitution, these regional leaders wanted Zimbabwe to finally have a constitution whose contents would reflect those of the emerging democracies (Mavedzenge, 2016). Constitutions of such democracies are said to be inclined towards radical transformation of the State's fundamental values and governance, and the exercise of power (Mzikamanda, 2011; Mwenda, 2015; International Institute for Democracy and Electoral Assistance (IIDEA), 2016). It is also argued that in emerging and fully-fledged democracies, constitutions have empowered the courts to be the engines of social justice by protecting social and economic rights (Angote, 2018; Chitimira, 2017; IIDEA, 2016). Chitimira (2017) gives the example of the United States of America (USA), and South Africa where socio-economic and cultural rights have been recognized and constitutionally protected.

## **1.2. Prologue to the statement of the problem**

Muchadenyika (2017a) posits that the absence of a constitutional provision regulating the conduct of urban settlement demolitions in Zimbabwe necessitated the arbitrary nature of OM/RO of 2005. This view is also supported by Mavedzenge (2016, 2020) who notes that when Zimbabweans successfully advocated the entrenchment of the fundamental freedom from arbitrary evictions in the new constitution that was adopted in 2013, it was to protect themselves from evictions reminiscent of the past. However, there is still limited literature about the extent to which the new Constitution that was adopted in 2013 has prevented a culture of arbitrary eviction.

Given the foregoing, this thesis examines the political economy of urban settlement demolitions and state power in Zimbabwe from 2013 to 2020 to understand if the promulgation

of the new Constitution, Amendment (No.20), Act 2013, has transformed the conduct of urban settlement demolitions in Harare Metropolitan Province. The examination is premised on the realisation that although demolitions escalated after the enactment of this Constitution, there is scant information regarding the extent to which this new law has transformed the mode of urban settlement demolitions.

This study assumes that Zimbabwe's 2013 Constitution, unlike the 1979 Lancaster House Constitution that was constructed to create a transitional framework from the war of liberation (Toriro 2018) is transformative<sup>5</sup> on matters of urban settlement demolition. Section 74 of this 2013 Constitution provides for freedom from arbitrary evictions and also for the procedure under which demolition of illegal human settlements should occur. It states that: *'No person may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances'* (GoZ, 2013a: 25).

The foregoing text shows that the Constitution that was adopted in 2013 is unambiguous on matters of evictions. It reposed matters of evictions into the hands of the court. It also underlines the procedure with which evictions ought to be conducted. The procedure is that the court should grant eviction orders after having considered the personal circumstances of the illegal settlers. For allowing evictions to be done after consideration of all relevant circumstances, the implication is that the road to evictions should be pro-poor and therefore should have a human face. This shows that Section 74 champions evictions that are done in a socially justifiable manner.

It is important to note that before the enactment of this Constitution, Zimbabwe's eviction processes can best be characterized as an extreme case of exercising brute force against the helpless evictees. This is precisely so because, using Statutory Instrument (SI) 109 of 1979, local authorities would demolish illegal structures at short notice and without going to court (Nyadombo, 2018). Hence, the insertion of Section 74 does not only show a huge shift from the common law position in which evictions used to be dealt with (Muller, 2011). Instead, it shows power shift from councils to the court on matters of evictions.

### **1.3. Statement of the problem**

Following the adoption of this Constitution in 2013, there have been spates of urban settlement demolitions in Harare Metropolitan Province. Since the turn of the millennium, this province

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<sup>5</sup> A transformative constitution can change the modus operandi. In other words, it facilitates a break from the past in the way the State and its institutions should operate

has been under the control of the MDC (Muchadenyika and Williams, 2016). The MDC was founded in 1999, purportedly, to transform the culture of governance from a system of repression and corruption, to one that is based on social justice, accountability, transparency, openness, honesty, and efficiency (Mutsindikwa, 2020). It used to cry foul, arguing that there was too much interference by the central government (Muchadenyika, 2015a).

However, there has been little scholarly attention on the manner urban settlement demolitions have been conducted after the enactment of this new Constitution. Much of the focus of the scholarly work has been on the right to housing and shelter (Mazuru, 2019; Owiso, 2016). Nyamayedenga (2016), who also researched the housing demolitions after 2013, focused on how the Herald and Newsday have framed the victims, the Harare city council and land barons. The question that has received little scholarly attention from scholars, media and even advocacy reports is about whether *'there has been any transformation in the conduct of urban settlement demolitions in Harare Metropolitan Province, since the adoption of the new Constitution in 2013.'* If there has been no transformation, why?

### **1.3.1. Purpose of the study and justification**

In examining the political economy of urban settlement demolitions and state power, the main purpose of this study is to assess the extent to which the new Constitution has transformed the conduct of urban settlement demolitions in Zimbabwe's Harare Metropolitan Province since 2013. Therefore, if there is transformation, it would be important to identify how the MDC - led-urban local authorities<sup>6</sup> embraced the provisions of the new constitution and alter the nature of demolitions. On the other hand, if there was no transformation in the nature of the demolitions, the thesis seeks to examine the circumstances that led to this failure, including those related to the prevailing political economy in Zimbabwe. Thus, the thesis examines why urban local authorities failed to alter the nature of the demolitions.

The study focused on Harare Metropolitan Province because of the city's high prevalence of demolitions since 2013. The study was limited to the three urban local authorities, namely, the City of Harare, Chitungwiza Municipality and Epworth Local Board which have experienced most of demolitions since 2013. Although in the past, each of these

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<sup>6</sup> The city of Harare and the Chitungwiza Municipality continued to be led by the MDC-T between 2013-2018. While the MDC-T had controlled Epworth Local Board between 2009-2013, it lost ground in the 2013 elections. In the 2018, election, the MDC-T combined forces with other parties to form the MDC-Alliance, and continued to control the three urban local authorities of Harare Metropolitan Province. During the data collection, it was the MDC-Alliance that was in control of the councils. However, there have since been some dynamics as the feuds in the Alliance saw the emergence of another party, the Citizens Coalition for Change (CCC) in 2022.

local authorities enjoyed an autonomous state, however, urban settlement demolitions were orchestrated at the behest of the Central Government (Madebve and Madebve, 2005; Sachikonye, 2006). This was necessitated by the fact that the previous constitution, allowed central government to intervene in the affairs local authorities, when it felt that local authorities had failed to manage.

Now, Section 274(1) of the new Constitution fortifies the autonomy of these local authorities since it mandates them and others to represent and manage their affairs. Analysed literature shows a paucity of information regarding the consummation and implementation of the demolitions after the enactment of this new Constitution. Therefore, this study seeks to provide a fairly comprehensive examination of the political economy of urban settlement demolitions and state power, especially concerning the extent to which there has been a transformation in the manner urban settlement demolitions have been conducted following the adoption of Zimbabwe's new constitution in 2013.

### **1.3.2. Main research question**

The research question guiding the study was: 'Has there been any transformation in the manner in which illegal urban settlement demolitions are conducted in Zimbabwe following the promulgation of the new Constitution in 2013, and if not, why?'

### **1.3.3. Secondary research questions**

The following are pertinent secondary research questions:

1. What has been the nature of urban settlement demolitions in Harare Metropolitan Province after the promulgation of the constitution in 2013?
2. What factors have influenced the nature in which illegal urban settlement demolitions have been conducted in Harare Metropolitan Province after the promulgation of the Constitution in 2013?
3. What are the consequences of such transformation or lack thereof, for the State and other actors?

### **1.3.4. Research objectives**

The main objectives of this study were to:

1. Establish the nature of illegal urban settlement demolitions in Harare Metropolitan Province following the promulgation of the new constitution in 2013.

2. Investigate the factors that have influenced the manner in which illegal urban settlements have been demolished in Harare Metropolitan Province after the promulgation of the new constitution in 2013.
3. Examine the consequences of this transformation, or lack of it, for the State and other actors.

#### **1.4. Significance of the study**

Because this study comes against the background of Zimbabwe's past human rights record that has been conceived to be poor (Amnesty International 2013; Chikwanha 2009; House 2017; Noyes 2020), the results of this study should be of interest to various actors who may want to know the extent to which Zimbabwe is using its new laws in promoting fundamental normative issues of fairness, justice and protecting the rights of its citizens. Some of these actors are local and international human rights organisations. Locally, the study may be of interest to the Zimbabwe Human Rights Commission which is charged with the responsibility of promoting and monitoring human rights issues.

The results of this study may also be of importance to State institutions such as the judiciary and parliament whose responsibility is to control the power of the executive and play an oversight role on issues of promoting justice. To the judiciary as the guardian of the Constitution, provisions of Section 74 cover issues of constitutionalism and the rule of law which should be upheld. The rule of law is a situation where a government exercises its authority in line with the written laws of the country (Chikwanha, 2009). Constitutionalism signifies adhering to the principles of the constitution (Mzikamanda, 2011). Therefore, the call for the rule of law and constitutionalism is a call for everyone, from the head of State to the ordinary citizen, and the State and its agencies to observe the principles of the constitution.

To the parliament, the way demolitions are conducted speaks volumes about how the laws it makes are used to promote justice. For a long time, municipal laws would be invoked to eradicate illegal or haphazard settlements without any effect on the supreme law of the land. It will be important to review how municipal laws and other laws conform with the supreme law of the land on matters of demolitions of illegal settlements.

Furthermore, the results of this study may be of use to the residents' associations and trusts regarding fundamental issues they should raise in their advocacy programmes. Apart from raising procedural issues relating to evictions, they may also point to substantive and

fundamental issues relating to the adequacy of the anti-eviction clause and how the eviction framework can be enhanced.

To the residents, the results of this study raise awareness regarding the main concern of the freedom from eviction clause. They may be enlightened to the fact that while the Constitution of Zimbabwe, Amendment (Number 20), Act 2013 strongly provides for transformation in ways the demolitions should be conducted, it does not condone haphazard urban settlement development. This knowledge will protect them against the shenanigans of the land barons.

Considering that Zimbabwe joined the rest of the world in embracing the sustainable development goal (SDGs), the results of this study are important to the central government. This is about meeting the avowed goal of turning the country into a middle-income economy by 2030. Thus, this research juxtaposes the political economy of urban settlement demolitions in Zimbabwe against achieving such avowed goals of ‘Leaving No One Behind’ (Donoghue and Khan, 2019).

Apart from being relevant to ordinary citizens, this study may be of significance to other researchers to design further studies. A body of knowledge stemming from such research may come closer to informing possible solutions and interventions on issues of urban human settlements. Resultantly, the output from this research could contribute to the development of future urban settlement policies for the Zimbabwe government and elsewhere, policies that are consistent and sustainable.

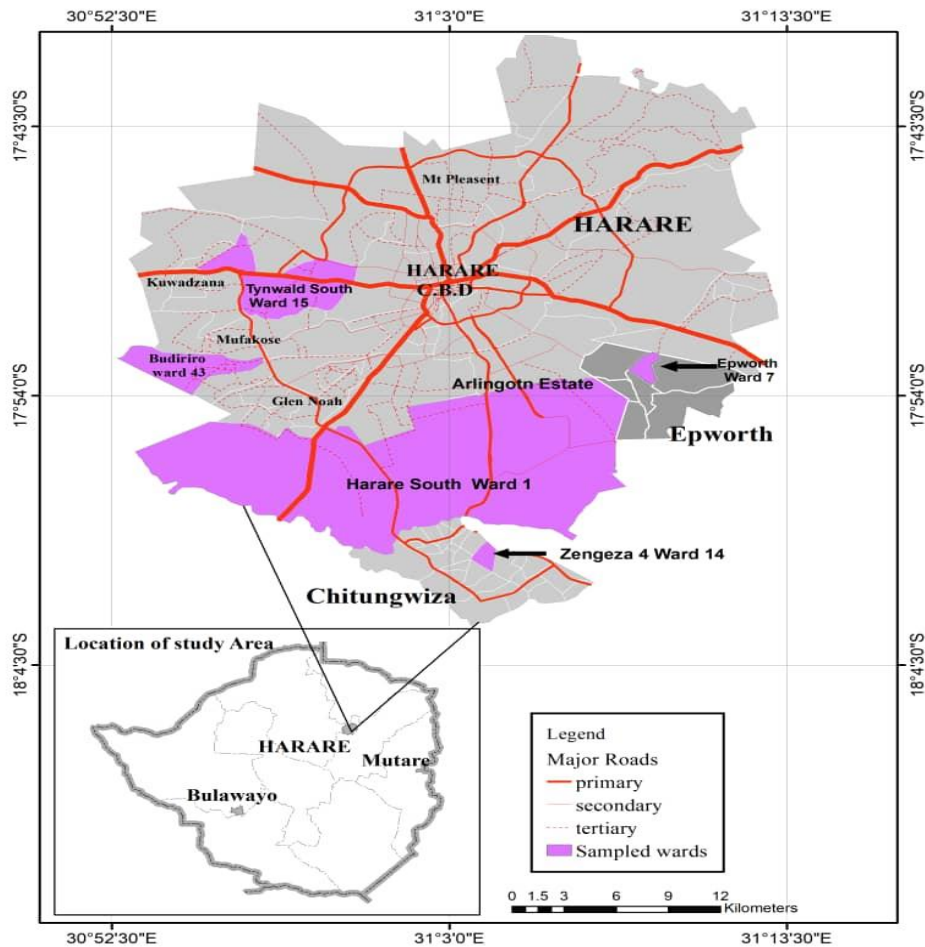
## **1.5. Study area**

Harare Metropolitan Province is one of the two<sup>7</sup> metropolitan<sup>8</sup> provinces of Zimbabwe. It is home to approximately 16 % of Zimbabwe’s total population (ZimStat, 2022). It houses Harare, the capital city, as well as the Municipality of Chitungwiza and Epworth Local Board. It was deliberately chosen because since 2013 demolitions have frequently been reported in its three urban local authorities. Figure 1.1 shows the location of the study areas.

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<sup>7</sup> The other metropolitan province is Bulawayo

<sup>8</sup> The hierarchy of settlements in Zimbabwe, in their ascending order, constitutes a seven-tier framework that starts from rural service centres, district service centres, urban centres or growth points, towns, municipalities, cities and metropolitan regions.



**Figure 1. 1:** Location of the study areas

**Source:** Author

Developments in these three urban local authorities are guided by a statutory plan called the Harare Combination Master Plan or simply Harare Master Plan (Matamanda, 2019). The three urban local authorities also share a common resource, for example, water from Morton Jaffray Works.

### 1.5.1. Harare City Council

Harare City Council is the provincial capital. Harare was established on an already existing traditional village on the 12<sup>th</sup> of September 1890<sup>9</sup> by the British settlers (Chirisa, 2012). Its growth was modest, in that it developed from a very simple village comprising scattered buildings of mud and thatch and got connected to telegraph lines, railway lines, water and

<sup>9</sup> Note that in 1890, the settlement was called Salisbury. It was named after Lord Salisbury, and it was renamed Harare after independence in 1980

electricity within a space of 25 years, from 1892 to 1914 (Yoshikuni, 2006). Its development was guided by the European modernist planning approaches of order, aesthetics and economic efficiency (Matamanda, 2020). In terms of administration, the settlement was elevated to city status in 1935 from a mere sanitary board in 1892 and an elected municipal council in 1897 (Colquhoun, 1993).

During the Federation<sup>10</sup> period (from 1953 to 1963), the city served as the capital of Southern Rhodesia, Northern Rhodesia (now Zambia) and Nyasaland (Malawi) (Gumbo, 2013). Harare was developed and grew along racial lines; with large open spaces acting as buffer zones in a bid to separate blacks from whites (Mbiba, 2000). During colonial rule, the northern and north-eastern parts of the city were largely inhabited by whites only (Gumbo, 2013). Blacks were found in the South (Parliament Research Department, 2011). Indians lived in Belvedere, while coloureds lived in Acadia and Adebennie (Marongwe et al., 2011). Rich blacks were found in Marimba near Mufakose (Munzwa and Wellington, 2010). Although this spatial structure has not changed much, racial stratification is now being replaced by economic stratification characterised by the rich and poor and others in the middle (Chirisa, 2013a)

The City of Harare has 46 wards, implying therefore that it has 46 elected councillors running the city affairs. It was selected for this study not only because it is the hub of the country's administration<sup>11</sup>. Rather, it has been known for being heavy-handed in its suppression of informality settlements (Kamete, 2013). Understanding how it has suppressed illegal settlements after the country promulgated a new Constitution in 2013 helps to determine if there has been a transformation in the manner these demolitions have been conducted.

The City of Harare is one of the cities where OM/RO was harshest alongside Bulawayo and Mutare (Bratton and Masunungure, 2007). Against the backdrop of the resurfacing and escalation of urban settlement demolitions, it was studied to determine if there has been a transformation in the ways they have been conducted. By being the capital city one would argue that it is well-versed with the constitutional provisions regulating demolitions.

This study focused on wards 1, 15, and, 43 (See Fig 1.1) where the phenomenon has also been experienced. Ward 1 covers Harare South and this study focused on Arlington Estate. Ward 43 covers Budiriro and the study focused on demolitions that occurred between 2015-2020. In ward 43 of Budiriro, Housing Cooperatives under Stars Housing Consortium, and

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<sup>10</sup> On the 27<sup>th</sup> of July 1953, the British Parliament established the Federation of Rhodesia and Nyasaland, whereby the colony of Southern Rhodesia and the protectorates of Northern Rhodesia and Nyasaland were merged to form one unified state (Hove, 2016)

<sup>11</sup> This is it being Zimbabwe's capital city and it houses the parliament, the Supreme Court, the Reserve Bank and institutions of higher learning such as Universities and colleges.

Hannah Housing Consortium, were studied, together with Tembwe Housing Cooperative. Vatemavotonga Housing Cooperative in Tynwald South, Ward 15, was also studied (See Chapter 4).

### **1.5. 2. Chitungwiza Municipality**

Chitungwiza belongs to the third tier of local governments known as municipalities (Munzwa and Wellington, 2010). Chitungwiza municipality lies approximately 25 km south of the city of Harare. The municipality was developed by the colonial government as a residential area for Africans far from the City of Harare (Zinyama et al.,1993). It grew in the early 1970s out of St Mary's and Seke townships (Mutizwa-Mangiza, 1986). St Mary's as a settlement was formerly designated for missionary services and churches (Zinyama et al., 1993).

Over the years, the population of Chitungwiza City has expanded exponentially from approximately 15,000 in 1969 to 354,472 in 2012 (ZimStats, 2012). Initially, the population expansion of this municipality was mainly driven by migration from the rural areas during the liberation struggle in the 1970s (Rakodi, 1995). Today continued migration from rural areas and high birth rates are responsible for the increase in population.

Although Chitungwiza enjoys autonomous status as a municipality, it is a member of the Combined Harare Master Plan. This is largely due to its geographical proximity to the City of Harare. This municipality's housing situation is dire. On average, up to 30 people live in a single residential unit shortage (Muchadenyika, 2020). The Government-Instituted Land Audit of 2013 showed that as of 2013, Chitungwiza had 26 registered housing co-operatives (MLGPWNH, 2013).

Up to 2020 when data were collected for the study, the municipality had 25 administrative wards. This study focused on Ward 14 of Zengeza 4, to establish the nature of demolitions there (See Fig 1.1 for location of Ward 14 of Zengeza in Chitungwiza).

### **1.5.3. Epworth Local Board**

Epworth lies approximately 15 kilometres to the southeast of the City of Harare. The Urban Council's Act [Chapter 29:15] recognises Epworth Local Board as an independent and legal urban settlement (Toriro, 2018). This is despite it maintaining strong links with the City of Harare for services such as water supply.

The genesis of Epworth is traceable to the work of the church. Epworth developed as a philanthropic settlement, with the church offering space for the homeless and 'refugees'

(Butcher, 1993; Chirisa, 2014a). Initially, Epworth had not been planned as an urban residential area. However, the Zimbabwean Government took a deliberate policy of upgrading this settlement from being an informal settlement and commissioned it as a Local Board in 1986 (Chitekwe-Biti et al, 2012). The main idea was to upgrade, modernise and make it an “urban” settlement (Chitekwe-Biti et al., 2012).

Even so, Epworth is still more or less an unplanned and informal urban settlement (Chirisa, 2014a). This is evidenced by 70% of its 30,000 families who are staying in informal settlements while the remainder are in formal areas (Toriro, 2018).

The study focused mainly on Ward 7 (See Fig 1.1 above). Ward 7 was developed during the Fast Track Land Reform Programme due to the influx of people into the ward. Epworth is also an interesting case study because, studies show that between 1991 and 2005, the local board made a series of attempts to evict the settlers that were never successful (Chitekwe-Biti., 2012). Msindo et al (2013) state that the OM of 2005 was stopped when only two wards had been affected. Chitekwe-Biti (2012) states that an excess of 6,500 families had settled in this one area of Epworth by 2010. This suggests that post-OM, more people continued to move to Epworth and resettled themselves illegally. How they have been evicted after the enactment of the Constitution, Amendment (Number 20), Act 2013, is the subject of this study.

Epworth is also an interesting case study because it is one of the urban areas where demolitions that took place during the inclusive government were contested (Hungwe, 2014). Thus, this case study was chosen to examine demolitions in Ward 7 to determine if there has been a transformation in the ways they have been conducted after the promulgation of the Constitution in 2013.

## **1.6. Conceptual framework**

The resumption and escalation of urban settlement demolitions after the enactment of a Constitution that prohibits arbitrary eviction was examined in the context of the political economy and state power, the Actor-Network Theory (ANT), and the procedural social justice theory. The political economy approach was used as an interpretive lens, to understand the forces that either promote or inhibit transformation in the manner urban settlement demolitions should be conducted.

The ANT explained the various roles, responsibilities and duties of the actors involved in evictions and the contestations evolving. The procedural social justice theory was used as an interpretive lens on the manner of demolitions. It also helps to focus on contributions that can

be made to strengthen the existing eviction framework as a reform. In this study, it assists to focus on how the existing eviction framework can be enhanced to be more transformative. The combination of these theories is in sync with the cross-disciplinary nature of the topic which transcends the discipline of human or settlement geography to political science, constitutional law, urban planning, public policy and development studies. Chapter 3 of this thesis discusses this conceptual framework in detail.

## **1.7. Clarification of terms**

In this section, terms such as the State and transformation are explained. The same applies to the term ‘urban settlement demolition’, which carries with it a corpus of other terms such as slums, squatter settlements and eviction and displacement.

### **1.7.1. The State**

The term State is a complex concept that has no settled meaning (Barry, 2000; Schwarzmantel; 1994). There is a tendency to use the term State and government interchangeably (Heywood, 2013). For Weber, a state is a compulsory political organization with a centralized government that maintains a monopoly on the legitimate use of force within a certain territory (Heywood, 2013). Dean (1999) conceptualises the State as the central governing authority or the highest and final arbitrator.

In this study, the term State is used to refer to central or national government. Such spheres- provincial and local governments (urban and rural local authorities) implement policies of the national or central government (the State). Provincial governments include, for example, metropolitan provinces such as Harare and Bulawayo. Harare City Council, Chitungwiza Municipality, and Epworth Local Board are examples of urban councils or urban local authorities. These three councils form part of the Harare Metropolitan Province.

### **1.7. 2. Settlement**

A settlement is simply a place where humans reside permanently. Settlements differ greatly in size as they can start as rural and progress into some urban areas.

### **1.7.3. Urban area**

The term 'urban' is complex as it tends to be defined differently in different countries. While in general terms, urban refers to towns and cities (Kelly and Fretwell, 2012; Pacione, 2009), urban centres can be separated from rural settlements or areas largely by population size, density, settlement size (i.e., the compactness of spaciousness of the place), spatial coherence, social heterogeneity and economic diversity (Munzwa and Wellington, 2010).

### **1.7.4. Urban settlement**

Munzwa and Wellington (2010) use the terms urban centres and urban settlements interchangeably. The same authors note that the 1982 National Census in Zimbabwe prescribed a place with a population of 2 500 as urban, and that prescription was based on whether certain infrastructural conditions were met. Although there is consensus on the use of population threshold to designate a place as an urban area, however, Mbiba (2017a) argues that for an area to be considered urban most of the people should be in non-farm employment.

### **1.7.5. Urban settlement demolition**

The term demolition is used interchangeably with forced eviction (Fegue, 2007; Tibaijuka, 2005; UN-Habitat, 2011). This study defines urban settlement demolitions as a programme of large-scale destruction of homes in cities and towns (Massey, 2013).

### **1.7.6. Transformation**

This study defines transformation as a fundamental change.

## **1.8. Structure of the thesis**

This thesis has 10 chapters. All chapters that constitute this thesis seek to address the research problem in distinct ways. In Chapter 1, this thesis contextualized and problematized the key issues under study. The chapter provided the introduction, the statement of the problem, the study purpose and justification, the research objectives, the significance of the study, the study area and the conceptual framework.

Chapter 2 focuses on the literature review. It first dissects the concepts related to the topic and conditions that determine the political economy of demolitions. It presents a historical

narrative of demolitions as they have occurred elsewhere, the main thrust being to position the research into perspectives.

Chapter 3 focuses on the conceptual framework guiding the research study. In this chapter the following theories are explained, the political economy approach, the Actor-Network Theory, and procedural social justice theory.

Chapter 4 is the research methodology part of the thesis. The chapter outlines the research paradigm and the approach, in terms of the sampling methods adopted and the data collection and analysis procedures. It also discusses the ethical considerations and the challenges encountered in the execution of the research and how they were circumvented.

Chapter 5 presents the legislative and regulatory frameworks that inform the study whilst Chapter 6 presents and discusses the first research question/objective. Chapter 7 focuses on the second objective. It presents findings on the factors that have inhibited transformation in the ways demolitions should have been conducted.

Chapter 8 discusses the consequences, for the State and other actors, of the lack of transformation, while Chapter 9 synthesizes the findings. This is concerning what the results mean and how they have answered the research questions. The chapter also provides a proposed transformative eviction framework. Chapter 10 provides the conclusion of the study. It provides the knowledge generated by the research, the limitations of the study and areas for further study.

## **1.9. Summary**

This chapter has set the scene by introducing a study that examines the political economy of urban settlement demolitions and state power in Harare Metropolitan Province from 2013 to 2020. Besides stating the statement of the problem, the chapter has indicated the purpose of this study. Premised on the claim by Muchadenyika (2017a) that the absence of a constitutional provision regulating the conduct of urban settlement demolitions in Zimbabwe necessitated the arbitrary nature of OM/RO of 2005, the purpose of this study is to determine if there has been any transformation in the way they have been conducted since the adoption of a Constitution in 2013 that enunciates freedom from arbitrary evictions.

The next chapter reviews the literature.

## CHAPTER 2: LITERATURE REVIEW

### 2.1. Introduction.

The previous chapter provided the background to the study that focuses on the political economy of urban settlement demolitions and state power. It stated that the main research question is: *'Has there been any transformation in the manner urban settlement demolitions have been conducted in Zimbabwe after the promulgation of the new Constitution in 2013, and if not, why?'* This chapter is a review of literature, that focuses on the conditions that determine the political economy of urban settlement demolitions. These conditions inhibit transformation in the way demolitions should be conducted. This chapter begins by conceptualising human settlements, the different types of human settlements, how they have emerged and the overall thinking on the existence of such settlements in urban areas.

Management of informal urban settlements and slums has entailed the use of demolition as policy and practice. The chapter conceptualises urban settlements. It also discusses the different types of human settlements and how they have emerged, and been managed. It argues that the demolition has been the practice. The chapter conceptualises demolitions. It also presents an overview of demolitions. This is from a global perspective.

Literature on urban settlement demolitions concentrates on empirical findings and miss the historical theoretical debates which provide a useful framework for understanding the nature of demolitions, and the factors that promote or impede transformation in the manner of urban settlement demolitions. Therefore, this review gleans some literature on how demolitions have been conducted elsewhere. This is done by chronicling the history of demolitions in both the global north and the global south. It then focuses on the factors defining the political economy of demolitions.

### 2.2. Unpacking urban human settlements, their typology, emergence/ evolution and management

In this section, the concepts of urban settlements, the typology of urban settlements, their evolution and management are unpacked. This is grounded within the research problem which examines the political economy of urban settlement demolitions and state power. This helps to understand the forces that promote or inhibit transformation in the manner demolitions are conducted and to understand what that means for the State.

### **2.2.1. Concept of “urban” and urban settlement**

It seems geographers, urban planners and students have given different definitions and meanings to the term ‘urban’ and ‘urban settlement’. In general, the term ‘urban’ refers to town and city (Kerry and Fretwell 2012; Zivkov, 2019). A settlement refers to a human habitation (Zivkov, 2019). In Zimbabwe, the official definition of an urban area is based on a blend of criteria. Economic activity, population threshold and the size of the built-up area are often used to determine whether an area is urban or rural (Mbiba, 2017a).

In terms of economic activity, transport and communication, commerce, manufacturing, defence, administration, cultural and recreational activities have often been used to designate an area as urban (Munzwa and Wellington, 2010). This is contrary to such primary activities as agriculture and mining, forestry and fishing which are associated with areas designated as rural (Mbiba, 2017a).

In terms of the population threshold, an urban area/settlement in Zimbabwe has often been defined as a settlement of 2500 people or more (Munzwa and Wellington, 2010). This is different from Denmark, where a settlement needs to have only 250 people, and in Greece, “urban” is defined as a settlement of 10,000 or more (Zivkovic, 2019). However, while the 2500 or more has often been used to designate an area as urban, the use of population threshold is misleading, especially in Zimbabwe. This is because conferment of town status has often been at the discretion of the Minister of Local Government, Public Works and Urban Development.

Besides population size and economic activity, the size of the built-up area is also used to distinguish urban settlements from rural ones. For Simkins and Fonkam (2018), an urban area is a continuously built-up area. What is often considered is the infrastructure such as roads (for circulation), housing units, schools, clinics and waterworks (Matamanda, 2019). However, this criterion may not be very ideal in the African context. Urban areas in Africa are developing mainly because of an increase in the population. Yet, the urban population has grown at the expense of housing development. This has led to the development of informal settlements and the wearing out of the existing housing structures. The absence of water and sanitation in such housing infrastructure has often resulted in forced evictions (Hammar, 2017).

### **2.2.2. Zoning and types of urban human settlements**

In terms of zoning, human settlements can have descriptions such as high, medium and low-income residential zones. The major indicators used to make the distinction between urban and

rural human settlements have often revolved around the income of people resident there and the spatial space characterising the areas (Chirisa, 2014a).

Low-density residential suburbs are associated with high-income earners, while high density residential areas are associated low income earners. It has been noted that besides economic diversity, the terms, low-income, medium-income and high-income residential are on one hand, largely influenced by the compactness or spaciousness of the place, spatial coherence, social and heterogeneity (Munzwa and Wellington, 2010). On the other hand, these terms conjure separatist development (Marongwe et al., 2011).

Low-density residential suburbs which are associated with high-income earners are typified by large spaces, and serene environments (Kamete, 2009). This is in contrast to those areas that are described as high density residential suburbs. While they have high population densities, their spaces are small, often with most of the houses occupying a space of 300 square metres.

What is also unfolding in these residential areas is the perpetuation of separatist development (Marongwe et al., 2011). High density residential suburbs often experience water shortages, have poor roads, and waste management is poor (Chirisa et al, 2019). It has been argued that during colonial rule, areas inhabited by low-income people used to be served with minimum social amenities relative to those of the high-income earners (Marongwe et al. 2011; Parliament of Zimbabwe, 2011).

In 2005, OM was largely confined to these high-density residential areas (Muchadenyika, 2017b). It was stopped before reaching high-income residential areas (Kamete, 2009). Are the current demolitions still confined to the places where the urban poor live? This is one of the natures of urban demolition the study sought to investigate, to understand if there is a transformation in the manner demolitions have been conducted after the promulgation of the new Constitution in 2013.

In terms of typology, in Zimbabwe, some urban human settlements are called peri-urban settlements. These settlements have emerged ‘around the edges or periphery of a city’. McGregor and Chatiza (2019) describe them as ‘city-edge settlements’. They are also called settlements in the ‘urban fringe’ or ‘urban margin’ (Chirisa, 2014a). Matamanda (2019) argues that peri-urban settlements need to be understood as emerging settlements. He defines ‘emerging’ as something which is still in its infancy and is still growing and developing. In

the peri-urban areas, most of these emerging settlements are of the informal type (Matamanda et al., 2021). How have they developed?

Chirisa (2014a) argues that peri-urban settlements developed as a result of the homeless people, who together, with war veterans created housing cooperatives they termed Third Chimurenga Housing Cooperatives. Their developments have also been traceable from the Fast Track Land Reform Programme (FTLRP). This is the programme the country implemented at the start of the new millennium which led to new land occupations (Mbiba, 2017b; McGregor and Chatiza, 2019).

Most of them were destroyed by OM (Chitekwe-Biti, 2009). However, these peri-urban settlements re-emerged during and post-Operation Garikai/ Hlalani Kuhle (OG/HK) programme. (Chatiza et al. (2013) argue that these settlements re-emerged as a result of the urban housing shortage when the homeless occupied private land, council land or state-land. However, most of the occupants are in constant fear of having their housing structures demolished because they are informal settlers.

This study also considers slums as typologies of urban settlements. This is because more often, the Zimbabwean government uses the term, slum, interchangeably with informal settlements (Nel et al., 2021). During the OM alluded to in Chapter 1, one of the justifications was that the country needed to deal with slums. Zvayi (2005) wrote that OM/ORO was a simple clean-up operation and a crackdown on crime, synonymous with clean-up operations in as diverse countries as Kenya, Nigeria, South Africa and Mexico, where slum clearance and severe handling of illegal traders are routine.

Slums are dwellings that have become sub-standard through subdivision or neglect and age (Jones, 2017). However, as with informal settlements, slums are loathed not only because they would have become substandard (Watson, 2009). Rather, it is because of their general location as they are in inner cities (Fox, 2014; Jones, 2017).

There has been, however, a concerted effort by some governments, including regional and international non-government organisations (NGOs) to improve and protect the lives of slum dwellers (Mahabir et al., 2016). Following the UN Millennium Summit Declaration held in New York in September 2000, world leaders identified the scourge of slums as something that needed to be attended to (World Development Report, 2004). There was an endeavour through target number 7D of the UN Millennium Development Goals (UN MDG) to improve the lives of slum dwellers worldwide by 2020 (Mahabir et al., 2016). Furthermore, in 2015 world leaders mainstreamed issues of slums into the Sustainable Development Goal (SDG).

They agreed that a sustainable way of suppressing the persistence and even emergence of slums is to end poverty and all its forms (Fox, 2014). Goal 1 of the SDG seeks to end poverty and this milestone is hoped to be achieved by the year 2030.

Nevertheless, authorities at different levels have continued to view slums with scepticism (Gastrow, 2017). As a result, like informal settlements, slums have been other forms of urban settlements that have been subjected to exclusionary policies such as demolitions (Bah et al., 2018; Huchzermeyer, 2011).

### **2.2.3. Urban settlement demolitions and their framing**

Various definitions of demolition exist. Arrigoitia (2014) refers to house demolition as home unmaking. However, Thomsen and van der Flier (2008) define demolition as a partial elimination of a part of a building to prolong the life of that building. Ideally, this is a type of demolition which occurs at the initiation of an individual, who replaces the parts of the building, to improve its rigour, liveability and aesthetic. However, there is also a house or home demolitions that involves the State. This type is defined by the Harvard Program on Humanitarian Policy and Conflict Research (HPCR) (2004) as the intentional physical destruction of a house or portion thereof by government actors. This is initiated by the State when it thinks there is a huge problem, which needs its intervention.

Muchadenyika (2017b) views demolitions from a town-planning perspective, arguing that citizens would have disobeyed council planning procedures and regulations. This is in terms of overlooking the prohibition (stop) and enforcement orders. In Zimbabwe, Section 32 of the Regional Town and Country Planning Act (RTCPA) (Chapter 29:12), mandates the local authority to issue an enforcement order before demolition of illegal settlements takes place. It provides for a 30-day notice before evictions take place (Kamete, 2007). The stop order or prohibition order is in terms of section 34, of the RTCPA (Chapter 29:12).

However, Shaw (2009) observes that in some areas of the world, house demolitions have been implemented to catalyze urban space revalorization. The whole purpose is to improve an area considered to be dilapidating. In so doing, this helps to attract investments and enhance the city's competitiveness. Nevertheless, in other areas of the world, demolitions have been used to halt unnecessary urban sprawl or shrink the city (Nedućin et al., 2019). The purpose of shrinking the city is to shorten the distance urban residents travel by automobile (Matamanda, 2019).

However, some of the urban removals have been criticised for the humanitarian situations they create. They are forcibly implemented under the campaigns of ridding occupants perceived to be undesired criminals. Housing and regeneration scholars (e.g., Arthurson 2004; Goetz 2013; Lees 2012) have criticised some of the urban removals for causing social displacement worldwide. This is because although some such large-scale urban settlement demolitions would have elements of some resettlement plans, notice and a bit of compensation, more often, authorities turn a blind eye to these elements (Fegue, (2007).

### 2.3. Understanding the scope of urban settlement demolitions across the globe

Urban settlement demolitions appear to be a world phenomenon (Gupte et al., 2019; Soederberg, 2018). In 2011, urban settlement demolitions were pronounced as a global crisis, requiring global solutions through heightened attention and action, particularly by the international community (UN-Habitat, 2011). The pronouncement was based on the view that these demolitions were contributing to ‘forced eviction’. Chinhengo (2017) defines forced eviction as the removal of people from their homes or the land they occupy, against their will, and without allowing them the legal protections and safeguards they are entitled to under international human rights laws.

Global estimates indicate that forced evictions are displacing more people than armed conflict (Gupte et al., 2019). The Centre on Housing Rights and Evictions (COHRE) (2003) show that evictions were severe between 2001 and 2002. As shown in Table 2.1., during that period, close to 7 million people were forcibly evicted worldwide. And Africa topped the list.

**Table 2.1:** Global scale of forced evictions between 2001-2002

<b>Region</b>	<b>Ranking by the severity of evictions</b>	<b>Number of persons evicted due to demolition</b>
Africa	1	4 086 971
Asia, the Pacific & the Middle East	2	1 787 097
The Americas	3	692 390
Europe	4	172 429
<b>Total Evicted</b>		<b>6 738 887</b>

Source: COHRE (2003)

A significant volume of the literature shows that throughout the world they are urban slum-dwellers who have been subjected to forced eviction since the year 2000 (Gupte et al, 2019; Ocheje, 2007; Okanya and Roberts, 2018). For example, between 2001 and 2008, 25 000 people were forcibly evicted in New York (UN-Habitat report, 2011). In Nigeria, close to 2 million were forcibly evicted from their homes between 2000 and 2007 (Ochenje, 2007). Between February and March 2019, Guinea's Ministry of Towns and Planning oversaw spates of demolitions in Conakry that left 2500 buildings destroyed and 19 000 people homeless (Hollie, 2020). The Official government position was that the land should be used by government ministries, foreign embassies, businesses, and other public works (Human Rights Watch, 2019).

Having discussed the political economy of urban settlement demolitions from a global perspective concerning the scope of the phenomena, the next section chronicles the history of urban settlement demolitions in the Global North.

## **2.4. Understanding the political economy of urban settlement demolitions from a historic perspective**

### **2.4.1. The Global North**

This section focuses on the political economy of urban settlement demolitions from a historic perspective. The intention is to highlight the nature (characteristics) of the demolition and the conditions that have defined the dynamics of those demolitions in the Global North.

- **The case study of the United Kingdom**

The practice of demolishing urban settlements is not a new thing. In the United Kingdom, demolition of houses dates back to the late 19<sup>th</sup> century (Cowie, 1996; King, and Oxley, 2000). During that time, demolitions were a central methodology of the British treatment of slums in industrialising cities (Tunstall et al., 2012). After the 19<sup>th</sup> century, other waves of clearances in the United Kingdom occurred in the 1930s, 1950s-1970s and the late 1990s (Power, 2008; Tibaijuka, 2009; Tunstall et al., 2012; Yelling, 2000).

There are conflicting perspectives regarding the motive for demolitions that occurred in the United Kingdom in the 1930s. While Yelling (2000) argues that the demolitions were motivated by the need to construct social housing<sup>12</sup>, for Power (2010), the 1930 demolitions were motivated by the need to clear squalid urban conditions that had become synonymous

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<sup>12</sup>. Social housing is a concept that describes houses constructed from public funds to cater for a target group (Hansson and Lundgren, 2019).

with crime and delinquency as well as health threats to humans. In this program, the State wanted to remove two million houses in the inner cities (Power, 2010).

However, the 1930-planned slum regeneration was postponed following the outbreak of the Second World War (King, 2006). When they were eventually done after the Second World War, they were determined by the results of a national census, which revealed a sad state of the housing quality (Mumford and Power, 2002). The housing situation that was revealed by census findings prompted all political parties to advocate that there be slum clearance of the war-damaged houses in the inner cities (Tunstall et al., 2012). Hence, after the Second World War, demolitions were implemented in the 1960s and 1970s, and at a rate of approximately 80 000 homes per annum (Mumford and Power, 2002).

There were mixed feelings regarding the 1960 and 1970 demolitions. Power (2010) argues that these demolitions turned out to be the subject of scorn because they wiped away whole communities. Mumford and Power (2002) also argue that although many large council estates were built as replacements, they were laid out in ways that did not maximise land-use, while at the same time, the layout was sometimes unattractive.

- **The case study of the United States of America**

In the United States of America, housing demolitions were also conducted during the post-Second World War, in the 1990s and the new millennium (Crump, 2002; Shin and Kim, 2016; Sutton, 2008; Yin and Silverman, 2015). After the Second World War, demolitions were conducted as strategies to disassemble post-war welfare systems (Shin and Kim, 2016). In the early 1990s, they were conducted following the failure of public housing as a social policy (Samara, 2012). These demolitions occurred when the situation of providing affordable housing for middle-income city residents grew ever grimmer (Samara, 2012). These houses were occupied by the ultra-poor, whose rentals, however, could not service the houses (Goetz, 2000).

In the new millennium, especially between 2000-2008, demolitions took the form of gentrification (Crump, 2002; Sutton, 2008; Yin and Silverman, 2015). They occurred after the Department of Housing and Urban Development (HUD) expressed concern over the existence of too many older housing structures (Farfel et al., 2003; Goetz, 2000). They were spearheaded when the neo-liberal Clinton Administration and the conservative Republicans approved radical changes to public housing (Crump, 2002; Goetz, 2000). Crump, (2002). As observed by Farfel et al (2003), these demolitions were caused by the 2000 report of the Presidential Task Force report on public housing, that noted that there were 1.8 million old housing

structures. In achieving its goal, the Federal Republic advanced the notion of de-concentrating urban poverty (Crump, 2002). It argued for the dispersal of low-income public housing residents to low-poverty locations (Yin and Silverman, 2015).

The motives for demolishing the inner city buildings are contested. While one school of thought cites racism (Chronopoulos 2016; Kirszbaum 2019), it seems economic reason was the major driver. Concerning racism, Kirszbaum (2019) argues that demolitions were conducted as an ongoing fight to control space, and force poor minorities to exile to the urban periphery.

Schools of economic thought as represented by Crump (2002), Mallach (2012) and Sutton (2008) advance two reasons. First, it had become costly for urban municipalities to maintain vacant houses that were characterised by sewer bursts. Second, the demolition of the inner city public housing aimed to facilitate the development of a real-estate offer. This offer would attract the middle and upper social categories. If then, after reconstruction, the former inhabitants were not considered, it seems therefore that the profit argument carries more weight.

In terms of impact, UN-Habitat (2011) and Yin and Silverman (2015) mention that 99,000 public housing units were razed down between 2000 and 2008. However, the demolitions that attracted the attention of the world occurred in New Orleans in 2007 (Samara, 2014; UN-Habitat, 2011). Samara (2014) claims that these demolitions that were financed by the federal government collapsed 4500 public housing units.

The scale of demolition attracted a lot of attention from the UN which despatched a five-person mission led by the Advisory Group on Forced Evictions (AGFE) to visit New Orleans to investigate its impact (Samara, 2014). A report the AGFE team compiled (see UN-Habitat, 2011) revealed the following;

- Gross violation of the eviction guidelines
- The demolition programme did not take heed of the United Nations Guiding Principles on Internal Displacement
- That evictions did not prioritize the plight of the low-income because they undermined the enjoyment of such things as rights to privacy, participation, health, and non-discrimination

This shows that even in countries that are perceived as the paragon of democracy, the eviction processes are not as humane as they are anticipated.

#### **2.4.2. History of urban settlement demolitions in the Global South**

In the global south, most of the demolitions and evictions predate political independence (DeGrauw, 2020; Miyandazi, 2015). Scholars such as Massey (2013) and Maylam and Edwards (1996) trace demolitions to the 19<sup>th</sup> and 20<sup>th</sup> centuries. They argue that right up to the late 1970s, demolitions were central to the methodology of British colonialism.

- **The case study of Kenya**

In Kenya, the first forced eviction occurred in 1904, in Nairobi, when an Indian bazaar was razed down by the colonial government on the grounds of health hazard (Otiso, 2002). Between 1953 and 1954, forced evictions were employed to suppress the Mau Mau anti-colonial movement (DeGrauw, 2020). They rendered approximately 31,000 people from informal settlements or “shanties” around Nairobi, Kikuyu, Embu, and Meru, made homeless (Klopp, 2008).

Demolitions were to be carried over by the first post-colonial Government of Kenya under the leadership of Jomo Kenyatta. The most famous slum clearance program was carried out in Nairobi in 1978 (Angote, 2018; Macharia, 1992). That slum clearance has been described as an anti-urbanisation policy (Githira, 2016; Massey, 2013). This is because it was implemented under the campaign<sup>13</sup>, which sought to force people to return to rural areas (Githira, 2016; Macharia, 1992). It abruptly ended following the death of Jomo Kenyatta in 1978 (Githira, 2016; Macharia, 1992).

Although Daniel Arap Moi, who succeeded Kenyatta in the 1980s, seemed to tolerate shanty settlements, his government also conducted a demolition in 1990. The demolition affected the slum residents of Muoroto and Kibagare (Miyandazi, 2015; Macharia, 1992). Kopp (2009) argues that the Muroto eviction was a containment and urban management strategy. The informal settlement was demolished to clear dangerous political activists (Macharia, 1992).

However, the State was heavily condemned for this clean-up exercise, not only for framing it as an exercise to disperse dangerous political activists (Macharia, 1992). The State was condemned for its brutality and for undermining the dignity of the affected residents (Macharia, 1992; Klopp, 2008). Critics interpreted it as politically motivated. The basis of the interpretation was that it took place at a time there was intense demand for multi-party competitive elections that the sitting government was allegedly opposed to (Klopp, 2008;

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<sup>13</sup> The name of the campaign was *Turudi mashambani*, meaning, “Let’s return to the rural areas” (Macharia 1992)

Machaire, 1992). Macharia (1992) argues that the citizens were accused of campaigning to end a single-party system.

- Another demolition program was carried out by Mwai Kibaki's government on 8 February 2004 (Miyandazi, 2015; UN-Habitat, 2011). This clearance affected Kibera, Nairobi's largest informal settlement (Miyandazi, 2015). This clearance which affected houses, schools, churches and clinics generated local and international criticism (Angote, 2018; Miyandazi, 2015). Miyandazi (2015) explains that the criticism was centred on the ruthlessness of the police, and for lack of procedural mechanisms because it was carried out without adequate notice and alternative accommodation. However, Klopp (2008) argues that the clearance was viewed politically motivated for it mostly affected Raila Village<sup>14</sup>.

- **The case study of South Africa**

The case of South Africa is fascinating not only because it shares most characteristics with Zimbabwe with regards to the fact that both countries have had constitutions with British origin. Her post-apartheid Constitution has an anti-eviction clause similar to Zimbabwe. Also, she has a history of urban removals similar to Zimbabwe.

In terms of history of urban settlement demolitions, literature (e.g. Johnson 2016; Parnell 1994) shows that urban removals in South Africa came after the 1920s. They were operationalised through the 1918 Native Urban Areas Bill and the 1919 Public Health Bill in 1919 (Parnell, 1994). These Bills were designed to control the movement of the black- African and coloured population strictly into urban areas (Massey, 2013). This was in response to the city population increase in response to the growth of the manufacturing sector (Parnell, 1994). In particular, through the 1918 Native Urban Areas Bill, the colonial system wanted to strictly control Black African and 'coloured' populations (Massey, 2013). These Bills were further strengthened in 1923 when the ruling party enacted the Native Urban Areas Act (NUAA) to enforce control over its workforce (Johnson, 2016).

The policy of removals was further intensified by the National Party when it came into power in 1948 (Zibagwe, 2016; Angelini, 2003). Its coming to power saw the establishment of the Group Areas Act of 1950 (Johnson, 2016). This Act became the 'new' planning device of that time (Massey, 2013). This is because it went beyond inducing compulsory urban

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<sup>14</sup> Raila Odinga was one of the opposition figures in Kenya during that time

segregation to forcibly evict people to established or newly developed 'locations'/townships (Angelini, 2003; Maylam, 1995; Robinson 1996).

Zibagwe (2016) point out that relocating evictees to the periphery of major centres faced hurdles. This was because employers complained over the cost of subsidising the transport costs for their workforce. At the same time, while the National Party gave in by subsidizing housing for Black African workers, the beneficiaries refused to pay for services and housing rental, in addition to forced removals (Massey, 2013). The resistance to influx control policies and pass laws culminated in the burgeoning of the urban population as people began migrating towards the cities (Johnson, 2016). This resulted in a severe housing crisis that manifested in the growth of informal settlements.

In the post-apartheid era, demolitions and forced evictions have been widespread too (Johnson, 2016; Molopi 2015; Tshikotshi, 2010). Johnson (2016) laments throughout the country, these forced removals have been of the 'poorest of the poor'. In justifying the demolition of informal settlements, the post-apartheid government has pointed out the need to address the disjointed housing delivery sector caused by racial planning and zoning of the apartheid (Johnson, 2016; Tshikotshi, 2010).

Cases in point are those which occurred in 2001, when the former president<sup>15</sup> mandated the Department of Housing to eradicate informal settlements (Huchzermeyer, 2009). The announcement coincided with the global focus of the MDGs. Scholars such as Huchzermeyer (2011), Massey (2013) and Tshikotshi, 2010) argue that South Africa's clearances sought to create cities free of shacks in 'the next 15 years'.

In April 2020, hundreds of people were cleared from illegally contested government land in Lawley, south of Johannesburg, where Lakeside, Kokotela and several other large informal settlements had developed (Neille, 2020; Potter, 2020). Conducted by the Johannesburg Metro Police Department (JMPD), aided by the Red Ant<sup>16</sup> Security, and Eviction and Relocation Services, these evictions saw an estimated 1000 men, women and children being violently evicted (Neille, 2020). Kulkarni (2020) reports on the use of live ammunition at the eKhenana settlement in Cato Cresto, on 22 April 2020, and the clearance of Azania settlement in the area of Cato Manor.

Although these informal settlement eradications have occurred through relocation, they have not addressed the problems of informality because of the rising urbanisation (Johnson,

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<sup>15</sup> During that time, the President was Thabo Mbeki

<sup>16</sup> The Red Ants are a private security company in South Africa specialising in clearing "illegal invaders" private from properties

2016). Some have been violently resisted by residents (Molopi 2015; Massey 2013) while others have been thwarted by the courts (Johnson, 2016; Tshikotshi, 2010). In terms of being resisted, in 2006, the police responded with force against shack residents who blocked major roads in Kenville, in protest against their relocation (Goldstone, 2006; Massey, 2013).

All these evictions have occurred against the background of a Constitution developed during the negotiations to end Apartheid. The Constitution is touted as progressive because it is viewed as uncompromising on the protection of socio-economic rights and the pursuit of due process (Johnson, 2016).

- **The case study of Zimbabwe: colonial period up to 2005**

Extensive literature shows that in Zimbabwe, urban settlement demolitions and evictions had long been used as a colonial tool to remove any offshoot of black settlements in urban areas (Chirisa and Munzwa, 2008; Marongwe et al., 2011; Mazuru, 2019; Muchadenyika, 2017a). However, their use as urban removals reached the peak in 1976 (Magidimisha and Chipungu, 2011). This followed the passing of the Regional Town and Country Planning Act by the colonial government in that year (Magidimisha and Chipungu, 2011). This Act was used together with the influx control measures<sup>17</sup> to suppress the growth of illegal settlements in and around Harare.

However, the colonial government realised the futility of continuing the eradication of informal settlements without provision for resettlement (Rakodi and Mutizwa-Mangiza, 1990). The reasons for such a mindset change are a subject of conjecture. Brown (2001) and Mpofu (2012) cite security reasons, while Muchadenyika (2020) argue that the halt to demolitions was necessitated by economic considerations.

On security reasons, Brown (2001) and Mpofu (2012) argue that the colonial government realised that urban areas had become destinations of last resort for many people, who were fleeing abduction, recruitment and violence associated with the war of liberation in rural areas. However, one can argue that it could not be the security of the black, but of the colonial system. By bringing people closer, the purpose could have been surveillance. This was meant to starve liberation fighters in rural areas.

Regarding economic reasons, Muchadenyika (2020) argues that following the economic boom of the period, the colonial government wanted workers in cities, for its

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<sup>17</sup> Some of the influx control measures were the Urban Location Ordinance Act (1906), Native Registration Act (1936) and the Native Passes Act (1937), the Vagrancy Act (1960), Marongwe et al, 2011, Mazuru, 2019

flourishing manufacturing industries. Thus, the economic reasons could have forced a tilt towards relocation and resettlement as compared to just demolition. This is explained by a decision that was taken in 1974 to establish Chitungwiza as a satellite town (Rakodi and Mutizwa-Mangiza, 1990). This decision was to be followed up in 1977 when the colonial government sanctioned the relocation of about 2 600 households from Chirambahuyo<sup>18</sup>-Derbyshire<sup>19</sup> (Chitungwiza) to Zengeza 4. At the same time Chirambahuyo, a squatter camp in Chitungwiza and Mayambara<sup>20</sup> were allowed to develop in 1979 (Marongwe, et al, 2011; Mlambo, 2008).

While the colonial government suspended urban demolitions on account of their unsustainability, the lull did not last long because in the midst of the euphoria political independence demolitions were resumed and escalated. Table 2.2 shows some of the urban settlement demolitions that have been conducted in Zimbabwe since political independence in 1980 whose causes have been a subject of debate.

**Table 2.2:** Zimbabwe’s urban settlement demolitions from 1980-2005

Year	Settlement destroyed	No. of people displaced	Source
1981	Chirambahuyo and Mbare Musika <sup>21</sup>	30 000	Butcher, 1993; Chirisa, 2013a; Patel, 1984;
1982 & 1983	Mayambara and Russelldene	10 000	Chirisa, 2013a; Rakodi and Mutizwa-Mangiza, 1990)
1991	Tashinga Squatter Camp in Mbare, and Epworth	600	Chitekwe-Biti, 2009; Nel, et al., 2021
1993	Churu	20 000	Auret, 1995
2005	All urban illegal housing	70 000	Tibajjuka, 2005

**Source:** Compiled by the researcher from many sources

All these demolitions involved the State. This is not surprising because, in the majority of cases, the State defines what it sees as normal and what is contrary to stipulations as laid out in the law (Kamete, 2013). Apparently, demolition as policies or practices during the early years of political independence had contradictions. First, they were contrary to the policy of the right to the city. The State had just annulled migratory laws that used to inhibit black entry

<sup>18</sup>Chirambahuyo was a settlement community in Chitungwiza that had initially been established by squatters relocated in the 1970s (Dorman, 2016)

<sup>19</sup> This was virtually a squatter settlement

<sup>20</sup> Mayambara was an informal settlement located between Harare and Chitungwiza

<sup>21</sup> Mbare Musika is the point closest to Harare City centre, and Mbare itself is the oldest residential location where most of the blacks resided

into urban areas (Chirisa, 2014a). Second, the demolitions ran counter to the endeavours of reducing the housing backlog. Third, the manner of eviction was ruthless. The 1983 clearance, which was carried out under an exercise dressed in a military operation called Operation Clean Up (Chipungu and Adebayo 2013) raised policy questions in Parliament. There were questions regarding its motive and how it was carried out. However, during his opening address to Parliament in June 1983, Canaan Banana<sup>22</sup>, justified the demolition as mere removal of urban squatters which was being done to accommodate these squatters in properly planned residential areas (Butcher, 1993).

In 1991, on the eve of the visit by the Queen of England, and the hosting of the Commonwealth Heads of Government Meeting (CHOGM), the spectre of demolition revisited Harare. Its occurrence is an example of how hosting international events has caused evictions. In 1993, residents at Churu<sup>23</sup> were evicted. The public interest argument was used to justify their removal. For the State, settling people at Churu farm was not strategic, but a health hazard because of its proximity to Lack Chivero (Chaeruka and Munzwa, 2009). This is because Lake Chivero provides most of the water for Harare urbanites.

Even so, a political lens was used to explain the eviction of the Churu residents. Auret (1995) and Mazuru (2019) argue that the move by Sithole to resettle the landless on his private farm was seen by his erstwhile foes in the ruling Zanu-PF as driven by the need to win political capital. Mazuru (2019) further states that there was fear that settling people at Churu would suggest that it was only Sithole who could address the land question. This implies that settling people at his farm would mean Ndabaningi was going to gain political mileage as one capable of addressing the land question which was one of the triggers for the liberation war.

Although this thesis is not focused on OM of 2005, however, an understanding of that blitz is important for the perspectives on the political economy of urban settlement demolitions and the state power it provides. First, what is important to note is that the clean-up programme, which brought order into the high-density and peri-urban settlements, came against the backdrop of the 2000 National Housing Policy.

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<sup>22</sup> In 1980, the new government had a Ceremonial President (Canaan Banana) and executive Prime Minister, Comrade Robert Gabriel Mugabe

<sup>23</sup>Churu was a Harare peri-urban farm belonging to Ndabaningi Sithole, the first President of Zanu in 1963, who was ousted as a leader in 1977

The 2000 National Housing Policy was a culmination of the National Housing Convention of November 1997, which was convened in Victoria Falls. This was held as a platform to share ideas and shape a new housing agenda (Muchadenyika, 2017a). The Convention formed a National Task Force for Housing (NTFH) which in 1999, reported about constraints and bottlenecks that had militated against meeting the goal of Housing for all by the Year 2000 (Chirisa and Munzwa, 2008). It proposed for the bending of planning legislations and relaxing complex bureaucratic procedures' (Chirisa and Munzwa, 2008; Muchadenyika, 2017a; 2020). It also proposed for an approach which would make housing development people-centred to yield higher success rates (Muchadenyika, 2017a). It projected that all being equal, 1,000,000 houses in ten years could be delivered if a grassroots-centred approach to housing development was adopted (Muchadenyika, 2020). Adopting this approach entailed participation in the self-help groups such as the housing co-operative (Siwawa, 2018).

The government accepted the proposals culminating in the launch of the National Housing Policy of 2000. Subsequently, the government launched the National Housing Delivery Programme (2004-2008), whose expected miles were in tune with what the 2000 National Housing Policy had enunciated. For example, the NHDP (2004-2008) aimed at eliminating a housing backlog of 1,250 million units in five years (250,000 units per year) (Muchadenyika 2017a). The land reform programme, the government had just embarked on was going to be the basis upon which the bottlenecks to housing such as land were to be effaced.

However, when evaluated against the amount of housing stock it destroyed<sup>24</sup>, it seems clear that OM that has been mentioned in Chapter 1 went contrary to the 2000 NHP. OM worsened the national housing backlog. At the time of OM, the cumulative national housing backlog was found to be 284 565 (Madebwe and Madebwe, 2005). Yet, on top of this backlog, OM destroyed 92,460 homes whilst the government built only 4,205 core houses (Muchadenyika, 2020). Statistics show that by 2013, the national housing backlog rose to 1.25 million (GoZ, 2013b).

OM also forced the government to come up with a housing programme called Operation Garikai/Hlalani Kuhle (OG/HK). The government argued that it was a rehousing programme for the homeless people who had been displaced by the clean-up (GoZ, 2005). It also aimed to cater for those home-seekers who had been on the housing waiting lists of local authorities for

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<sup>24</sup> Although statistics are the subject of debate, however, the government alleges that it destroyed approximately 92 460 homes (GoZ, 2005)

a long time (Stewart et al., 2017). However, Nyere (2014) argues that OGHK was launched merely as a political gimmick and as a shoddy cover-up of the abuses it committed. This argument is premised on the understanding that OGHK was launched almost a month after the launch of OM. It has also been argued that the budget of Z\$ 3 trillion had never been mentioned in the national budget presentation in November 2004 (Kanyenze, 2011; Mpofu, 2011). Ordinarily, such unbudgeted pronouncements can be inflationary. Ironically, this hastily formulated budget was announced at a time the country was in the throes of a harsh economic meltdown, which was characterised by shortages of basic goods and hyperinflation.

Shelving the debilitating economic situation aside, literature evidence suggests that OM fuelled public animosity towards the government. This is evidenced by the defeat of Zanu-PF in the 2008 national elections. In this election, the ruling party ceded the two-thirds majority it enjoyed in the 2005 elections (Bratton and Masunungure, 2007).

The next section focuses on the factors that define the political economy of demolitions. It reviews the literature on why State-led urban settlement demolitions and forced evictions are continuing unabated around the world?

## **2.5. MAJOR FACTORS DEFINING THE POLITICAL ECONOMY OF DEMOLITIONS**

This chapter argues that the major factors that define the political economy of the urban settlement are exogenous, varied and complex.

### **2.5.1. Continuation of the colonial planning systems**

The continuation of colonial planning systems is the reason there is the resurgence of demolitions. This is evident when one analyses paradigm shifts regarding the demolition of informal settlements in the global south from a process of initial growth, intermediary decline, and finally a recent rejuvenation (Croese et al., 2015). These authors argue that the phase of initial growth is associated with the periods of, the 1960s and 1970s. During that time, African governments were implementing religiously stringent planning regulations and bylaws to promote formality in line with the modernisation paradigm and the anti-urbanisation bias (Fox, 2014; Kubalae et al., 1988).

The 1980s-1990s is the slump or intermediary decline (Croese et al., 2015). This part of the cycle has been attributed to the work of Turner (1967) and Abram (1966), vehemently

opposed informal settlement eradication. Their misgivings were based on the argument that informal settlement eradication undermined the ingenuity or resourcefulness of the urban poor (Fox, 2014). There was a realisation that clearance could not right informality in developing countries as doing so was akin to reproducing outdated solutions to urban problems (Buckley et al., 2015; Croese et al., 2015).

Also, informal settlement clearance and eviction had proven to be ill-suited to the socio-economic realities of rapid urbanisation in developing regions (Croese et al., 2015; Fox, 2014). There was a strong belief that what demolitions sought to right, were, by and large, products of urban poverty (Croese et al., 2015). It had also dawned on many governments and international organisations such as the World Bank that nowhere had slums/ informal settlements vanished by demolitions particularly in developing countries (Buckley et al., 2015). In addition to multiplying the number of informal settlements, and further impoverishing the urban poor (Fox, 2014), demolitions and evictions were seen to be increasing the hostility and resentment between the urban poor and the political authority (Otiso, 2002).

In the 1990s and the new millennium there occurred rejuvenation processes of demolitions. This is attributed to what Kamete (2013) describes as the fixation with planning standards. This is despite the injustices of this domain of planning against indigenous peoples (Porter, 2010; Toriro, 2018). However, these planning laws protect private property in the form of land. According to Mazhindu (2016) the protection of private property is a global set of rules that all signatory member states cannot overturn, lest, they invite penalties. Hence although many voices want to see forced eviction becoming a thing of the past, the obstacles are the embraced planning standards that are not friendly to the poor.

### **2.5.2. Quest to be integrated into the global economic system**

The quest by many countries in the global south to be integrated into the global economic system also defines this political economy of urban settlement demolitions. This is a trend that has continued since the 1990s in which States did not only embrace economic policies prescribed by the major funders such as the World Bank and the International Monetary Fund. Rather, they also embraced urban development policies modelled along the Western models (Birch, 2016; Carmody and Owusu, 2016). Some of these policies include; the 'Cities Alliance for Cities Without Slums' (Birch, 2016), the 'world-class city' discourses and the New Urban Agenda (NUA).

Embracing these policies is borne out of the realisation that cities are increasingly becoming places where the majority of humanity lives (World Resources Report, 2017). Since cities are increasingly becoming globally interlinked through digital innovation, States cannot ignore integration if they entertain the hopes of having their cities competitive (Banks et al., 2020; Carmody and Owusu, 2016; Rankin, 2009). However, the adoption of such policies has also influenced demolitions. The case of how adoption of neoliberal policies have influenced demolitions is illustrated by the Cities Alliance for Cities Without Slums.

- **Case study of how Cities Alliance for Cities Without Slums has influenced demolition**

The upsurge in demolitions after the 1990s is linked to the launch of the organisation, 'Cities Alliance for Cities Without Slums (Huchzermeyer, 2011). This organisation was formed by the UN-Habitat and the World Bank in 1999. Initially, the Cities-Alliance focused on encouraging country governments to accommodate slum upgrading as a development strategy (Aigbavboa and Thwala, 2010). It was launched at a time the world leaders agreed on the Millennium Development Goals. It was launched with a campaign name or phraseology, that gave the impression that cities were able to and ought to strive to eradicate informal settlement under their jurisdiction (Croese et al., 2015; Massey, 2013).

However, Huchzermeyer (2011), through her book titled 'Cities with 'Slums': From informal settlement eradication to a Right to the City in Africa', argues that the phraseology 'Cities Without Slums' was misunderstood. She argues that there was a miscommunication between the UN's Millennium Development Goal number 7 and Target 11<sup>25</sup>. She further argues that instead of sticking with their obligations of addressing slums through homegrown solutions, many states buoyed by this UN Millennium Development Goals, together with the campaign of '*Cities without Slums*', resorted to demolitions and evictions. This view is also shared by Gupte et al (2019) who argue that in India, 'slum-free cities policies have run counter to the right to shelter as many demolitions deprived many urbanites of homes.

### **2.5.3. Influence of international or mega events**

It has been observed that international or mega events such as the Summer World Olympics, World Soccer Cups, and the UN World Tourism Conferences have been preceded by demolitions and forced evictions (McBride, 2018; Mpofu, 2011; UN-Habitat, 2011). Hosting

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<sup>25</sup>SDG number 11 endeavours to make cities inclusive, safe, resilient and sustainable (UN, 2016)

countries tend to implement massive infrastructure upgrading or city 'beautification' programmes in a bid to leave some lasting impressions (Smith, 2012; Watt, 2013). In doing so, demolitions and evictions occur.

In the United Kingdom, the preparatory stages for hosting the Summer Olympics of 2012 saw demolitions being implemented as part of regeneration or gentrification (Watts, 2013). In China, 1.5 million people were evicted from their homes with minimum compensation during the preparation for Beijing's 2008 Olympic Games (Cliff and Manley, 2016). Like China, Brazil also instituted demolitions and evictions during the preparation for the World Soccer Cup in 2014 and the Summer Olympics of 2016 (McBride, 2018; Trendafilove et al., 2018; Watts; 2015). In South Africa, the Johannesburg municipality conducted evictions under the banner of the Inner-City Regeneration Strategy which targeted "bad" buildings (Ochenje, 2007). This was towards its hosting of the Soccer World Cup in 2010.

However, the beautification programs that are conducted towards the hosting of mega-events have largely concealed the existence of slum dwellers (Smith, 2012; UN-Habitat 2011). During the slum-clearance, dwellers have always been pushed out, far from the glare of international visitors (Smith, 2012; Watts, 2015).

#### **2.5.4. Urban mega development projects**

Some of the demolitions have occurred as urban mega-development projects. These urban developments take different forms. They have been implemented as urban regeneration and renewal strategies such as removing dysfunctional and obsolete buildings (Luhn, 2017). In some cases, the eradication of dilapidated areas is justified on issues of safety. It is often thought that removing dilapidated buildings diffuses theft, mugging, gangster, drug abuse, destitution and prostitution which reign supreme in these areas (Juma, 2012).

Some of the demolitions associated with urban mega development projects have occurred in Kenya and Nigeria. In Kenya, they have occurred in the course of either improving road or rail networks (Amnesty International 2015; Otiso, 2002; UN-Habitat, 2011). In Nigeria, the eviction of the Badia East community of Lagos by the staff of the Lagos State Physical Planning and Development Agency (LASPPDA) on 23 February 2013, was on one hand, regarded as the beautification of the city and cleaning up criminals from communities (Popoola et al, 2020). On the other hand, it was attributed to enforcing adherence to urban development plans (Sullivan, 2017).

Marcus and Zuk (2017) have, however, described the eviction of the Badi East community as cosmetic, arguing that it did not serve any purpose. These authors argue that soon after the eradication of the settlement, a new informal settlement emerged close by. The government was criticised for destroying the informal settlement without alternative space (Okolie-Osemene and Young, 2018; Sullivan, 2017). According to Okolie-Osemene and Young (2018), the eradication affected the livelihoods of the urban poor.

#### **2.5.5. Armed conflicts**

Literature shows that armed conflicts or wars inhibit transformation in the ways urban settlement demolitions should be conducted. Large scale housing demolitions that have caused forced evictions have also occurred as a result of armed conflict. These have occurred in the protracted Israel-Palestine conflict in the Gaza Strip (Vignal, 2014). They have also occurred in the Syrian intra-state conflict (Rafizade, 2014). The Syrian war started in March 2011, when a popular and peaceful mobilization calling for freedom and dignity among the Syrians morphed into a full civilian war (Rafizadeh, 2014). Vignal (2014) points out that in this conflict, the destruction of urban infrastructure especially civilian houses, has been central to the regime's strategy of scorched earth tactics. Scorched earth tactics reminiscent with what has occurred in Syria are counter-insurgency measures that are deployed to starve the enemy of food and shelter.

The World Report (2019) indicated that the indiscriminate shelling and bombing of civilian areas in Syria displaced more than 920,000 individuals between January to April 2018. Yet, under international humanitarian law, it is prohibited to target civilian objects such as houses in the absence of clearly defined and circumscribed military objectives (Union 1999; Vignal, 2014; Vonèche Cardia, 2016). As observed by Vonèche Cardia (2016) the use of housing demolition as a military tactic is often condemned because it is inconsistent with the Fourth Geneva Convention and other instruments of international law. These instruments of international law view military-tactic of demolition as inappropriate because they cause great damage and suffering (Union, 1999).

#### **2.5.6. Privatisation of land vs municipalisation and home-ownership**

The rising cases of demolitions in many countries may be explained by the policy disequilibrium of privatization versus municipalisation and home ownership. Privatisation is an act of deploying urban land into the hands of private individuals. On the contrary,

municipalisation is the bringing of land under the ownership and supervision or control of the municipality (Evans, 2015).

On the whole, privatization of land creates what one can describe as the ‘scarcity of land that is available. For example, in South Africa, the privatisation of land for profit-seeking residential and commercial use has resulted in the lack of affordable land (Tshikotshi, 2010). The desperate poor households who cannot afford rental accommodation have ended up invading private land. However, they have faced what Joronen and Griffiths (2019) describe as the precarity of living under pending evictions.

It has been established that since the 1990s in Zimbabwe, the planning institutions such as local authorities that should service and parcel land to deserving urbanites have been starved of it (Marongwe et al, 2011). Instead, urban land has increasingly been concentrated in the hands of private individuals, private companies and non-government organisations and the State (Chiweshe, 2017; Marongwe et al., 2011). Table 2.3. shows the trend.

**Table 2.3:** State of stand production in Harare by sector for the period 1999-2011

Year	Council	State land	Private	Overall
1999	0	0	3500	3500
2000	0	0	6250	6250
2001	0	1200	3400	4600
2002	0	1200	0	1200
2003	0	1000	550	1550
2004	172	0	1200	1372
2005	3963	0	0	3963
2006	639	2600	0	3239
2007	2731	0	3200	5931
2008	1238	8000	0	9238
2009	197	1000	800	1997
2010	0	3300	4100	7400
2011	0	18500	0	18500
<b>Total</b>	<b>8 940</b>	<b>36 800</b>	<b>23 000</b>	<b>68 740</b>

**Source:** Adapted from Marongwe et al. (2011:52)

As Table 2.2 shows, by 2011, the central government had accumulated a total of 36 800 stands. However, only 8 940 were in the hands of the Harare City Council. The private sector

had 23 000. The heavy concentration of urban land into the hands of the central government as state land has been regarded as central to the power retention strategies of Zanu-PF right up to 2013 (McGregor and Chatiza, 2019). In other words, it has been the extension of the politicization of urban low-income housing in the contest for urban control between the MDC and ZanuPF (Muchadenyika, 2020).

However, the immediate impact of starving municipalities of land is the growing housing backlog since they are people with capital that can afford to buy residential stands from the private players. Therefore, it can be argued that because of affordability challenges, low-income group end up invading open spaces that are meant for other uses.

### **2.5.7. Constitutional reforms**

Constitutional reforms have curbed some demolitions in some countries. They have empowered courts to act as countervailing forces. For example, in South Africa<sup>26</sup>, courts have invoked the anti-eviction clause,<sup>27</sup> citing the extensive socio-economic rights contained in post-apartheid Constitution to defend the rights of slum dwellers (Leckie, 2021; Mavedzenge, 2016). During the adjudication, the South African courts have cited the obligation of the State as contained in the Bill of Rights. This is because the South African Constitution requires the State to respect, protect, promote and fulfil the rights of citizens including those of illegal settlers (RSA, 1996).

Although in the case of Kenya, her Constitution which was adopted in 2010 does not have an anti-eviction clause, courts have invoked the general rules of international law<sup>28</sup> and human rights provisions enshrined in the Constitution to protect people facing evictions or to defend those who would have been un-procedurally evicted<sup>29</sup> (Angote, 2018; Githira, 2016).

Also, the reformed constitutions of these countries seem to guarantee the independence of the judiciary. In both Kenya and South, court judges are not appointed by the executive, but by independent tribunals (Mavedzenge, 2016). This has constrained political power such that

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<sup>26</sup> For South Africa, this follows the completion of the constitutional reform in 1996

<sup>27</sup> Section, 26(3) of the the Constitution of the Republic of South Africa (RSA), Act 108 of 1996, is the eviction clause

<sup>28</sup> Article 11(1), Recommendation No. 4 of the International Covenant on Economic, Social and Cultural Rights speaks about the right to adequate housing

<sup>29</sup> One of the examples is the case, Susan Waithera Kariuki and Others vs. Town Clerk, Nairobi City Council & Others, in which the applicants were evicted in 2010. However, in 2013, the court ruled retroactively. It denounced the Nairobi City Council for carrying out evictions at night saying the process contravened the UN Eviction Guidelines (Angote, 2018).

the judges have adjudicated without fear of the executive. The result has been impartial adjudication of eviction cases.

In Zimbabwean the lack of independence of the judiciary was attributed to the delay and inertia to attend to the suits lodged against OM by a group of Hatcliffe Extension residents. Chitekwe-Biti (2009) and the International Crisis Groups (2005) argue that although these residents launched a class suit challenging the legality of their eviction during OM in 2005, the matter was never attended in accordance with the urgency they required. Hence, it can be argued that in the past, the lack of judiciary independence in Zimbabwe, has had the effect of not protecting the rights of illegal settlers in the past. It will be interesting to find out the extent to which the the courts have handled threats of evictions brought before them after the promulgation of the 2013 Constitution in Zimbabwe.

Besides constitutional reforms, voices of advocacy groups and civil society organisations have acted as countervailing forces. For example, in 2005, the Kenyan Homeless People's Federation, also called Muungano wa Wanavijiji, thwarted the desire by Kenya Railways Corporation to evict many residents along the railway slums of Kibera and Mukuru (Mburu, 2020; Juma, 2012).

In Zimbabwe, the comments made by Kofi Anani, the UN Secretary-General then, and the report produced by Anna Tibaijuka<sup>30</sup> regarding OM in Zimbabwe helped to transform the eviction process. Kofi Anani called for an immediate end to OM and demanded that those who orchestrated this ill-advised policy be fully accountable for their actions (Bratton and Masunungure, 2007). Anna Tibaijuka described the impact and consequences of OM as life-threatening (International Crisis Group, 2005; Sachikonye, 2006). She also claimed that the State committed these destructions, fully aware that it lacked resources to address the immediate humanitarian damage (Dzimiri and Runhare, 2012). Incidentally, the Zimbabwe, government immediately pronounced a national housing programme following this international condemnation of the way OM was unfolding. Thus, presence of countervailing forces can transform the conduct of demolitions.

### **2.5.8. The State and state power**

The nature of the State and state power also promote or inhibit transformation in ways demolitions should be conducted. The State is enacted through institutions and laws (Mandega, 2017). These institutions include the judiciary, the military, parliament and so forth. These institutions should be independent so that they provide checks and balances on the activities of the executive.

It is important to note that States come in different forms. Today, the dominant and most prevalent form of administration or governance are what are couched as liberal States (Heywood, 2004). Their administrations are viewed as democratic because they have decentralized and devolved administrations (Molopi, 2015). Demolition of illegal settlements should be done by city councils which manage urban land.

However, for States to ask urban local authorities to do demolitions is to foster a picture or perception of the democratic process (Molopi, 2015). Otherwise, many of these liberal States provide a façade of democratic and procedural ways of doing things, when in actual fact, they operationalise directives of the ruling party and the president where power is concentrated (Gastrow, 2016; Martins, 2016). Such scenarios in which power is concentrated in the executive inhibit transformation in ways demolitions should be conducted.

## **2.6. Summary**

This chapter was a review of literature on the conditions that determine the political economy of urban settlement demolitions. From the literature review it emerged that demolitions of urban settlements are neither a new phenomenon in Africa nor the world over. The literature review revealed that States have been heavily involved in the urban removals. However, differences lie in where these demolitions have been concentrated and the motive.

The literature review showed that waves of clearances in the Western world were and have been concentrated in the inner cities where the targets have been old and vacant buildings (Mumford and Power, 2002). This shows that they have largely been implemented for urban regeneration projects and for real estate. However, the literature review found that in the developing world, factors that define the political economy of urban settlement demolitions are exogenous. The neo-liberal policies the developing countries have adopted have dictated the type of urban that should subsist. Thus, in the global south, the use of draconian laws, such as master planning legislation of the colonial period have inhibited transformation in ways

demolitions should be conducted. This is despite the constitutional reforms many of which have recognised the socio-economic rights of the would-be- evictees.

Having engaged literature on the conditions that determine the political economy of urban settlement demolitions, the next chapter discusses the theoretical frameworks guiding this study.

## **CHAPTER 3**

# **THEORETICAL PERSPECTIVES GUIDING THE STUDY OF POLITICAL ECONOMY OF URBAN HUMAN SETTLEMENT DEMOLITIONS AND STATE POWER**

### **3.1. Introduction**

The previous chapter reviewed literature on the conditions that determine the political economy of urban settlement demolitions and state power. This chapter provides an analysis of the theoretical perspectives informing the study of political economy of urban settlement demolitions and state power to understand the extent to which there has been transformation in the manner these demolitions have been conducted after the enactment of the Constitution in 2013, that prohibits arbitrary eviction. The chapter discusses frameworks of political economy and state power that provide a proximate explanation of factors influencing the nature in which illegal urban settlement demolitions are conducted.

While the perspectives of political economy and state power seem to be at the heart of this work and need to be unpacked, this study however, argues that there is much to be gained from expanding the understanding of the political economy of urban settlement demolitions from the State to other actors. Hence, this study also employs the Actor Network Theory (ANT). The ANT is employed to point out the diverse actors on issues of urban space governance which culminate in demolition of human settlements. This helps to analyse the nature of urban settlement demolitions and to explain factors influencing the nature in which illegal urban settlement demolitions are conducted.

The chapter concludes by discussing procedural social justice theory. While the theory is used to analyse the nature of demolitions and the consequences of the lack of transformation for various actors, it is also used to focus on contributions that can be made to strengthen the existing eviction framework as a reform. In this study, it assists to focus on how the existing eviction framework can be enhanced, and thus, being more transformative. This triangulation or use of crosscutting theories is motivated by the need to bridge the shortfalls of the other and help to explain satisfactorily the issues under study.

### **3.2. Analysing the occurrence of urban settlement demolitions through the political economy approach and state power**

This section discusses the perspectives of political economy and state power. First, the section discusses the concept, evolution and proponents of political economy. This is followed by the

perspectives of state power. The political economy approach is relevant because it provides a deep understanding of the political and social context in which the State exercise its power.

### **3.2.1. Concept of political economy**

Political economy is a term that originates from the Greek words, ‘polis’ and oikonomo, in which ‘polis’ means “city” or “state,” while ‘oikonomos’, means “one who manages a household or estate (Balaam and Dillma,2018). Hence, political economy has been understood as the study of how a country is governed and managed (Balaam and Dillma, 2018; Steiner, 2003).

However, political economy has turned out to be a nebulous concept because it has been used to describe different things to different people over time (Jackson and Jackson, 1997; O'Brien and Williams, 2010; Fritz et al., 2014). There is a consensus that while initially, the concept was used to express how nation-states organized the production and consumption of goods (Fritz et al., 2014), today the political economy has turned out to be interdisciplinary because it encompasses several areas of study- from economics, to social sciences (Weingast and Wittman, 2008). Its usage has grown in popularity among political scientists<sup>31</sup> (Jackson and Jackson, 1997; Sheppard, 2011). Frieden (2020) argues that political economy is all about how politics affects the economy and also how the economy affects politics.

This study adopts Fritz’s (2012) definition of political economy to mean a theoretical paradigm and philosophy that embraces analytical approaches and theories that help on one hand, to develop greater clarity about the forces promoting and curtailing reforms. In this study, the following aspects of political economy- neoliberalism and power were employed to analyse forces that promote or curtail transformation in the conduct of urban settlement demolitions. On the other hand, it is a theoretical paradigm and philosophy that helps to focus on contributions that can be made to strengthen the existing reforms. In this study, it assists to focus on how the existing eviction framework can be enhanced, and hence becoming more transformative.

### **3.2.2. Evolution and proponents of political economy**

There are contentions regarding the evolution and proponents of the concept of political economy. Some scholars (e.g. Balaam and Dillma 2018; Cloete 2019) link the concept of political economy with two Greek philosophers, namely, Aristotle and Plato because of their

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<sup>31</sup> These are the people that focus on issues of power (Roskin, 2012)

writings concerning economic and political life. For example, Plato argued that economic and social life should co-exist peacefully if the political community is to flourish (Cloete, 2019). He also saw the State as an institution that can create conditions that enable citizens to feed, clothe and shelter themselves (Wright, 2012).

Other scholars (e.g. Heywood 2013; Namkoong 2000; Steiner 2003) trace the roots of political economy from Europe, especially in France, between the 15<sup>th</sup> and 17<sup>th</sup> centuries during the mercantile period. In particular, Steiner (2003) links political economy with the French physiocrats such as Francois Quesnay (1694-1774 and Anne Robert Jacques Turgot (1727-1781) whose writings attacked the government for being involved in the operation of natural economic laws. This is because, during that time, economic markets existed within a social context that was largely shaped by the exercise of state power (Namkoong, 2000; Unsworth and Williams, 2011)

However, there is an increasing acknowledgement that Adam Smith<sup>32</sup>, David Ricardo<sup>33</sup>, John Stuart Mill (1806-1873) made the concept of political economy famous through their writings that derided feudalism, while projecting the positives of capitalism (Unsworth and Williams, 2011; Serrat, 2011). These people are regarded as classical political economists. For example, John Stuart Mill (1806–1873), is portrayed as the main founder of political economy. This portrayal emanates from his writings that were opposed to social control and unlimited state (Frieden, 2020).

Adam Smith and Ricardo bemoaned State policies for being less effective in advancing social welfare (Balaam, and Dillman, 2018). In his metaphor of 'the invisible hand', Adam Smith criticised the state-centric system of the mercantile period<sup>34</sup> (Heywood, 2013; Frieden, 2020). He thought that if individuals are left unregulated, they can produce what society needs (Naul, 2005). His theory was in favour of a free market economy, as opposed to state-centrism of the mercantilism ideology.

Although the liberal political ideology of the classical political economists advocated constitutional changes whose aim was to promote freedom and democracy (Thorsen, and Lie, 2007), they did not disapprove of the existence of the State. Gramsci et al (1975) posit that liberals such as Adam Smith championed a minimal or 'night-watchman state' because they held the view that the State is the only institution that is capable of protecting citizens from the encroachment of fellow citizens. In other words, classical political economy espoused the

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<sup>32</sup> Adam Smith's book, *Wealth of Nations* ([1776] 1930) is cited as one that made political economy famous;

<sup>33</sup> Ricardo's book, *Principles of Economics and Taxation* (1817) made political economy a popular concept

<sup>34</sup> The mercantile period was the period between the sixteenth the late eighteenth centuries

public interest argument, an argument that mentions that the State's action is for the good of society (Ochenje, 2007).

This is contrary to the neo-classical political economists (neoliberals) who championed complete abstinence of the State in the economic spheres (Namkoong, 2000). The neo-classical political economy is described by Caporaso and Devine (1992) as an updated version of the classical political economy. Heywood (2007) singles out Friedrich Hayek, who was an Austrian-British economist, and political philosopher, and Milton Friedman, who was an American economist and educator, as the chief proponents of the neo-classical political economy. It is argued by Thorsen and Lie (2007) that while liberalism ideology espoused freedom under the law, the neo-classical political economists believed in unregulated market capitalism. Neoliberalists believe that 'competition leads to an efficient allocation of resources within the economy and this resource allocation establishes a market equilibrium between supply and demand (Kenton, 2018).

The Marxist perspectives of the political economy strongly criticise perspectives of the classical and neo-classical political economy. The Marxist political economy approach is traced to the writings of Karl Marx<sup>35</sup> (1818–83), German political theorists and philosophers who found it very difficult to separate politics from economics. Karl Marx's views were that the State cannot recuse itself from intervening in the issues of the market because it is a coalition of social and economic institutions that want to maintain inequality and the dominance of the ruling class (Harvey, 2014; Hayes, 2023). In outlining how politics and economics cannot be separated, Karl Marx is quoted to have argued that:

*The Executive of the modern State is but a committee for managing the common affairs of the whole bourgeoisie (Marx and Engels, 1848: 82 cited in Dunleavy and O'Leary, 1987).*

The quotation illustrates that his notion of the State is that it is capitalist. This quotation is fortified by the observation by Harvey (2014) as cited in Dax (2017) that the state's practices generally respond to business interests. In the results chapter, this perspective of the role of the State is used to show why alternative space is not provided to evictees.

### **3.2.3. Influences of classical and neo-classical political economy on urban settlement demolitions**

The study argues that perspectives of the classical and neo-classical political economy can have influences on urban settlement demolitions. Fox (2014) observes that the 19<sup>th</sup>-century economic liberalism of laissez-faire has turned out to be the 20<sup>th</sup> and 21<sup>st</sup> modern liberalism, also called neoliberal economics or policy. The same scholar further argues that neoliberalism, which is an aspect of political economy, has acted as a development discourse that has been translated into a global trend in terms of adoption. This observation has been supported by Ganti (2014) and Serrat (2011) who seem to agree that neoliberalism has acted as an idea and ideology that has shaped human relations and interaction.

This is true with Africa, where from the early 1980s, neoliberalism turned out to be an economic reform policy that went beyond deregulating the economy and liberalizing trade (Afena, 2009; Taruvunga and Mooya, 2018). As Ganti (2014) observes, neoliberalism also moved the market out of the economic sphere into the social. However, this hands-off or zero involvement of the State from the economy to governance and all facets of social life yielded undesired outcomes (Ganti, 2014; Schmidt-Sane, 2020).

In Zimbabwe, the influence and impact of neoliberalism should be seen within the context of the structural adjustment programme the country adopted as a development policy in the 1990s. Since this neo-liberal policy emphasized the provision of basic services through privatisation processes, the State saw urban settlement development, and housing in particular, as falling outside its purview (Hove, et al., 2013; Matamanda, 2019). Ultimately, the provision of low-income housing plummeted (Hove et al 2013), because although the private sector could produce residential stands, they were beyond the affordability for low-income earners. This situation worsened urban housing shortages (Auret, 1995; Muchadenyika, 2020).

Since then, the country's developmental trajectory has continued to be excessively steeped towards neoliberalism which emphasizes market mechanisms to be the panacea to everything (Hove et al., 2013). In the findings chapter, political economy assists in determining forces that have curtailed the provision of alternative space or shelter to evictees.

### **3.2. 4. State power**

State power is another aspect of political economy that is relevant in this study. There are as many theorists/ proponents of the term 'State' as there are viewpoints regarding this subject of power. Some of these proponents or theorists of the State and power are Thomas Hobbes,

Machiavelli, Manuel Castells, David Harvey, Lukes, Marion Young, Max Weber, and Michel Foucault). Interestingly, some of these proponents of the State and power are political scientists, who hold negative views of the role of the State and the way power is exercised. Young (1990) argues that power is exercised on certain groups of people, against their will. Lukes (2005) posits that power is an inherently unequal relationship, in which one person or a group tries to secure compliance from or enforce dependence upon another person or group.

Contrary to the perspectives of the political scientists, elitist theorists' perspective of power is that it is a universal feature of human existence (Wrong, 2017). It views power as functional. For example, scholars such as Castells (2011) and Harvey (2012) argue that power is used by the ruling class to spearhead urban development. Although Magstadt (2009) posits that power is not equally distributed in any society or State, he acknowledges that without power, it is a herculean task for governments to maintain peace, guarantee security, promote economic growth, or pursue effective policies.

Although there are as many theorists/ proponents of the term 'State' as there are viewpoints regarding this subject of power, this study employed perspectives of power by Michel Foucault (1926-1984) and Max Weber (1864-1920). The reason is that their perspectives provide a proximate analysis of the subject of the political economy of urban settlement demolitions and state power in Zimbabwe after the promulgation of the new Constitution in 2013. Foucault's perspectives of power, especially governmentality, is important in this study as it helps to understand by whom, and why power is exercised the way it is done. Max Weber's theory of rational legal authority is used to analyse the nature of demolitions in Zimbabwe, after the promulgation of the new Constitution that prohibits arbitrary evictions. This helps to understand the issues of legitimacy.

- **Foucault's three power relations and governmentality**

Michel Foucault (1926-1984) was a French sociologist, who is sometimes regarded as a postmodernist (Acosta and Pettit, 2013). His writings have not looked at power as entirely bad. In his three types of power relations, namely, sovereign power, disciplinary power and bipolar power/governmentality Foucault (1991) views power as used productively.

Sovereign power signifies supreme authority, that States wield over their territory and populace (Kegley 2009). In relation to sovereign power, Foucault (1978: 83-85) as cited by Lemke (2011) argues that before and during the 19<sup>th</sup> century, the king represented the seat of power, the source of government, law and justice. This changed after the 19<sup>th</sup> century, for

sovereign power became legislative, prohibitive and censoring (Foucault 1982; Dean 1999). He argues that after the 19<sup>th</sup> century and during modern times, the State uses the laws and law-like devices to control citizens. He argued that these new strategies, techniques and subtle forms of control have replaced overt forms of torture or control which used to punish criminal offenders (Lemke, 2012). Sovereignty is hence, equated with practices and procedures that are used to regulate society. These practices according to Dean (1999), are employed by the State, also called central governing authority or highest and final arbitrator. This final arbitrator can be equated to the central/or national government.

However, for Foucault (1994), there are two limits to sovereignty, namely, the right of sovereignty, and a mechanism of discipline, which together constitute the basis on which power is exercised. Sovereignty gives supreme power to States over their territory and populace such that no other actor wields the legitimacy and coercive capability to govern the territory (Kegley, 2009).

About disciplinary power, Foucault (1978), eschews the notion that the State is a concentrated site of power. For Foucault (1982), as cited in Gaventa (2003), power is exercised by state institutions such as prisons, militaries, and others when required because they are mandated and better placed to do so. This study examined the nature of demolitions to assess the extent to which courts have become major adjudicators of evictions.

Regarding bipolar power, Foucault (1978:136-143) states that it is about the technology of power which organizes human subjects as a population; power that takes charge of life and regulation of social life and social engineering, management and governmentality.

This study is based on this governmentality. Governmentality is a term Foucault coined in 1978 and 1979 when delivering his series of lectures at the Collège de France that focused on the 'genealogy of the modern state (Massey, 2013). Governmentality according to Foucault (1979) as cited in Lemke (2011), is the conduct of conduct or art or techniques of government, which enables the State to control subjects. Mayhew (2004) posits that governmentality refers to 'how' the government attempts, through various rationalities, mentalities, practices and techniques, to create citizens who best fulfil its policies. Gabardi (2001) explains that governmentality refers to the different practices and techniques the state and non-state agencies use to 'conduct the conduct' of others.

For Foucault, the conduct of conduct refers to how the government fashions people towards particular behaviours (McAnulty, 2020). Harvey (2014) as cited by Das (2017) argues

that powers of governmentality is used by the State over potentially restive populations. It entails conducting urban and regional planning practices to control the potential chaotic consequences of unregulated market development (Harvey, 2014). Yet in doing this it has been found that some States have employed what are called thugs for hire (TFH) to conduct demolitions on their behalf (Ong, 2018; Otiso, 2002). Ong (2018) has given the example of China and Singapore while Otiso cites Kenya, where these agents have been deliberately hired by the State as a way of evading responsibility.

However, Foucault (2007) claims that where there is the conduct of conduct, there is also counter-conduct. He defined counter-conduct as the after-effect of power and power relations or the battle against the techniques and mentalities used to conduct behaviour or the conduct of others. This is resistance against the processes employed for conducting others. The implication is that there are instances when control by the State through legislation is contested.

One can argue that counter-conduct can be reactions that are in sync with Scott's (1985) 'weapons of the weak'. For example, Massey (2013) argues that counter-conduct can both resist and fortify systems of power and regimes of government. However, Gribat (2010) argues that counter-conduct should be seen as both productive and malleable, capable of producing new norms, principles and ideals.

However, the purpose of the conduct of conduct does not entail forcing people to do what the governor wants (Dean 1999). Instead, it is the deliberate action taken by various authorities as a way of modelling behaviour by a particular combination of models, norms, and standards (Dean, 1999). One can argue that this can be by legislation or laws and by-laws prescribed to bring, for example, social order in the built environment.

- **Applicability of the Foucault's three power relations, especially governmentality**

In this study, governmentality is applied to analyse the nature of demolitions and to investigate factors influencing the nature in which illegal urban settlement demolitions are conducted. It is also used to examine the consequences of lack of transformation for the State. Elsewhere, Foucault's governmentality has been applied by Merry (2001) Robin (2002) and Massey (2013) in their urban studies. Merry (2001) focused on the administration of space rather than the discipline or punishment of urban offenders. Robin (2002) examined the 'rationality' and effectiveness of spatial governmentality in Cape Town, showing the attempts made by the State

to reinstate governance systems by using various forms of spatial governmentality in areas, such as Manenberg. Massey (2013) focused on the effect of governmentality on women's social networks nexus informal settlement upgrading in Cape Town's New Rest and Makhaza.

- **Weaknesses of Foucault's three power relations and governmentality**

There are weaknesses in Foucault's power relations. His approach to power and power relations has been criticised as top-down. Dean (2009) criticises the technologies of government that systematize, stabilize and regulate power relationships because this is a continuation of the state of domination. In many cases, top-down prescription removes the liberties of the citizens, showing therefore that power may neither be productive nor a positive force in society.

Although the three power relations, namely, sovereign, disciplinary and bipolar make use of the existing laws and law-like regulations (Foucault (1978:83-85), laws are generally seen as unfair and unreasonable (Watson, 2009). This is because in applying them, there is little, if any regard, to the challenges of the poor, namely poverty and unemployment. The State seems to be obsessed with applying its powers of governmentality to meet the interests of capital (Harvey, 2014)

Also, it is an underestimation to think that State institutions such as the police and military use power rationally. These institutions can be used to settle what Mphambukeli (2015) describes as politics of difference. By definition, politics of difference is a situation where, those who fail to align with the elites or are seen to be deviating from the ethos of the political establishments are punished or sanctioned (Matamanda et al., 2021). This sanctioning can be through forced evictions or demolition of their housing structures.

- **Max Weber on power, authority and the rational-legal authority**

Max Weber (1864-1920) was a German social theorist, whose forms of power focused on making a distinction between different categories- or 'ideal types' of authority (Giddens, 2009).

His typology of power<sup>36</sup> is characterized by traditional authority<sup>37</sup>, charismatic authority<sup>38</sup>, and rational-legal authority (Giddens, 2009; Schwarzmantel, 1994; Wodak, 2011).

This study is also based on the theory of rational-legal authority to analyse the nature of urban settlement demolitions after the enactment of the 2013 Constitution that prohibits arbitrary eviction, and to examine the consequences for the State, of the transformation or lack thereof in the conduct of demolitions. Weber (1978) defines rational-legal authority as authority derived from formalized and legitimated procedures. Rational legal authority is viewed by Schiller (2022) and Wrong (2017) as the form of authority that characterises democracies where the rules for wielding that power are enshrined in a written document such as a constitution, a charter or a system of convention. Bijman et al (2006) claim that persons exercising rational-legal authority have legitimate power simply because all that they do is based on consensus and is obtained through a formal contract. Magstadt (2009) recognizes that rational legal authority is not something that flows from the barrel of a gun, but from norms, the vast majority of a society's members recognize and embrace.

Organisations such as state actors (in this study, urban local authorities, and courts) and other bureaucrats are bestowed with such type of authority (Giddens, 2009; Wodak, 2011). It can be argued that when urban managers wish to bring order to the built-up environment they exercise rational-legal authority. They do so, for example, by applying the existing urban planning laws. To that end, these enacted rules and regulations, such as planning laws and the Constitution, constitute the source of state power. The purpose of rules is for the State and its agencies and critical actors is to be able to regulate individuals by enforcing those general rules of law.

- **Applicability of Weber's theory of rational-legal authority**

Although the theory is normally used to investigate how power is used in organisations (Giddens 2009; Wodak 2011), in this study, it is used to analyse the legitimacy or illegitimacy of urban settlement demolitions. For Weber, legitimacy is a condition in which power is

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<sup>36</sup> Weber's definition of power, as cited in Giddens (2009), is that it is the probability that an actor will carry out his will 'regardless of the basis on which this probability rests.

<sup>37</sup> It is power that is legitimized through respect for long-established cultural patterns or hereditary family rule (Wodak, 2011).

<sup>38</sup> Charismatic authority is based on the innate personality or quality of a leader (Weber, 1978)

exercised through established institutions and according to rules the people freely accept as proper (see Weber 1978, as cited in Wrong, 2017).

Regarding this study, legitimacy can be defined as the extent to which the demolitions are carried out in accordance with the dictates of the Constitution. The new Constitution (Amendment Number 20), Act 2013 constitutes one of the formally enacted rules and regulations. As discussed in Chapter 1, Section 74, provides for a court order, meaning that it is the court (as an institution) that authorises demolition and eviction. Although in terms of regulations and planning laws, illegal settlements are prohibited, these settlements ought to be demolished according to the legally agreed procedure. By doing so, the rights and entitlements of citizens would be seen to have been observed.

Again, Weber's theory of rational-legal authority conforms with the procedural protective mechanisms advocated by the International Covenant on Economic, Social and Cultural Rights (ICESCR) (See Chapter 5). Thus, although Zimbabwe has the power to govern within the confines of its laws because she is a sovereign State (Nyere 2014), the country is bound by this treaty for being a signatory to the convention. This means that urban settlement demolitions should be carried within the confines of the Human Rights Standards, to which the state is a signatory.

- **Weaknesses of the theory**

Notwithstanding the insights provided by the theory, the weakness of Weber's theory of rational-legal authority relates to the assumption that the law is there to be obeyed merely because it is written (Bijman et al., 2006). However, Fret (1994) argues that there is a political dimension of decision making which renders logical processes to be ignored. Therefore, because of politics, power is not exercised rationally (Giddens, 2009).

### **3.3. Actor-Network Theory**

In the foregoing discussion on conceptual frameworks, the State is viewed within the context of the prevailing political economy as the major actor, while little is mentioned about other actors. This study argues that there is much to be gained from expanding the understanding of the political economy of urban settlement demolitions from the State to other actors. Therefore,

to accommodate the other actants, this study employed the Actor-Network Theory (ANT) to address the shortfalls of the political economy approach.

The ANT is attributed to Bruno Latour, Michel Callon and John Law (Bencherki, 2017; Koo and Kim, 2017). This theory is traced from the study of science and scientific activity (Alcadipani and Hassard 2010; Bencherki 2017). It was, however, imported into sociology where it has become rooted in sociological theory (Alcadipani and Hassard, 2010; Bencherki, 2017; Koo and Kim, 2017), following recommendations by a British sociologist of knowledge, David Bloor (Bencherki, 2017). David Bloor emphasized that scientific success should not be attributable to intrinsic scientific progress while failure is explained by "social" factors (Koo and Kim, 2017). David Bloor expected rigorous examination of the issues surrounding a problem to arrive at reasonable conclusions, rather than basing on assumptions and attributing them to a single actor or cause (Bencherki, 2017).

### **3.3.1. Main features of the ANT**

The ANT provides that no action is isolated (Bencherki, 2017; Creswell et al., 2010). In other words, a single actor is connected to a network of many others that act as well. Creswell et al (2010) describe the ANT as a network-tracing activity. Hence, one of the key activities in ANT is tracing associations or relationships between network components (Latour, 1996.) These network components are actors. A network forms as a result of interactions among heterogeneous actors (Koo and Kim, 2017). The phrase 'heterogeneous actors' refers to a variety of actors. The variety of actors ranges from non-human or human to individuals or groups that can modify the state of the network by taking different actions (Koo and Kim, 2017). This means that primarily, the ANT is concerned with understanding actants or actors in networks (Alcadipani and Hassard 2010; Bencherki, 2017).

### **3.3.2. The strength of the ANT in this research**

The Actor-Network Theory (ANT) has not been widely applied in the analysis of the political economy of urban settlement demolitions and state power in Zimbabwe. Why is this theory important in this study?

In this study, the ANT is employed primarily as an analytical frame to locate intricate issues concerning the actors involved in the demolitions (See Figure 6.1, Chapter 6 about the main stakeholders involved directly or indirectly involved in demolitions. Within the context of this study, a thorough analysis of the actors in their heterogeneity helps to examine the role

of these actors and to understand what they do (Alcadipani, and Hassard, 2010; Creswell et al, 2010). In this regard, the key question is “Who are the important actors in this study?”

The main actors are the state, non-state actors. The state actors include central government, the legislature, the judiciary, including metropolitan local authorities that implement state policies. The non-state actors comprise a hotchpotch of organisations namely; housing consortia and cooperatives, land developers, social movements, civil society organisations such as residents' associations and trusts and other non-government organisations.

Another group of non-state actors are the citizens or ordinary residents and private players such as peri-urban farmers. Citizens or ordinary residents can trigger the State to act in a certain way. For these citizens or ordinary residents, because of their quest for spaces for establishing their own homes, any land available will do. Yet some land in the city is privately owned, while the rest either belongs to council or national government and probably not earmarked for housing, according to the city's master plan.

It can be argued that as an analytical tool, the ANT is useful in understanding the nature of demolitions and the factors that affect transformation in how demolitions should be conducted. Thus, as wholes, urban local authorities, central government, resident's associations and trusts, politicians, community- based association are being examined to find how they promote or impede transformation in ways demolitions should be conducted.

Another good thing about the ANT is that it can be used as a methodology. As a methodology, the ANT helps the researcher to take note of the pitfalls in research (Creswell et al., 2010). In this study, the ANT provides clues regarding participants that are relevant to the study in question. By focusing on the actors, the researcher categorizes or groups participants according to their domains. The participants are then purposively chosen, and this helps to ask questions the informant can relate to and is knowledgeable about.

Another advantage offered by the ANT is that it does not take any position concerning research paradigms (Greenhalgh et al., 2009). It is important to emphasize that paradigms influence the research approach one wishes to adopt. Since the ANT does not take any position regarding paradigms, this means that it can be applied to any of the adopted study approaches, such as qualitative or quantitative. Above all, the other strength of the ANT is that it may be best used in combination with other theoretical approaches (Creswell et al., 2010; Greenhalgh et al., 2009). This means there is no harm in using the ANT alongside the political economy approach and procedural social justice theory.

### **3.3.3. Weaknesses of the ANT in this research**

Despite the strengths noted in Section 3.2.2, the ANT is also having some flaws or weaknesses. Some of the weaknesses stem from its various assumptions. The ANT assumes, first, that successful networks are created with enough body of allies having aligned interests (Cressman, 2009; Walshman, 1997). Second, it regards the network builders as the focal actors who can develop the network and mediate each actor's interest (Alcadipani and Hassard, 2010). Third, it assumes that after the establishment of networks, actors act in ways that help to maintain the network (Alcadipani and Hassard, 2010). Fourth, it assumes that the connectivity of actors makes a whole (Cressman, 2009).

All these assumptions underestimate the division that emanates from the quest for power (Hassard, 1999). The theory ignores the fact that individuals within a network and institutions are driven and act mainly based on meeting material or conflicting interests. Castells (2011) observes that in the formation of networks, the toxicity of power can destroy those networks because, where there is power, there can be counter-power coming from the other actors in a network that causes conflict. The friction to preserve and remain relevant is conceptualised by Zibagwe (2016) as caused by the need defend zones of authority. This shows that power is not exercised rationally but for self-interest (Fox, 2014).

In terms of applying the ANT as a methodology, the first weakness or challenge is that the researcher is not viewed as part of the network (Creswell et al., 2010). This is a gross error because a researcher possesses a worldview of phenomena (Alcadipani and Hassard, 2010). Therefore, one may not be value-free.

The second weakness of using ANT as a methodology pertains to what Creswell et al (2010) and Mitev (2009) regard as the pitfalls in research in which actors at different levels are treated as equal. Mitev (2009) argues that treating actors at different levels as equal can make analysis difficult and may result in superficial analysis. In research, there is a need to categorise actors (participants) according to their tasks within the network for ease of data collection and analysis. This also provides a theoretically informed approach to data analysis (Creswell et al., 2010).

There is also a problem of determining the number of potential actors as they can be conceptually infinite (Creswell et al, 2010). This leads to the question of what to include (or exclude) in the network (Miettinen 1999). Practically, analysis and data collection cannot continue forever (Law and Hassard 1999; Miettinen 1999).

### **3.4. The procedural justice theory**

The theory of procedural justice has a long history in sociological research (Hagan and Hans, 2017). It is traceable from the work of Thibaut and Walker (1975), the psychologist and lawyer respectively. Their research findings showed that participants in civil procedures preferred situations in which they were allowed a degree of input (Jacobs and Kampen, 2014). Tom Tyler has become the leading researcher on procedural justice to the point where he has expanded its application in the area or field of criminal justice reforms and police training programs (Hagan and Hans, 2017). It has also expanded to analyses of issues such as restorative justice (Menkel-Meadow, 2007). It has been embraced by politicians and policymakers in the United States, as a guide for improving police–community relations (Hagan and Hans, 2017).

Procedural social justice is defined by Tyler (1988) as a criterion used to assess the fairness of a legal procedure. It is, as argued by Hansen (2014) and Schlosberg (2007), as the fairness and equitable institutional processes of a state with its citizens. It is used in this study to analyse the nature of demolitions. This is about determining if the decision to demolish urban settlements has been in accordance with the stipulated frameworks. Second, it is employed to identify what consequences the lack of transformation can have for some critical actors. Third, besides being used as an interpretive lens on the manner of demolitions, it is also employed to suggest a framework that determines measures that are required to bring about transformation in the manner demolitions should be carried out.

#### **3.4.1. Main features of procedural social justice theory**

The main features of procedural justice as espoused by Tyler are neutrality, respect, trust and voice. Regarding neutrality, there are two assumptions. The first assumption is that cases are brought to the court because people perceive that judges are neutral. The second assumption is that judges accord a case the attention and fairness it deserves. Therefore, the decisions they make are perceived to be based on legal authority (Jacobs and Kampen, 2014).

Regarding the principle of 'respect', it is perceived that the police officers, court clerks and judges are the representatives of the state (Jacobs and Kampen, 2014). As such, they should strive to demonstrate the worth of the people. This treatment of the people helps to connect the people with the government. This results in people becoming obedient to the law.

On the principle of 'trust', Tom Tyler emphasizes the legitimacy of criminal proceedings. He argues that the legitimacy of criminal proceedings mainly depends on the question of how citizens are addressed and treated by the legal authorities. This is based on

linking the character of the decision-maker and the institutions of justice. Jacobs and Kampen (2014) argue that the character of the decision-maker is a central attribute in influencing the public evaluation of the legal authorities.

However, Hagans and Hans (2017) and Hough (2012) have looked at legitimacy from a political perspective and criminal justice system respectively. Hagans and Hans (2017) argue that legitimacy is achieved when political systems meet various agreed objective criteria. Hough (2012) points out that the criminal justice system is thought to fail to command legitimacy in the eyes of the public when the 'policed' see the police as illegitimate. This last aspect is important about evictions. Their heavy-handedness when carrying out evictions can result in people viewing these law enforcement agents being viewed with disdain.

The principle of having a 'voice' is about speaking out (Barry, 1974; Hirschman, 1970). Laver (1976: 464) regards voicing as 'shouting' while Barter (2014:19-21) states that voice has three major forms: defiance, everyday resistance and engagement. Mutanda (2019) argues that voicing is a strategy that includes launching an individual or collective petition to those in charge. Mandega (2017) claims voice is the citizen's greatest weapon, which States should pay heed to.

In other words, the principle of voice is about giving people the opportunity to tell their 'side of the story' in their own words before decisions are made about how to resolve the dispute or problem (Jacobs and Kampen, 2014). In this study, the principle of voice is important in analysing the consequences of the State of the nature of demolitions. This is concerning the extent to which demolitions are conducted after the courts have considered the circumstances of all parties to disputes. Therefore, procedural social justice is a concept that can be used to promote engagement, representation, and inclusion in decision making.

### **3.4.2. Application of the theory**

This study employs procedural justice because its principle of voice is in sync with Section 68 of the Zimbabwean Constitution, regarding administrative conduct that is procedural and substantively fair (GoZ, 2013a). So, the principle of voice is applied in the analysis of the extent to which evictees have been allowed to make representation to the administrative authority before the demolitions take place. When such action is taken and exhausted, it denotes procedural fairness and somehow the State action can be regarded as above board and hence legitimate.

Section 68 calls upon administrative conduct that is lawful (Chinhengo, 2017). For this reason, the purpose of the study is to establish if administrative authorities conform to the law as prescribed in Section 74 which provides for no demolition without court order. Furthermore, local authorities (councils) are administrative bodies whose day-to-day duties include running the affairs of the city and management of urban spaces. They are responsible for town planning and design of urban settlements. This implies that these urban local authorities should act promptly, by prohibiting the establishment of settlements in undesignated sites.

### **3.5. Summary**

This chapter has highlighted and discussed theoretical frameworks that guide this study. These are the political economy approach, Actor-Network Theory, and the procedural social justice theory. The political economy approach has been used to analyse factors that have influenced the manner in which illegal urban settlements have been demolished. These are the forces that either promote or inhibit transformation in the manner urban settlement demolitions should be conducted. Foucault's governmentality was used to show how the State justifies its position while Max Weber's rational-legal authority was employed to analyse the legitimacy of demolitions. The Actor-Network Theory (ANT) was employed to examine the role of the actors in demolitions. The procedural justice theory is used to analyse the manner of urban settlement demolition in terms of fairness.

The next chapter discusses the research methodology. The methodology is informed by the constructivism paradigm that champions the adoption of the qualitative approach to data collection.

## **CHAPTER 4: METHODOLOGY**

### **4.1. Introduction**

The previous chapter focused on the theoretical perspectives informing the study. This chapter presents the methodology employed in the research. Methodology is an approach the researcher uses to collect and analyse data (Saunders et al., 2015). It includes such activities as sampling and data collection and analysis. The chapter begins by briefly describing the research paradigm. The methodology of the study was informed by constructivist paradigms. The chapter discusses the main features of the constructivism in relation to the subject of research. The chapter shows that the study employed a qualitative approach to collect data. The chapter justifies this research approach and the data collection methods. The chapter also discusses the sampling techniques and the data collection procedure. There is also the explanation on the research ethical issues that were considered. It ends by discussing the limitation of the study

### **4.2. Research paradigm**

The term 'paradigm' is derived from the Greek word *paradeigma*, to denote pattern (Antwi and Kasim, 2015). It was first used in 1962 by Kuhn who then defined paradigm as a way to summarize researchers' beliefs about their efforts to create knowledge (Morgan, 2010). As a result, the term paradigm has been defined as the philosophical assumption or the basic set of beliefs that guide and define the actions and worldview of the researcher (Kaushik and Walsh, 2019; Lincoln et al., 2011). The importance of a paradigm in research is that it determines the research methodology (Antwi and Kasim, 2015; Creswell, 2014).

There are many paradigms that researchers can employ to organise and structure their research work (Weaver, 2018). These include participatory action frameworks, pragmatism, positivism, post-positivism, constructivism (Meterns, 2015; Kaushik and Walsh, 2019). This study is informed by constructive paradigm.

#### **4.2.1. Constructivism paradigm**

Constructivism research paradigm is traceable to the ideas of Mannheim, Egon Guba and Yvonna Lincoln and Norman Denzin (Creswell, 2003). It is described by Rehman and Alharti (2016) as a child of interpretivism, because of its emphasis on interpretation and explanation of phenomenon to produce knowledge (Gray, 2017). It is a social science inclined paradigm that accepts subjectivity and argues that people perceive or make sense of situations based upon their experiences and memories (Raddon, 2016). It is regarded as the best fit to obtain

knowledge from the subjects' experience, and interpretation of the issues being investigated (Gray, 2017; Guba and Lincoln, 1998). In this research study this paradigm was in conformity with the central research question, in terms of aspects that it sought to establish; ie if there has been transformation in the manner urban settlement demolitions have been conducted after the enactment of the new Constitution.

#### **4.2.2. Assumptions of constructivism paradigm**

All paradigms according to Lincoln et al (2011) and Kaushik and Walsh (2019) are essentially philosophical in nature because they encompass the following common elements: axiology, ontology, epistemology and methodology.

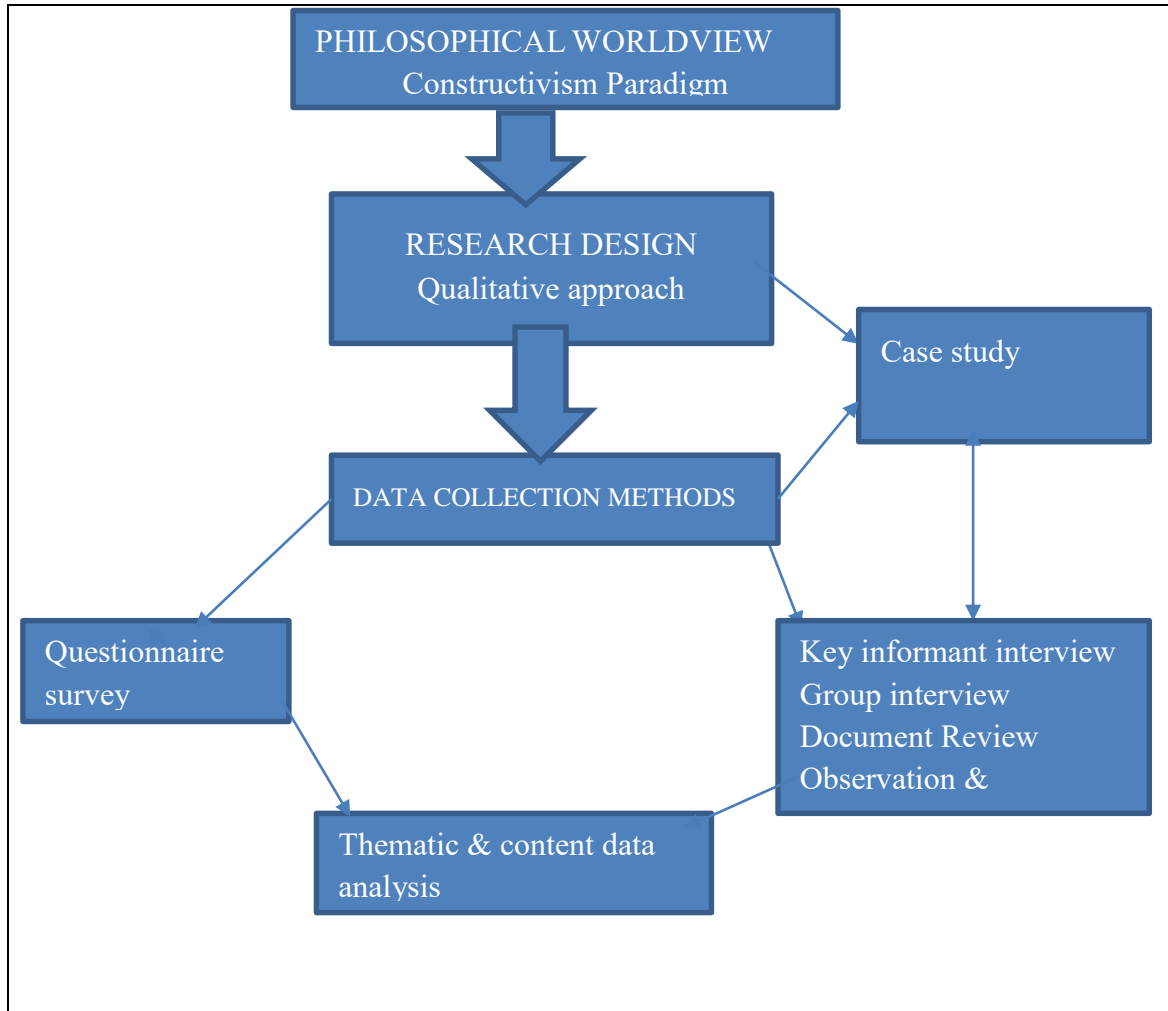
Axiology relates to beliefs about the role of values and morals in research (Kaushik and Walsh, 2019). Regarding this study, axiology was important in relation to the ethics of research, such as upholding of participants' dignity and integrity and protecting the identity of the participants. This study made sure that the identity of the participants was under seal. This was done so that chances of them being victimised for having divulged, perhaps sensitive information could be low.

Patel (2015) defines ontology as the nature of reality or truth. Yet, if reality is mediated by our senses (Rehman and Alharti, 2016), knowledge can only be obtained through interviewing participants who have their own thoughts regarding the phenomenon of demolitions. Therefore, this study considered 'multiple realities' ontological relativism in examining in detail issues around the political economy of urban settlement demolitions and state power. Multiple realities' ontological relativism implies there are several ways of accessing the truth (Gray, 2017). This is what constructivism stands to achieve. Through this paradigm, the researcher is capable of reaching out to different, subjects (participants) who however, can construct meaning, in different ways, even in relation to the same phenomenon (Gray, 2017).

Epistemology is defined by Saunders et al. (2015) as what constitutes acceptable knowledge in a field of study. This study argues for interpretivist epistemology that is subjective. Interpretive epistemology is subjective because external reality cannot be directly accessed by others without being contaminated by worldviews, concepts and background (Rehman and Alharti, 2016).

### 4.3. Research approach: Qualitative

In this study, the approach was informed by the constructive research paradigm. Figure 4.1. presents the nexus between this philosophical paradigm (constructivism) with the research design, the research approach and the data collection methods applied in this study.



**Figure 4.1:** The nexus between the philosophical paradigm, the research design and the data collection methods

#### 4.3.1. Justification for the adoption of qualitative approach

Given the multidimensional aspects and complexity of the subject being examined (the political economy of urban settlement demolitions and state power), the study was qualitative. The study sought to gain knowledge on the nature of urban human settlement demolitions for the period under study (2013-2020), from individual interpretation of phenomenon (Raddon, 2016). The action and motive of the actors can only be inter-subjectively constructed by tapping on people's perspectives, understandings through their social and experiential issues (Saunders et

al, 2015). Qualitative approach focuses on discovery, induction, exploration, theory generation, in which the researcher is the primary instrument of data collection and analysis (Gray, 2017). In this study, the in-depth exploratory research framework sought to investigate the full nature of the phenomenon (demolitions) and factors influencing manner of these demolitions (Vosloo, 2014) and the consequences of this transformation, or lack of it, for the State and other actors. These aspects were investigated through in-depth interviews conducted with key informants in relevant state related institutions, non-state sectors and with the evictees.

In addition to employing an exploratory framework, qualitative approach was employed because it is descriptive. The descriptive nature of qualitative research sought to provide a description of the different areas affected (Emma et al 2022) by demolitions. This qualitative research allowed the researcher to find mechanism of describing the nature of demolitions.

The qualitative approach is credited for using open-ended questions and probing (Gray, 2017). Adopting qualitative approach with open ended questions rather than the close-ended of quantitative research, helped to evoke answers that are rich and explanatory and unanticipated (Patton, 2009). These answers were in line with the perspectives, experiences and feelings of diverse people that the researcher desired to hear regarding how the demolitions have been conducted after the promulgation of the new Constitution.

Qualitative research was employed because it is multi-methods in approach (Nassaji, 2015). The study used a combination of methods such as case studies, interviews, questionnaire surveys and document review. The multi-methods approach helped in triangulation. Triangulation is a practice of using multiple sources of data to enhance the credibility of a research study (Hastings and Salkind, 2010).

There are different types of triangulations such as methodological triangulation, investigator triangulation, theory triangulation<sup>39</sup> and data triangulation (Hastings and Salkind, 2010). However, this study opted for data and theory triangulations. Easterby-Smith et al. (2002) defines data triangulation as the collecting of data over different times or from different sources. In this study, data was collected from different sources, namely, the state sector and non-state participants. It was also collected from people who were directly affected by or who experienced demolitions. In this study, they are called evictees. It was also collected from people who witnessed demolitions. These are called witnesses to demolitions. Hastings and

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<sup>39</sup>See theoretical triangulation in chapter 3 where the researcher has mentioned the theories that were utilized-, namely; Actor Network Theory, Political economy approach, and procedural social justice theory

Salkind, 2010 argue that data collected from various sources is more holistic and helps to gain a deeper understanding of individual participants, including their opinions, perspectives, and attitudes. Thus, multiple viewpoints help to provide different perspectives on demolitions.

#### **4.3.2. Case study research design**

There are five research designs associated with qualitative approach (Creswell, 2013). These are case study, grounded theory, ethnography, phenomenology, and the narrative (Creswell, 2013). In this study, a case study design was employed to facilitate an in-depth exploration of each of the three local authorities to understand how demolitions have been conducted since the promulgation of the new constitution in 2013. A case study is an empirical research design used to investigate a contemporary phenomenon, focusing on the dynamics of the case, within its real life context (Yin, 2003).

Yin (2003) outlines two overriding reasons for the adoption of a case study. The first is when research addresses descriptive questions such as ‘what happened’. The second is when the research addresses an explanatory question such as ‘how and why’. In this study, the case study was adopted to address the ‘what’, the how, and why’ of the resumption and escalation of demolitions within the context of political economy and state power. The ‘what’ question examined the nature of demolitions, and the consequences for the State, of the lack of transformation. The ‘how’ and ‘why’ answered the question on the factors promoting or inhibiting transformation in the ways demolitions should be conducted.

Thomas (2016) corroborates that the assumption on a case study design is that when a researcher looks at the research from many and varied angles, one is getting closer to the why and how question. The advantage of a case study design as argued by Eisenhardt and Graebner (2007) and Thomas (2016) is that the theory built from it, is fairly accurate, is interesting, and testable in the majority of cases.

During the field work, the researcher interviewed some of the participants from demolitions ‘sites’ where they were still staying despite the evictions. The different study areas provided ‘useful and wealthy of insights’ into a subject of inquiry (John and Rule, 2006). This is because, being on demolition sites, the researcher could verify, observing the availability or not of basic infrastructural services such as water and ablution facilities. This helped to construct meaning as to the reasons for the lack of transformation in the manner of demolitions. This was in line with the observation by Yin (2003), that a case study methodology provides

empirical evidence to ‘substantiate and supplement evidence from other sources’. Therefore, visiting the wards mostly affected by demolitions helped triangulating interview findings with observations.

#### **4.4. Sampling design and research participants**

A sample design, according to Lavrakas (2008) is the framework, or road map that serves as the basis for the selection of a survey sample and affects many other important aspects of a survey as well. Sampling is the act of selecting units (cases) to be investigated during the study (Latham, 2007; Dawson, 2002). For this study, the researcher had a fairly comprehensive list of the target population. The target population represents the entire group or community which the researcher identifies for a particular study (Chimvurahwe 2018; Mujere 2016). The target population for this study comprised the state sector, non-state sector, and ordinary residents of Harare Metropolitan Province. These are part of the actors sampled as discussed in Chapter 3 on the Actor Network Theory.

Regarding ordinary residents, the study initially focused on people who experienced demolitions. In this study these were regarded as evictees. The researcher had not foreseen the hurdles associated with locating evictees. In his previous study, where he researched on urban shelter coping mechanisms in the aftermath of the Operation Murambatsvina/ Restore Order and their implications on the biophysical environment, the research did not face difficulties in locating evictees in Harare’s Mbare suburb. Some would be found on demolitions sites especially during the evening. However, in this study, locating evictees proved to be difficult, as some relocated to places outside Harare. The researcher innovated by also focusing on people who saw the demolitions during the period under review to provide their views. These were regarded as witnesses.

##### **4.4.1. Sampling methods**

Chimvurahwe (2018) and Sheskin (1985) posit that the type of sampling methods used to select units for a study has a bearing on the quality of data collected from the field. There are two sampling methods, namely, probability and non-probability. Probability sampling which is ideal for quantitative studies and comprises the following techniques: simple, stratified, systematic, multistage random sampling and cluster sampling (Dudovskiy, 2017). For being

qualitative, the study adopted non-probability sampling techniques<sup>40</sup>; purposive, snowball and convenience. These were used to select participants and study sites.

#### **4.4.1.1. Purposive sampling**

Purposive sampling is also known as judgmental, selective or subjective sampling (Andale, 2015). The basis of choosing purposive sampling is that one is knowledgeable about the population, its elements, characteristics and the nature of the research aims (Babbie, 2010). In this research, purposive sampling was used to choose research sites (see Wards in key study areas, Chapter 1). It was also used to select the State-related institutions and non-state actors because of their knowledge and expertise of the research problem (Bryman, 2012). This was based on their roles and functions.

From the State-sector (**See Appendix O on the profile of the participants**), the Ministry of Local Government, Public Works and National Housing (MLGPWNH) was purposively selected for being the gate-keeper on issues connected with all local authorities. Gate-keepers are institutions or individuals that have the authority to grant formal access and they can withhold cooperation if they think the study being undertaken threatens them (Seidman, 2005). The MLGPWNH oversees the activities of both urban and rural local authorities. At the time of interviews, the MLGPWNH was also responsible for housing<sup>41</sup>.

Apart from being the gate-keeper, this ministry was also selected because of the roles of its departments. The Department of Urban Local Authority coordinates the activities of all urban councils in Zimbabwe. Hence, it was selected to obtain important insights regarding issues this study was gathering. The Department of Housing<sup>42</sup> was selected because it deals with urban housing. The Department of Spatial Planning is responsible for zoning. In other words, it is responsible for citywide planning.

Another state sector was the Ministry of Women Affairs, Small to Medium Enterprises and Cooperative Development. This study found its relevance in terms of it being responsible for housing co-operatives. The Ministry of State for Harare Provincial Affairs was selected for its being responsible for synchronizing development efforts and goals of the province. Hence, it was selected on the basis that pertinent issues surrounding demolitions would be obtained.

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<sup>40</sup> Quota and extensive sampling are the other techniques of non-probability (Showkat and Parveen, 2017).

<sup>41</sup> At the time of data collection, the department of housing was still in the ambit of the Local Government Ministry. However, it has since been made a stand-alone ministry, incorporating the department of social amenities

<sup>42</sup> The department was integrated with the social amenities to become a ministry during the GNU, then went again under the Local Government Ministry after GNU. It was again reconstituted as a ministry in December 2019 after I had had interviews with its officials when they were under the Ministry of Local Government

Some quasi-government institutions such as the Environmental Management Agency (EMA) and the Zimbabwe Human Rights Commission (ZHRC) were also purposively sampled. From preliminary literature review, issues of wetlands featured prominently. This necessitated the inclusion of EMA to hear the full stories about wetlands in relation to demolition of urban human settlements. The ZHRC was selected to understand the organisation's views regarding demolitions in recognition of it being a champion of social justice.

The three Local Authorities of Harare Metropolitan Province, namely Harare City Council, Chitungwiza Municipality and Epworth Local Board were also purposively selected. While they are not departments of the state as such, they implement central government policies, using Acts administered by government ministries. In this study they were taken as State-related institutions, responsible for planning and have been heavily involved in demolitions in the past.

In each of these three local authorities, a ward based sampling system was adopted. A ward-specific approach was largely influenced by the knowledge that it was not in every suburb that demolitions had occurred. Ward 1 of Harare South and ward 43 of Budiriro were purposively chosen because of the concentration of housing cooperatives and the prevalence and frequency of demolitions. Ward 14 of Chitungwiza was also studied for the spates of demolitions that occurred there. In Epworth, ward 7 was chosen to find out on the nature of the demolitions there, given that it is a ward where in-situ upgrading is taking place (Chitekwe-Biti, 2009). Since it is the ward, where in situ upgrading is taking place through what are called Ward Development Committee (WADCO) and the Zimbabwe Homeless People's Federation, the study wanted to find out on nature of demolitions in terms of the procedure before demolitions. (See Chapter 1, Key study areas, on wards studied).

#### **4.4.1.2. Snowball sampling**

Snowball sampling was largely used to locate evictees, although some of the non-state sector participants were identified this way as well. In snowball sampling a researcher begins with a small population of known individuals and expands the sample by asking those initial participants to identify others that should participate in the study (Crossman, 2017). This strategy helps to overcome the problems associated with understanding and sampling concealed and socially isolated population (Dudovskiy, 2017).

In this study, snowball sampling was used to identify evictees who were scattered across the city and outside. These could not be easily located, save by this method. Officials from the

Combined Harare Residential Association, Harare Residents Trust, Chitungwiza Residents Trust were useful as they gave the researcher contact details of some of the evicted residents. This assisted in locating some of the people who had been evicted that could not be easily identified. These officials also shed light on housing cooperatives whose members' houses were demolished.

While the researcher had some faint knowledge of areas where demolitions had been reported, he was however, referred to specific wards under the jurisdiction of Harare City Council where demolitions took place. These are ward 43 of Budiro 3 and 4, a high density suburb. The researcher was given contact details of leaders of housing cooperatives in Budiro, whose members' houses were demolished in 2015.

During data collection, the researcher was also alerted of a demolition incident that had just occurred. It was about the demolitions of houses belonging to members of Vatemavotonga Housing Cooperative on 20 September 2019, in Harare's Tynwald South. The same applied in Chitungwiza, where an official from Chitungwiza Residents Trust (ChiTrest) told this researcher about some wards where some residents' houses had been demolished or had been targeted for demolition. At Arlington Estate, the researcher was also referred by participants to their lawyer who has been representing them since their houses were demolished.

#### **4.4.1.3. Convenient sampling**

Convenient, also referred to as "accidental sampling," is a non-probability sampling in which the researcher uses the subjects that are nearest and available to participate in the research study (Golzar et al., 2022). In this study, it was particularly used to solicit information about demolitions from witnesses. The researcher and his assistant administered questionnaire surveys to households living in juxtaposition to demolished settlements. This was done in Budiro suburb for the purposes of getting their side of the story.

Further to that, informal discussions were held with informal traders and people the researcher would meet, to solicit their opinion on demolitions in their areas. This gave the researcher leads as to when, why and how they were done. These informal interviews were specifically important in ward 15 in Tynwald, in Budiro and Chitungwiza. In Chitungwiza, these informal discussions were useful because identifying the victims proved to be difficult, but discussions helped to find how and why the demolitions were done.

#### 4.4.2. Sampling matrix summary: Sources of participants, sampling size and strategy

As Table 4.1 shows, a total of 88 people participated in this study as follows; 21 participants from the state sector (SS), 19 from the non-state sector (NSS) 31 were witnesses (W) to demolitions and 17 were victims (V) of demolitions.

**Table 4. 1:** Sampling matrix showing sources of informants, sample size and strategy

Sources of informants	Total	Gender		Sample strategy
		Males	Females	
State sector (SS)	21	18	3	Purposive
Non-state sector (NSS)	19	15	4	Purposive & snowballing
Evictees (Ev)	17	13	4	snowballing
Witnesses to demolitions (W)	31	20	11	Convenient
Total	88	66	22	

**Source:** Compilation by the author

The sample size especially for the evictees was largely determined by saturation, that is a situation in which issues emerging become recurrent. During the course of the interviews with evictees, the researcher found that no new data was emerging especially at Budiriro and Arlington Estate Farm. (See Appendix Q and R respectively for profiles of evictees and witnesses to demolitions).

#### 4.5. Piloting the study

Before venturing into data collection, a pilot study was carried out from March 2019 to the end of May 2019 using a small sample of nine experts. There is general agreement that in research, small samples are capable of generating good results (Bryman, 2012; Croker, 2009). In this pilot study, a questionnaire titled, ‘Urban settlement demolitions in Harare Metropolitan Province since 2013’ was administered on Survey Monkey that is an online digital platform.

This instrument would reach anyone who had access to a Google Mail (gmail) account. The main purpose was to assess the extent to which the interview schedule would fully address the research questions (Vosloo, 2014). The research instrument had ten questions that solicited for respondents' opinion on the intentions for the resumptions and escalation of demolitions, authorisation and concentration of demolitions, the amount of housing structures destroyed, reactions to demolitions and whether the reactions were justified and the extent to which demolitions have served their purpose.

From the pilot study, respondents indicated the need for statistics regarding the number of housing structures destroyed since 2013. They indicated that though the information would be difficult to obtain from anybody, it would be handy in terms of establishing the consequences such transformation or lack thereof, has for the State and other actors.

#### **4.6. Data collection procedure and protocols**

Data gathering is foregrounded by certain activities that should not be ignored by a researcher. Accessing the research participants can be hampered by failing to observe protocols. Creswell (2013) advises that a researcher needs to obtain permission at different levels in order to gain access to the research sites and individuals. For this study, data collection protocol and procedure involved, requesting for permission from the gate keepers to undertake research in areas under their jurisdiction. It also involved making appointments for interviews with the relevant participants. However, all these happened after getting ethical clearance from the University of the Free State regarding the appropriateness of the study. The case of the ethical clearance is discussed in a separate section in this chapter.

##### **4.6.1. Getting permission from the gatekeepers**

Seidman (2005) warns that gatekeepers can grant formal access as well as withholding cooperation if they think the study being undertaken threatens them or their institutions. For this study the researcher's first port of call was the Ministry of Local Government, Public Works and National Housing. This was the gatekeeper on matters of this study.

In the course of submitting the letter of request to conduct the academic research on 28 March 2019, at the Ministry of Local Government, Public Works, National Housing and Urban Development, MLGPWNH a senior officer asked the researcher the question; '*why are you delving into the minefield?*' He actually indicated that there was a need for patience as the

clearance would take some time, because as argued by him, the topic was politically sensitive. Indeed, the clearance took time. It was approved on 18 June, 2019 (See Appendix C).

One of the lessons learnt in this study was that the Government of Zimbabwe has made it mandatory for those that want to do research to complete the Official Secrecy Act (Chapter 97) (See Appendix D). Officials within the ministry confided in the researcher that screws had been tightened. Official Secrecy also binds them as civil servants.

In line with Chapter 271 of the Public Service Act, all public servants are compelled to adhere to the Official Secrets Act (Chapter 97). While that is understandable, the strange part of the Official Secrecy is the emphasis that findings should not be subjected to external consumptions. How, as a writer, does one make sure that one's document remains within the confines of academic only, given that such a document can be published? In this researcher's view, there are limits to which one can keep information. After all, the objective of any research is to bring issues to the public domain.

Apart from the MLGPWNH, the researcher also sought permission through writing to relevant ministries, and to the three urban local authorities already mentioned in this chapter (See Section 4.1). However, the process of obtaining clearance at local authority's level was equally cumbersome. The protocol for each of the three local authorities- Chitungwiza Municipality, Harare City Council and Epworth Local Board involved submitting a clearance letter from the university, that detailed that the researcher was indeed a student for the university. It also involved submitting the research proposal, together with the research instruments to be used. These were to be accompanied by a cover letter by the applicant to the effect that he or she was applying to be accorded the space and opportunity to collect data for the study. The letter ought to indicate the departments that would be relevant to the study.

The Harare City Council did not take too long to respond. Permission was granted on 26 April, 2019 (See Appendix H). The delay was at Chitungwiza Municipality. First, the letter was misplaced. That meant restarting the process. The application was re-submitted on 14 June 2019, with permission being granted on 27 September 2019 (See Appendix F).

At Epworth Local Board, the senior officer indicated that he wanted to first see the researcher before signing. Those were protocols, not appointments. So on average, it took the researcher two and half months to get cleared.

#### **4.6.2. Making appointments and devising strategies to collect data**

The data collection procedure also involved making appointments with officials both at State sector and non-state level. Some interviews would be deferred because the participants would be committed with work, elsewhere.

The researcher devised strategies to collect data in political volatile areas such as housing cooperative areas. These are the areas McGregor (2013) and Muchadenyika (2017a) warn that they urban land areas and housing schemes that are deeply entangled with political struggles. Since the study also involved collecting data from residents who were housing cooperative members, first the researcher engaged with housing cooperative leaders to be able to enter into the areas smoothly.

While initially, the researcher had thought of engaging with the evictees, he also thought of including into the sample, people who could have witnessed demolitions. However, as an outsider, it was going to be difficult to move from one household to another distributing the questionnaire survey without a person known in the area. One of the leaders of a housing cooperative assisted in facilitating for the engagement of a local school leaver in Budiriro to help distribute the questionnaire survey among the households that were willing to fill in the instrument.

#### **4.7. Primary data collection methods**

This study collected data from primary sources. Primary data is the original information that the researcher collects for the specific research problem (Hox and Boejie, 2005). Collecting own primary data according to Creswell (2013) gives the researcher the chance to obtain data that has not been influenced by the decisions of previous researchers. In this study primary data were collected through semi-structured and indepth interviews as well as through a questionnaire survey. Group interview, and Whats App and phone interviews were also used to collect data. Blending of data collection methods served to triangulate evidence from multiple angles.

##### **4.7.1. Semi-structured and in-depth interviews**

Semi-structured interviews are characterized by topic guides that help to ensure an organised flow of themes to be addressed (Taylor, 2013). The questions are open-ended to allow the researcher to ask follow-up questions and to probe so as to generate different responses about the phenomenon being explored (Scott and Garner, 2013). In this study semi-structured

interviews were used to obtain primary data from key informants the researcher purposefully interacted with (Mears, 2017). They were used to collect data from key informants who were experts on issues of urban governance, housing issues and policy implementation and advocacy (See State and non-state Actors, Appendices O and P). These key informants provided detailed primary data about the demolitions that occurred after the enactment of the new Constitution and the discussions centred on how the demolitions since 2013 differed with OM of 2005.

In line with the ethics of research, for the purposes of anonymity, the study used acronyms such as SS1 to mean, for example, state sector participant number one (1), NSS1 to mean non-state sector number one (1) (See Appendices O and P). Also, in line with the constructivism paradigm employed in this study, in-depth interviews were held with non-experts, evictees themselves. As already alluded, these evictees were located through referrals or snowball sampling. It was difficult to reach many as they relocated to other towns or rural areas, while some simply declined to be interviewed.

In-depth interviews provide more detailed descriptions when compared to semi-structured interviews and enable participants to communicate much more freely (Showkat and Parveen, 2017). In-depth interviews were in sync with the intention of the study of getting the detailed information from participants who experienced demolitions.

The questions also focused on the socio-economic details of the participants to actual questions about demolitions. Regarding actual demolitions, questions were on when they experienced demolitions, who evicted them, the length of notice they were given, who gave them the notice and how they responded to the notice. In-depth interviews were conducted with 17 participants as illustrated in Table 4.2.

**Table 4.2:** Number of evictees interviewed and where they were drawn from.

Method	Informant	Local authority	Ward	Suburb	Number of participants
In-depth interviews	Affected residents/Evictees (Ev)	Harare City Council	1	Arlington Estate	7
			43	Budiriro	8
			7	Zvido	2
<b>Total</b>					<b>17</b>

Source: Author

Although the plan was to take 40 minutes at most, the interview would take longer than expected. Sometimes the interview would exceed one hour. Part of the problem was the time spent on explaining the consent form.

In all these in-depth interviews, dialogue and conversations were done in respect of ethics of research. In terms of ethics, the participants should consent to the interview. They were not forced if they expressed that they felt insecure. The consent form was always read to the informants before the interview. The respondents were always asked the question around their willingness to participate in the interview, and sign if they consented to the interview (See the consent for on Appendix N).

#### 4.7.2. Questionnaire survey with witnesses.

Questionnaire surveys are used to gather original data about people, their behaviour, experiences and social interactions, attitudes and opinions, and awareness of events (McLafferty, 2010; Parfitt, 2005). In this study, the researcher collected data using questionnaire surveys from 31 participants who witnessed demolitions. Table 4.3 shows that 27 residents were from Ward 43 (Budiro), two (2) were from Ward 7 in Epworth (Zvido), one (1) from Ward 1 (Arlington Estate), and one (1) from Ward 15 (Tynwald). Altogether, 31 witnesses participated as shown in Table 4.3.

**Table 4.3:** Distribution of questionnaire survey by Local authority, ward and residential suburb

Method	Informant	Local Authority	Ward	Suburb	Number of participants
Questionnaire Survey	Witness (W)	Harare City Council	43	Budiro	27
			1	Arlington Estate	1
			15	Tynwald South	1
		Epworth Local Board	7	Zvido	2
Total					31

**Source:** Author

The questionnaire survey was administered as a drop-in to witnesses of demolitions. The questionnaire survey was used to solicit their views on the nature of demolitions that occurred closer to their neighbourhoods. The survey instrument collected qualitative data from

residents, with respect to when they witnessed demolitions, their opinion on the demolitions that occurred in their neighbourhoods and the that agents were involved. Data from witnesses helped to give a balanced account of demolitions, as opposed to mono data from the evictees. Participants who were witnesses to demolitions were coded as W1, W2, W3 right up to W31(See Appendix R).

#### **4.7.3. Phone and WhatsApp during Covid-19 lock down periods**

Following the outbreak of COVID-19, the government of Zimbabwe, just as what had happened in many countries, declared the pandemic as a national disaster COVID-19 on the 19<sup>th</sup> of March 2020 (Gumbo, 2020). Concurrently, demolitions occurred in Harare and Chitungwiza. Since movement was restricted, the researcher had no option other than to search for details of some official, He then used phone short message services (SMS), WhatsApp to collect data from them regarding demolitions that took place during the lockdown. The challenges of phoning as advanced by Taylor and Blake (2015) applied in this study. Phoning and WhatsApp messages were not a very effective because the conversation would be disrupted along the way. Also, participants were not prepared to respond to long messages.

#### **4.7.4. Group interview**

This study deviated from the focus group discussion that has become the most common data collection methods to a group interview technique. In a focus group, besides participants being selected to meet sampling criteria, the discussion is on open-ended topic, in a pre-arranged time and space (Patton and Cochran, 2010). On the other hand, a group interview is a research technique that takes advantage of group dynamics to produce new and additional data (Frey and Fontana, 2013). A group interview exists independently of the research study and the interview guide is loosely followed. This is a scenario where multiple participants are interviewed at one goal.

Group interview is usually done to interview candidates for jobs (Crabtree et al., 1993). However, in this study, group interview was used to interview a group of people who had abruptly been evicted. The researcher took advantage of a meeting by a group of people who had spontaneously coalesced to deliberate way forward, following the demolition of their housing structures. The researcher had gotten wind of the incident during a visit to Budiriro District Office where the senior official there after an interview advised of a demolition event that occurred in Tynwald South. She had limited information as to who was involved, and as

to which housing cooperative had been affected. This prompted this researcher to want to include the incident within the study.

Straddling into areas that have recently experienced demolitions can be dangerous because of the high emotions but the researcher found it an opportune moment to get to know the why, what and how of the demolition that had just happened. Upon arriving at the scene, the researcher found that emotions were high, with some people finding it difficult to come to grips with their situations. This prompted the researcher to come on the following day when tempers would have been low to engage with the victims of the spontaneous demolition. On the next day, 21 September 2019, the researcher revisited the area.

Through informal talks with some people around, the researcher learnt that the affected residents were holding a meeting at a secluded area. The researcher was fortunate to find one of the evictees who had just finished briefing the news crew that had also visited to conduct interviews. After talking to him concerning the mission of the visit, the researcher was advised to be patient as the request needed to be shared with the rest of the group members. After briefing some of his members about the researcher's mission, they saw no harm for the researcher to sit close by as they were about to finish their meeting. Frey and Fanton (2013) advise that the normal reaction of a field worker is to simply observe the group interaction and to listen to the dialogue. Frey and Fanton (2013) further advise that where and when the field worker deems it appropriate, the group be approached with questions. This is exactly what this researcher had done.

The rapport the researcher created with one of the members of the group facilitated a good working arrangement. His fellow group members did not find harm in the researcher attending for they thought the researcher would be part of the solution to their predicament. Sensing this high expectation, the researcher explained the purpose of his mission as soon as he was given the floor. The group allowed the interview to take place. However, ten females recused themselves, as they wanted to attend to children because it was already afternoon. Twenty-five members aggregated as 11 females and 14 males remained (See Appendix S).

Much of the data the researcher wanted was in regard to who evicted them, how, why and when did they settle there. Two males explained the long-standing dispute, between their housing cooperative (Vatemavotonga, Housing Cooperative) and the other called Limpopo Housing Cooperative whose members they suspected were behind the demolitions. Incidentally, the demolitions took place when most of the males were at the magistrate court where the dispute over the control of the stands was being heard.

As a data collection technique, the group interview enabled the study to establish easily, the opinions of a large number of subjects concerning the demolition through cross-referencing the multiple opinions stemming from its group nature. The findings from the group interview clarified issues ‘the one-on-one’ interviews held elsewhere had not mentioned. Through the group interview, the study identified the new patterns of demolitions occurring in the areas under the jurisdiction of Harare City Council. Again, this group interview yielded quick answers to the research study. It was less costly than the more traditional face-to-face variety in terms of time (Frey and Fanton, 2013). This is because more people were interviewed in the same time frame. However, such an arrangement is rare to find.

#### **4.7.5. Observation and photographs**

This study conducted short visits to areas where housing structures had been demolished. This form of observation helped to collect first hand data about the demolitions at Tynwald South, where the researcher managed to capture the emotions, and experiences of the affected people. There the researcher observed the housing structures belonging to members of Vatemavotonga Housing Cooperative that had been razed down.

At Arlington Estate, ward one of Harare South members of Nyikavanhu Housing Cooperative whose houses were demolished in 2016 showed the relicts of their housing structures. During observations the researcher took photographs to provide the pictorial displays of the temporary housing structures that the evictees erected (See Plates in chapter 7). Thus, in addition to holding formal and informal interviews with people, both the affected and the witnesses to the demolitions, the mission was to survey the physical damage and to find the suitability of the area for residential purposes. This was to validate findings from semi-structured interviews.

While permission to take photographs of the housing structures that were re-erected was granted at Budiro, however, at Tynwald South, participants refused to have photos taken. Observations as method of data collection need smart public relations to be accepted by the people, lest one can be mistaken for a thief, spying to come at night to steal people’s belongings.

#### **4.8. Secondary methods of data gathering**

Mogalakwe (2006) notes that secondary data is that data which has been previously collected and documented by other researchers. It national population census and other government related information. It is important to point out that secondary data collection started at topic

conceptualisation. The following section discusses the secondary methods of data collection used.

#### **4.8.1. Print and electronic media**

This study used electronic and print media reports. Electronic media was of great assistance during the COVID-19 lockdown period. It was through this media during the lockdown, that the researcher was also able to get reports of demolitions that took place in the areas under the jurisdiction of Chitungwiza Municipality and Harare City Council. Articles by journalists and commentators, provided insights on how the demolitions were conducted.

The study also examined newspaper articles. This involved critical reading and comparing reports on demolitions as they were presented in the state papers such as the Herald and the Sunday Mail and the mainstream independent media such as the News Day, the Daily News, the Zimbabwe Standard and the Zimbabwe Independent Newspaper. Newspaper reports were used to verify statistics on the demolished structures. However, in reading articles from these different media, it was necessary to apply critical thinking and to compare the similarities and differences on the facts provided to overcome the bias.

#### **4.8.2. Review of legislative and regulatory frameworks**

The researcher reviewed the legislative and policy frameworks (see Chapter 5). These include the covenants and protocols such as the International Covenant on Economic, Social and Cultural Rights (ICESR), the New Urban Agenda (NUA) and the Sustainable Development Goals (SDGs) that Zimbabwe is party to. The study also focused on the national policies, namely, the Constitution of Zimbabwe Amendment (No 20) Act 2013; the 2012 National Housing Policy; National Housing Delivery Programme (2014-2018); the 2020 Zimbabwe National Human Settlements Policy. It also reviewed Acts of Parliament and policies that determine the political economy of urban settlement demolitions and state power, namely, the Regional Town and Country Planning Act (Chapter 29:12) the Urban Councils Act (Chapter 29:15) and the Environmental Management Act (Chapter 20:27).

The researcher was able to lay hands on the local policies, such as the Harare Strategic Plan (2012-2025) and the proposed Human Settlement Policy by the City of Harare. Among other objectives, the City of Harare's proposed Human Settlement Policy seeks to cut the activities of land barons from Harare's housing programme (COH, 2018).

Other documents reviewed are the 2013 land audit report on issues of land allocation on Chitungwiza Town. The audit was instituted to investigate land sales and allocations in Chitungwiza. This document provided detailed information regarding land mismanagement by the land barons in Chitungwiza. It gave detail about how the land barons usurped the roles of Chitungwiza Municipality. Another was the 2015 audit report on illegal residential developments on areas within and areas around Garikai/ Hlalani Kuhle Housing Scheme in Unit L, Seke Township. In this document, land barons who were named in the 2013 land audit, re-appeared (GoZ., 2017). Other documents that were reviewed included court reports on evictions.

The triangulation helped to observe from multiple perspectives (Denzin, 2008). While secondary data were useful in validating findings from the primary data, however, the use of secondary data needed to be checked and evaluated for authenticity, representativeness, credibility and meaning (Platt, 1981; Scott, 2010). This was especially so with reports of demolitions from newspapers.

#### **4.9. Data analysis**

Data analysis is fundamentally about breaking the collected data into manageable themes to identify trends, patterns and relationships (Bryman, 2012). In this study data analysis focused on evidence collected through the semi-structured interview guides which had open ended questions. The source of the data were key informants (state and non-state sector) and evictees. It also focused on evidence collected through group interviews, observations and photographing, document reviews, especially court reports, and newspaper articles. It also focused on data collected through questionnaire survey. Questionnaire survey had few closed questions, but dominated by open-ended questions (See Appendix M).

##### **4.9.1. Qualitative analysis**

Considering the nature of the study which employed constructive paradigm, data were analysed qualitatively. Although a rigorous data analysis took place at the end of data collection, the researcher often embraced an ongoing process of data analysis after collecting data in the field. This was in keeping with who says the researcher should do some analysis after collecting data in the field.

Data collected using in-depth interviews (with key informants and evictees) were first transcribed. Transcribing data means categorising data according to subtopics emerging (Thomas, 2006). The transcripts were coded, by going through all the statements captured

during the interviews. Coding refers to the identification of topics, issues, similarities, and differences that are revealed through the participants' narratives and interpreted by the researcher (Sutton and Austin, 2015). In this study, coding the concepts and grouping them helped to shed light on the emerging themes. Thus, in terms of analysis, primary data were analysed thematically. Some of the themes that emerged from analysing data from the in-depth interviews are; actors in evictions and reasons for doing so; authorisation and demolition notices; obstacles to court orders, resistance to constitutional provisions etc.

Data collected using questionnaires survey about residents who witnessed, and that which were collected through in-depth interviews with evictee was analysed using Excel. Excel was used to determine the following; demographic characteristics of evictees, demolition and eviction trends from 2013-2019 and variations and severity of demolitions in Harare Metropolitan Province. Excel was also used to compute data regarding participants who witnessed (31) and experienced (17) demolitions to establish trends for comparative purposes (See Chapter 6, Section).

Content analysis was used to analyse secondary data. This study mainly focused on eviction cases or reports that were adjudicated by the court. Content analysis has been used to complement findings from primary data.

#### **4.9. 2. Trustworthiness and reflexivity**

Reflexivity is viewed as one of the ways qualitative researchers should ensure rigor and quality in their work (Dodgson, 2019). For Teh and Lek (2018) reflexivity is the gold standard for determining trustworthiness. Trustworthiness and transparency of the conduct of the study are crucial to the usefulness and integrity of the findings of qualitative research (Cope, 2014). For this study, apart from following procedures and ethical considerations (See section on clearance and ethical consideration), the researcher tried as much as possible to pay attention to detail during the data collection. Also, for every phase of data collection, he would report to the supervisor regarding the initial findings for the purpose of confirmability.

Thus, it is also worth mentioning that the findings presented here are based on the data collected in the field, and from the referred sources. As this chapter has revealed, this study employed both primary and secondary methods of data collection to produce findings that are trustworthy. Results from in-depth interviews are presented as quotations. Results from observation results are presented in pictures in the findings chapters. Results from observations, are presented as photos (See Chapter 8, Section 8.1.1., Plates 8.1-Plates 8.4). These are

remnants of demolished housing infrastructure. These findings, as presented in the chapters 6-7, are based on what was captured in the field.

Reflexivity also demands that the feelings, fears, frustrations and challenges of the researcher ought to be recorded (Dodgson, 2019). This researcher's fears revolved around the subject of being an outsider or insider. Unluer (2012) notes that a researcher is an insider when studying a group, he or she belongs, but being an outsider when he or she does not belong to that group.

In this study, the researcher was an insider by being a citizen in which the study was carried out and being able to speak the language of the participants. However, the same person was an outsider in the study sites or areas. Being an outsider in the study sites, had its advantages and pitfalls. In terms of advantages, being an outsider gave the researcher the opportunity to learn, without having prior biases. Also, being an outsider was an advantage to the participants who felt that the researcher was capable of publishing their sad story. Some participants were forthcoming in revealing how their housing structures were destroyed. Some demolitions were recent and the journalistic fraternity had paid visits to interview residents about demolitions. However, the researcher clarified that this was a study whose findings would not be published in newspapers as journalists would do to their situation.

Being an outsider the researcher feared to be mistaken as a thief disguising as a researcher. This was the fear built on difficulties of accessing homes in the built environment since the research was being conducted in urban settlement. These fears were however, not baseless. Participants were suspicious of the researcher, with regard to where who the researcher was, where he came from, and the motive of his study. Participants would misconstrue the researcher for a state security agent.

Some residents were not at liberty to engage in discussion on the topic of demolitions because to them, it was politically sensitive. As one participant remarked while shying away; '*Uri kuda kutinzwa*'. In literal translation, the participant was saying (*You want to tape us*). Furthermore, interviews with evictees were conducted in-situ, meaning in their homes of residence. These demolitions took place in new settlements under the housing cooperative movement where Muchadenyika (2017a) has described as hotbeds of politics. Hence, it always took a lot of skills to get the conversation under way.

#### **4.10. Ethical clearance**

Ethics are defined by Christensen and Johnson (2009) as principles and guidelines that help people to uphold the things that are of value to them. Israel and Hay (2006) point out that ethics are all about what is right, good and upright and are encouraged and enforced to protect, and minimize harm to others. The issue of ethics has become an integral component of any research study. Before gathering data in the field, the researcher first applied for ethical clearance from the University of the Free State Ethical Committee. It was a process and a journey that commenced in August 2018, until 14 March 2019 when the researcher received clearance from the University of the Free State Ethical Committee. The ethical clearance number is UFS-HSD2018/1231 (See Appendix A).

The researcher also sought and obtained a clearance letter from the Geography Department. Equipped with these two documents, the researcher then proceeded to obtain clearance from the gate-keepers. approached state and non-state institutions to seek permission to conduct interviews with their officials as well as to access official documents.

##### **4.10.1. Ethical considerations**

In terms of ethical consideration, each time the appointment went through, the researcher would introduce himself, explain the purpose of the research, present the consent form, read to the interviewee and ask the interviewee if he or she was free to participate in the interview before the session. This was done in relation to axiology or the role of values and morals in research. Ethics or values and morals in research are based on the notion that researchers have the right to collect data through interviewing people, but not at the expense of the interviewee's right to privacy (Babbie and Mouton, 2004). Beauchamp and Childress (2010) explain that respecting the rights of the individual (autonomy), desisting from doing harm to the individual (non-maleficence), doing good to the individual (beneficence), and upholding equity or justice are cardinal ethical issues in research.

In this study, substantial recognition was given to the confidentiality and anonymity of the research participants, and their responses. To guarantee anonymity, pseudonyms were used. As highlighted in the previous sections, participants were not identified by their names. Participants from the state sector were coded as SS, those from the non-state sector as NSS, ordinary residents who experienced or were evictees coded as Ev, while those that witnessed demolitions were coded as 'W'. For example, the first participant from the state sector is coded

as SS1 and the first participant from the non-state sector were coded as NSS1. Participants such as evictees, and witnesses to demolitions were coded as Ev1 and W1 respectively.

The study also respected participants' rights of privacy and of participation. The interviews were done in closed spaces. Also, in as much as the researcher wanted to have photos taken with participants as exhibit, he would request for consent. Where participants showed their discomfort with photographs, the researcher would refrain from taking photographs, even of their housing structures.

#### **4.11. Limitations of the study**

The subject of housing demolition is a sensitive topic, and in this study, some residents declined to take part in the interview for they were leery of the objective of the research. This partly explains why the study was only able to record 17 evictees, because some simply refused to take part although they were at demolitions site. Some could only be reached out to through referral, and yet others could not be reached because as soon as they had their homes demolished, they moved from the demolition site. Yet, even where evictees were still stationed at the demolition site, some refused to be interviewed. Common sentiments were that the topic had political overtones.

In some instances, some participants, especially residents in housing cooperatives, and political party representatives showed discomfort in revealing as much as they could. Residents seemed to suspect that this was an undercover project to solicit their feelings that had an attendant effect of retribution. The MDC-Alliance representative showed elements of being secretive with reference to a range of questions that touched on how they were running the affairs of the councils. This was particularly evident in Chitungwiza where past mayors would refer this researcher to the party Head Office. Yet, personnel at Head Office referred the researcher to the past and current councillors.

Another significant limitation came in the wake of the Covid-19. Although much ground in terms of data collection had been done in Harare and Epworth, COVID-19 outbreak stalled it because the outbreak occurred before the researcher had finished with data collection in Chitungwiza. Because the Zimbabwean government just like others had to slow down its spread, total lockdowns were implemented. The government declared COVID-19 a national disaster on the 19<sup>th</sup> of March 2020 (Gumbo, 2020). And the government officially started the lock down on 27<sup>th</sup> of March 2020 (Muronzi, 2020). Although the lockdown was scheduled to

end after 21 days (Mutambisi et al, 2020), the nature of the pandemic prompted for more extensions. This also slowed the researcher's plans.

Amidst the bottlenecks in accessing evictees in this local authority, the researcher devised the WhatsApp plan and telephone interviews. Although this approach somehow enabled the researcher to get some clue regarding the demolitions that were going on in the midst of the Covid-19 outbreak, the WhatsApp approach was not effective. People do not want to write long messages, yet some of the statements that would be availed would not make meaning. Also, the sensitivity of the subject needed first to establish a face-face rapport with a participant. This lack of initial face-face engagement stalled quicker responses. In addition to WhatsApp and telephone interviews, the researcher resorted to analysing newspaper reports regarding demolitions in the local authority.

In addition, the researcher had no control of the choice of informants in as much as he chose the appropriate state sectors. Much as the researcher expected to interview the directors in state departments, in many instances he would be given senior or principal administrative officers. Further to that, the researcher had difficulties reaching or accessing all evictees. Some left the demolition sites, going as far as out of Harare.

In other occasions the researcher would phone, but the conversation could not last long. As with many studies of this nature, the researcher felt the pain of lack of funding for field work yet the costs of travel and phoning were always soaring. That explains why the researcher did not engage many assistants despite the large area that needed to be covered. Even so, relevant data on the political economy of urban settlement demolitions and state power in Harare Metropolitan Province since 2013 was successfully collected.

#### **4.12. Summary**

This chapter has illustrated that the study was premised on the constructivism paradigm, to examine the political economy of urban settlement demolitions in Harare Metropolitan Province since 2013. The study adopted a qualitative approach and a case study design. The chapter has also indicated how the research informants and research sites were selected. Three sampling strategies employed were purposive, snowballing (referral) and convenient (accidental). In terms of data collection, the researcher has illustrated that both primary and secondary data were collected. The chapter has discussed the ethical clearance procedure and consideration, and the limitations associated with the study. Chapter 5 presents the review of the legislative and policy frameworks informing the political economy of urban settlement

demolitions and state power before Chapters, 6, 7 and 8 that focus on the research objectives discussed in Chapter 1.

## **CHAPTER 5: LEGISLATIVE AND POLICY FRAMEWORKS GUIDING THE POLITICAL ECONOMY OF URBAN SETTLEMENT DEMOLITIONS IN ZIMBABWE**

### **5.1. Introduction**

The previous chapter discussed the research methodology. The chapter revealed that it would review the legislative and policy frameworks that guide urban settlement demolitions. Hence, this chapter is based on the findings of the review of the legislative and policy frameworks linked to the political economy of urban settlement demolitions and state power. The emphasis is on the legislative and policy frameworks that influence the nature in which illegal urban settlement demolitions have been conducted. The legislative and policy frameworks are organised in three spheres, namely, international, national and local.

At the international policy level, the study focuses on the International Covenant on Economic, Social and Cultural Rights (ICESR), the New Urban Agenda (NUA) and the Sustainable Development Goals (SDGs). These are the covenants and protocols Zimbabwe is a party. For example, she ratified ICESCR on 13 May 1991 (Zimbabwe People's Land Rights Movement, 2019).

At the national and local levels, the political economy of urban settlement demolition is informed by Acts of Parliament and policies. In terms of Acts, the chapter focuses on the Constitution of Zimbabwe Amendment (No. 20), Act 2013; the Regional Town and Country Planning Act (Chapter 29:12), the Urban Councils Act (Chapter 29:15), the Environmental Management Act (Chapter 20:27) and the Public Health Act (Chapter 15:09).

In terms of policies, the chapter focuses on the 2012 National Housing Policy, the 2013 Government-Instituted Urban Land Audit and the 2020 Zimbabwe National Human Settlement Policy.

At the local level, the study focuses on Strategic Plans. It is important to note that despite being independent local authorities, Chitungwiza Municipality and Epworth Local Board continue to use land regulations developed by the City of Harare. The reason for dependence on these land regulations is mainly centred on geographical proximity and perhaps capacity.

## **5.2. INTERNATIONAL POLICY FRAMEWORKS NEXUS POLITICAL ECONOMY OF URBAN SETTLEMENT DEMOLITIONS AND STATE POWER**

### **5.2.1. International Covenant on Economic, Social and Cultural Rights**

The International Covenant on Economic, Social and Cultural Rights (ICESCR) is a global agreement on basic human rights to which people are entitled (UN-Habitat, 2011). This study adopted the ICESCR because of the specifics of the Standard Human Rights Law and Article 11(1) of the ICESCR on matters of demolitions and evictions. Article 11(1) of the ICESCR dissuades member and non-member states from engaging in forced eviction (COHRE, 2008). General Comment No. 7 which was adopted in 1997 by the United Nations Committee on ESCR prescribes procedural protective mechanisms for evictions as follows;

- a) Implementing authorities should engage in meaningful consultations with affected persons.
- b) Implementing authorities should provide adequate and reasonable notice to people who will be affected persons by eviction.
- c) Information on the proposed eviction should be made available in a reasonable time.
- d) Officials of government or their representatives should be available during an eviction.
- e) People involved in the eviction should be properly identified.
- f) Evictions should not occur at night or during bad weather.
- g) Provision of legal remedies and
- h) Availing legal aid to those in need of it to seek redress from the courts (COHRE, 2008).

There are practical challenges regarding some of the approaches that General Comment Number 7 of the ICESR outlines as procedural protective mechanisms. While the covenant underscores the need for meaningful consultations and provision of adequate and reasonable notices with the would-be-affected persons, this call fails to acknowledge that in the process of conduct enunciated by Foucault, such important procedural protective mechanisms can be suspended. This particularly occurs when the process of the conduct of conduct is accompanied by resistance, which Foucault describes as counter-conduct. This study shows in Chapter 7, how the conduct of illegal settlers forced authorities to shelve the adoption of 'best practice' or the formalized and legitimated procedure of eviction.

Furthermore, although General Comment Number 7 of the ICESR stresses that meaningful consultation should be done during the planning phases of demolition or eviction (Kothari and Vasquez 2015), this may not be done because of the involvement of the different actors in the demolition of urban settlements. Much as General Comment No. 7 of the

Covenant, exhorts member States to reign on their agents, including Third parties who conduct forced evictions (Samaai, 2006; COHRE, 2008), this may not be done. Actors in the built environments do not have aligned interests, and take the law into their own hands. Chapter 6 will show how some actors because of conflict over the ownership of the spaces had their homes demolished. The demolitions were spontaneous, hence occurring without notice and alternative space.

It is important to note that although the ICESCR can be regarded as a standard operating procedure on matters of demolitions and evictions, international law is not so binding because States have the latitude to deploy their national policies to control the lives of their citizens (Mubangizi, 2005). Issues of public interest such as the health and safety of citizens often take more prominence than the argument against arbitrary eviction. Findings in Chapter 5 show that illegal settlers were removed without following due process because authorities wanted to protect neighbouring citizens from cholera or typhoid outbreaks.

Nevertheless, these procedural protective mechanisms for evictions are used by the United Nations bodies, civil society and other human rights organisations to evaluate the process of evictions concerning its fairness, justice and protection of the vulnerable. Violation of these eviction guidelines is tantamount to flouting what Max Weber in his theory of rational legal authority, posits as formalized and legitimated procedures. Zimbabwe is among the 164 countries that accepted to implement this covenant (ICESCR<sup>43</sup>) in good faith<sup>44</sup> (International Commission of Jurists (ICJ), 2015). Chapter 8 of this study points out the consequences the violation of the procedural protective mechanisms or formalized and legitimated procedures has for the State. The chapter argues that since the adoption of the procedural protective mechanisms is to protect the vulnerable, undermining these aspects during evictions may contribute to the human rights situation of the country being rated as a 'crisis' in the Universal Periodic Reviews (UPR<sup>45</sup>).

### **5.2.2. The New Urban Agenda**

The New Urban Agenda (NUA) is a document that was produced by attendants at the Habitat III Cities Conference in Quito, Ecuador, in October 2016 (Coggin, 2018; Jones, 2017; UN, 2016). Jones (2017) argues that it is a blueprint for achieving sustainable urbanization for the

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<sup>43</sup> The Covenant also speaks of the right to adequate housing

<sup>44</sup> Zimbabwe acceded to the International Covenant on Economic Social and Cultural Rights (ICESCR) on 13 May 1991 (see Zimbabwe People's Land Rights Movement, 2019)

<sup>45</sup> The UPRs are regular peer-to-peer, intergovernmental procedures or mechanisms created by the UN Human Rights Council to assess the human rights situation in countries (ICJ, 2015).

next twenty years. It acknowledges how the rapid urbanisation trend in this century is having both positive and negative impacts on urban development (Clos, 2016).

To promote sustainable urbanisation for the coming two decades, the document lays out principles for the optimal planning of cities (UN-Habitat, 2016). It also mainstreams disaster risk reduction measures (Satterthwaite, 2016). Mainstreaming disaster risk reduction measures bodes well with SDG 11, concerning not only making cities inclusive, resilient and sustainable (UN 2016) but being safe as well.

Zimbabwe is one of the 193 countries that adopted the NUA. The NUA is part of the neoliberal policy that shapes human relations and interaction (Ganti 2014; Serrat 2011). Therefore, its adoption by Zimbabwe is not surprising because first, it is difficult for the country to disentangle itself from the global network of countries. In Chapter 6, this study argues that NUA's adoption by Zimbabwe is not surprising because the State and its urban local authorities are known for not flinching on what (Kamete 2013; Muchadenyika, 2020) describe as issues of order, control, health, security, and amenity. Hence, the NUA is another international policy that seems to bode well with the political economy of urban settlement and state power.

As a discourse of development, questions have also been raised concerning NUA's relevance in the global south situation. On one hand, it is against arbitrary eviction while on the other hand, it calls for the prevention of slums and informal settlements (Coggin, 2018). The recourse to preventing slums and informal settlements may not always be upgrading. Rather, prevention may entail eradication. Hence, NUA risks falling within the same bracket as the MDGs, which by the mention of slum-free cities, led to many countries in the global south resorting to eradication (Huchzermeyer, 2011).

Pieterse (2016) argues that the NUA perpetuates urban exclusion and injustices. The same scholar argues that injustices tend to occur in the course of slum and informal settlement prevention because they relocate the urban poor to the periphery. Juma (2012), argues that although many voices want to see forced eviction becoming a thing of the past, the obstacles are some of these neo-liberal policies the Third World countries are part of. Matamanda (2019) argues that its adoption by countries in the global south seems to be more influenced by anticipation of the funding that comes with such policies than its ability to address what it is purported to be.

### 5.2.3. Sustainable Development Goals

Sustainable Development Goals (SDGs) are the United Nations' 17 programmes of action which are broken down into 169 associated targets to direct global development strategy until 2030 (Breuer et al., 2019). Components of the SDGs that are connected to issues of the political economy of urban settlement demolitions and state power and which are at the heart of the pledge, 'Leave No One Behind' (Donoghue and Khan, 2019) are many.

However, one which is very relevant to this study is SDG 11. As argued by the UN (2015) SDG 11 seeks to make cities and human settlements inclusive, safe, resilient and sustainable by 2030. Chapter 8 will show that removing people from urban wetlands can be in line with attending to target 11.5 of this goal. This helps to protect them from the adverse effects of natural disasters such as floods.

Although the SDGs are informative, the onus is on the nation-state to translate them into reality. Indeed, urban settlement demolitions can solve the issues of slums as problems of urbanization. They can be justified by the overarching goal of making cities and human settlements safe. However, in Chapter 8, the study shows that urban settlement demolitions risk perpetuating homelessness if they are conducted without alternative space or shelter being provided to evictees. Focus should be on Target 11.1 of SDG 11, which in addition to facilitating access to adequate, safe and affordable housing and basic services speaks about *upgrading slums* (Emphasis). Upgrading slums and facilitating access to adequate and affordable housing will guarantee safe cities.

The other SDG goal which is relevant to this study is Goal number 1, which focuses on ending poverty and all its forms. The results of this study show that lack of transformation in the manner demolitions have been conducted has a negative bearing on the State. Chapter 8 shows that if the demolitions and evictions are not planned, the homelessness they cause may continue to consign the urban poor to poverty. The result is that the quest by Zimbabwe to achieve an upper middle-income economy by 2030 can be a daunting task. This is a commitment the Zimbabwean government has incessantly pronounced. Thus, although these SDGs are lauded they need to be mainstreamed well to fit into the socio-economic realities of each country. The agenda they advance can be divorced from the reality on the ground.

### **5.3. NATIONAL POLICIES**

#### **5.3.1. The Constitution of Zimbabwe Amendment (No.20), Act 2013**

As discussed in Chapter 1, the Constitution adopted in 2013 is the supreme law of Zimbabwe. Based on Section 2.1. of the Constitution, ‘any law, practice, custom or conduct inconsistent with this Constitution is invalid to the extent of the inconsistency’ (GoZ, 2013a:6). As also mentioned in Chapter 1, this Constitution has a broad range of socio-economic rights. It deals with the matters of access to adequate shelter. Section 28 states that;

*‘The State and all institutions and agencies of government at every level must take reasonable legislative and other measures, within the limits of the resources available to them, to enable every person to have access to adequate shelter’ (GoZ, 2013a:12).*

Hence, at face value, one can argue that the 2013 Constitution is in line with the ICESR mentioned in this chapter. However, the State together with its local authorities is not duty-bound to provide. They can always justify their failure to provide, based on inadequate resources. Second, the right to adequate shelter is not justiciable. Since it is not an entitlement, no one can haul local authorities let alone central government to court demanding shelter even if one would have been arbitrarily evicted. This is because there is no specific right to shelter in Zimbabwe's Declaration of Rights (Rickard, 2021). Justiciable rights that exist in the Declaration of Rights are those about rights for children, the right to dignity and the right to life (Rickard, 2021).

As discussed in Chapter 1, another important insertion in the 2013 Constitution is the right to freedom from arbitrary eviction (Section 74). This is the section whose absence according to Muchadenyika (2017a) necessitated the arbitrary nature of OM of 2005. However, although the freedom from arbitrary eviction is a progressive and important insertion in the Constitution, this right does not override other rights. Section 86 mentions limitations of the rights and freedoms. For example, Section 86 (1) of the constitution states that the fundamental rights and freedoms set out in Chapter 4 must be exercised 'reasonably and with due regard for the rights and freedoms of other persons' (GoZ, 2013:28). Section 86 (2) further explains that the fundamental rights and freedoms set out in the Chapter may be limited unless in exercising them, it is fair, reasonable, necessary and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom (GoZ, 2013a:28). There are a host of public interest factors that are cited in Section 86 that militate against granting such rights. These are issues of public safety, public order, public morality, public health, regional or town planning or the general public interest (GoZ, 2013a).

Furthermore, Part 3 of the Chapter under the Declaration of Rights, provides for the rights of women (Section 80), rights of children (Section 81), rights of the elderly (Section 82) etcetera. These rights that are enshrined in this Constitution, are substantially similar to those under the ICESCR (Moyo, 2019). They are supported by the right to human dignity (Section 51), the right to personal security (Section 52), right to privacy (Section 57). Also important to note is that Section 46 (1) (d) of the Constitution requires the courts to pay attention to all relevant provisions of the Constitution when interpreting fundamental rights.

Also, although the parties that crafted the Constitution would haggle each other over the content of the document, based on their ideological and political differences (Nhenda, 2012), it seems they were unanimous over issues of property rights<sup>46</sup>. In the new Constitution, property rights are provided for under Section 71. For example, subsections 2 and 3 respectively of Section 71 state that subject to Section 72,

- every person has the right, in any part of Zimbabwe, to acquire, hold, occupy, use, transfer, hypothecate, lease or dispose of all forms of property, either individually or in association with others.
- no person may be compulsorily deprived of property

As the findings of the study shall show, the majority of housing structures that were demolished were of the informal type (see Chapter 7). While Section 72 of the Constitution provides for compensation of acquired urban land (GoZ 2013a), however, Section 71 (3) (a) of the same Constitution does not provide a right to fair compensation to anyone who is 'deprived of property.' It relates to deprivation in terms of a law of general application (GoZ, 2013a). Chirisa et al (2016) argue that member states cannot overturn the protection of private property because it is a global set of rules that invite penalties if breached. This means that although the Constitution speaks about freedom from arbitrary eviction, the rights of the illegal occupiers are undermined by some of the institutional frameworks that protect property rights.

### **5.3.2. The 2012 National Housing Policy**

The 2012 National Housing Policy (NHP) is a product of the Second<sup>47</sup> National Housing Convention that was held in October 2009. It was formulated and launched during the period

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<sup>46</sup> This aspect of property rights was part of the rights that were in the old Constitution (Chitimira, 2017).

<sup>47</sup> The first Housing Convention which was held in Victoria Falls in 1997 resulted in the first National Housing Policy of 2000

of the GNU. During that time, the MDC was in charge of the Ministry of Housing and Social Amenities. This National Housing Policy is regarded as the Housing Stakeholders' Policy (GoZ, 2012). This is because the Convention drew different stakeholders in the housing sectors from the region and across the globe when it convened to formulate this policy (GoZ, 2012).

However, it seems the formulation of the 2012 National Housing Policy was based on stakeholder perception regarding earlier housing policies and practices. The 2000 NHP was centred on the creation of partnerships among the general public, international and local NGOs, local authorities, government and the private sector as well as civil society and local communities in housing delivery (Muchadenyika 2017a). Conversely, the Second National Housing Convention advocated that housing policies and laws should be pro-poor, empower civil society and allow stakeholder participation in human settlements (GoZ, 2009a).

The objective of the 2012 NHP was summarised as a policy aimed at;

*develop a coordinated housing sector to address the needs and interests of all stakeholders for maximum performance; at the same time deliberately promote pro-poor housing development strategies anchored on the participatory approach and maximum mobilization of beneficiaries' resources (GoZ, 2012).*

As a result, the 2012 NHP resulted in the participation of housing cooperatives. It has been suggested that cooperatives could play a significant role in housing development through the pooling of resources and eventually the provision of bulk infrastructure (Matamanda, 2019). Second, the 2012 NHP embraced an incremental development approach to housing. This meant abandoning the traditional framework that emphasized planning-servicing-building-occupation (PSBO) frameworks (Gumbo, 2014). This was seen as a solution to the housing challenges because it allowed houses to be built before the installation of bulk infrastructures such as reticulated water and sewerage (Matamanda, 2019).

Third, and of utmost importance to this study is that although this new housing policy encouraged orderly development and in situ improvements through slum upgrading and urban renewal, it emphasised and pronounced the policy framework of *no eviction without alternatives* (GoZ, 2012). On analysis, it could be argued that this is a condemnation of urban human settlement eradications, reminiscent of OM. The results of Chapter 6 show that from 2013-2020, evictions were conducted without alternatives. Chapter 7 shows the forces of political economy that inhibited transformation in the conduct of demolitions.

The roping in of many players in the housing delivery system produced some undesired results. Government-instituted urban land audits in Harare showed that housing cooperatives that emerged before and during the GNU abused their role in settlement development by misappropriating funds intended for the provision of basic services (Muchadenyika, 2020). Others associated with land barons fleeced the urban poor of their money (See MLGPWUD, 2013).

Also, although the participatory approach adopted is credited for the regularisation of some illegal housing structures in Chitungwiza and the resuscitation of slum upgrading in Epworth (Muchadenyika 2017a), these noble initiatives have been taken advantage of. McGregor and Chatiza (2019) indicate that desperate home seekers have streamed to Epworth Local Board to settle themselves informally. This has been on the assumption that their settlements would not be demolished and if they do, alternative space would be found for them. This trend has also been observed in Chitungwiza where in-situ upgrading and regularisations seem to be inviting more illegal settlements (MLGPWNH, 2013).

### **5.3.3. National Housing Delivery Programme (2014-2018)**

The National Housing Delivery Programme (2014-2018) was passed by the Government in September 2014 to address the housing backlog<sup>48</sup> (GoZ, 2014). It was introduced in line with a blueprint called the Zimbabwe Agenda for Socio-Economic Transformation (ZIMASSET), which the government earlier launched. ZIMASSET was anchored on four strategic clusters: food security and nutrition; social services and poverty eradication; infrastructure and utilities; and value addition and beneficiation (Munro, 2014).

The government emphasized homeownership as a form of tenure (Muchadenyika, 2020). It also aimed to achieve its targets through;

- embracing new building technology;
- involving community-based housing cooperatives;
- strengthening micro-housing finance institutions;
- adopting densification (vertical expansion);
- recapitalization of the housing and National Guarantee Fund and,

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<sup>48</sup>The government wanted to address the backlog by availing at least 125,000 housing units by 31 December 2018.

- providing land for housing and embarking on aggressive housing programmes (GoZ, 2014).
- public-private partnership

The continuation of private-public partnership<sup>49</sup>, saw the Central Africa Building Society constructing 3 102 houses for the low-income in Budiro (Ruwende, 2015). However, these houses were mainly taken by middle-to-high-income earners. An individual needed to raise the following as an initial deposit and pay the rest for 25 years;

*'US\$5,874 for a two-roomed house and US\$7,258 for a four-roomed house'* (Ruwende, 2015). This implies that the housing program missed the real target. This also implied the continuation of informality by the desperate home seekers.

What is important to note is that the NHDP was introduced against the backdrop of the fast-regressing key economic indicators. There was a massive closure of companies, high rates of unemployment, a liquidity crunch and growing poverty (Muchadenyika, 2016). The critical question concerns the sustainability of carrying out evictions without alternatives. Findings on the socio-economic status of evictees showed that their disposable income militates against affording residential stands from the open market because of the type of employment they engage in (see Chapter 6). Chapter 8 will show that failure to address challenges of access and affordability can cause vicious cycles of displacement.

#### **5.3.4. Zimbabwe National Human Settlements Policy of 2020**

The Zimbabwe Human Settlements Policy of 2020 is a successor to the 2012 NHP mentioned above. It is a culmination of wide consultations of various groups of people and local authorities in Zimbabwe's ten provinces (GoZ, 2020). The process of consultation, which was started in May 2018, was followed by the stakeholder validation workshop on 15 August 2019 (GoZ, 2020).

There are varied views regarding the motive for speedily replacing the 2012 NHP. For the State, the replacement of the 2012 NHP was motivated by the need to address problems of the national housing backlog<sup>50</sup> (GoZ, 2020). However, Matamanda (2019) thinks that what prompted the need for a new housing policy were the inherent weaknesses of the 2012 NHP. He argues that the 2012 NHP was too elitist as its structure showed that views were largely

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<sup>49</sup> This started during the time of the Inclusive Government

<sup>50</sup> This housing backlog has gone beyond 1.25 million units (ZimStats, 2022).

drawn from experts and professionals, with little, if any, from the lower ladder of society. While these submissions are valid, it seems authorities also saw it fit to water down the influence that the 2012 NHP had on illegal human settlement growth. This relates to the *no eviction without an alternative* framework that has been mentioned above.

However, the 20 ZHSP is evasive on how settlers of the informal type are dealt with. On one hand, the 2020 ZHSP only states that the national government will extend relocations to victims of displacements induced by natural disasters. On the other hand, it states that it will offer compensation to those who would have been displaced by national projects such as dam or road construction (GoZ, 2020). Chapter 7 shows forces of political economy that have militated against prospects of getting compensation. This shows that the State is clear in the 2020 ZHSP that it is not protecting urban informal settlers.

Even so, this human settlement policy is important for urban local authorities, as actors charged with the management of the urban space. During interviews, officials from the City of Harare, Chitungwiza Municipality and Epworth Local Board who were interviewed revealed this Human Settlement Framework would help them plug the gaps being exploited by the land barons through the housing cooperative movement. On one hand, in Chapter 6, the study shows the consequences for the homeless urban dwellers, of constructing their dwellings on illegally acquired land, either knowingly or unknowingly. On the other hand, in Chapter 8, the study shows the State-evictee relationships that develop owing to the inertia to reign on the land barons.

## **5.4. ACTS OF PARLIAMENT DETERMINING POLITICAL ECONOMY OF URBAN SETTLEMENT DEMOLITIONS AND STATE POWER**

### **5.4.1. The Regional, Town and Country Planning Act (RTCPA) (Chapter 29:12)**

This Act is the main planning law in Zimbabwe. Its preamble states that the Act provides for the planning of regions, districts and local areas (GoZ, 1996a). The preamble further mentions, among others, that the main purpose of that planning is to ‘conserve and improve the physical environment to promote health, safety, order, amenity, convenience and general welfare (GoZ, 1996a). Therefore, this Act is employed on human settlements that are perceived to be built in areas that compromise health, safety, order and convenience risks.

An important aspect of this Act is the definition of development control as captured in Sections 22-24. For example, Section 24 of this Act mentions that no person shall carry out any development without a permit. This implies that any housing structure that develops

outside the law is illegitimate because it is built in contravention of the enacted rules, and regulations as espoused by Max Weber. Therefore, councils, as actors reposed with development control functions have the mandate to summon this planning law when illegal settlements develop (HPCR,2004). This means that buildings risk being demolished if erected without being approved by these actors.

However, demolition is not haphazardly done. Section 34 of the RTCPA (Chapter 29:12) provides for the issuing of Prohibition Orders. The purpose of section 34 is to stop the continued construction of settlements in areas considered inappropriate or reserved for other uses. Besides prohibition orders, Section 32 of this Act speaks of an enforcement order and provides for a month's notice. Demolitions are done in terms of Sections 35 and 36 of this Act. The hard task for the local authorities, as key actors on issues of regulating human settlement development is that in terms of rational legal authority espoused by Weber, illegal settlements ought to be regulated in cahoots with the constitution of Zimbabwe. However, findings in Chapters 6 and 7 show a violation of this important provision.

Chapter 7 shows that local authorities have continued to summon the Urban Council's Model Use and Occupation of Land Bylaw of 1979. As highlighted in Chapter 1, this is also called Statutory Instrument 109 of 1979 (SI 109 of 1979). This allowed councils to ignore the 30-day notice under Section 32 of the RTCPA (Chapter 29:12).

The RTCPA (Chapter 29:12) also covers issues of compensation. Part VIII, Section 50 of the RTCPA provides for the liability and claims for compensation. However, any claim an evictee might have concerning compensation is hindered by Section 52 of the RTCPA. The local authority can invoke this section (52) to argue against compensating anyone who lost property while enforcing governmentality. The local authority can argue that it was operationalising a master plan to protect the inhabitants of the community from danger or things that put the health of the community in danger.

If constitutions are transformative, the extent to which planning laws such as the RTCPA (Chapter 29:12) conform to them is the subject of this inquiry. This study in Chapter 9 (see Sections 9.4.2; 9.4.3 and 9.5.) proposes an eviction framework that can be applied to illegal urban human settlements as well as rural settings.

#### **5.4.2. The Urban Councils Act of 1996 (Chapter 29:15)**

This is another part of the enacted rules, laws and regulations as espoused by Max Weber (1978), in his theory of rational legal authority in Zimbabwe, which determines the political

economy of urban settlement demolitions. Section 229 of the Urban Councils Act provides for the enactment of by-laws by local authorities to assist them in managing urban areas. This is so because it empowers urban councils as land and planning institutions (Mapuva and Takabika, 2020). The Act is also a framework for local governance (GoZ, 1996b). It is in harmony with Section 276(1) of the 2013 Constitution, which confers local authority with the power or right to govern themselves.

This study engages with Section 314 of the UCA (Chapter 29:15). This Section was put as an amendment of the UCA in 1999. This followed arbitrary decisions made by the City of Harare to award huge retirement packages to its senior staff in a move that breached Section 164 of the same Act (Muchadenyika, 2020). Section 314 empowers the minister to rescind any decision that would have been made by the local authorities which appears to be out of order. However, while ministerial intervention (through policy-making and actual administrative actions) is an important facet of public administration (Chatiza 2014), the use of Section 314 of the UCA is now inconsistent with Section 276 of the Constitution Amendment (No. 20) Act 2013. In other words, it is inconsistent with a local authority's right to govern conferred in terms of Section 276(1) of the Constitution.

The study findings show that the continued use of Section 314 has been exploited by council officials to justify their neglect of important procedural mechanisms associated with evictions. This suggests that council officials may deny accountability, albeit, on matters that fall within their realm. This Urban Council Act should be harmonized with the Constitution so that its Sections are in sync with the intentions of the Constitution. Otherwise, it can continue to inhibit transformation in ways demolitions should be conducted.

#### **5.4.3. Public Health Act of 1924 (Chapter 15:09)**

This Act is administered by the Ministry of Health and Child Welfare. It is very strict on the development of urban human settlements. The Act has relevance to the political economy of urban settlement demolitions with special reference to state power. Through Section 84, this Act mandates every local authority to take all 'necessary and precautions lawful' to prevent the occurrence and to deal with the outbreak of any infectious or communicable or contagious diseases (GoZ, 1996c). As a result, local authorities in Zimbabwe cite this Act to justify the eradication of informal settlements. This is because more often, informal settlements develop in the absence of water and sanitation facilities. Yet, in doing so, they risk being the sources of communicable diseases.

However, this Act is criticised for being divorced from the reality of the Global South. Matamanda, (2019) criticises this Act for envisaging public health issues as they related to the British cities and towns during the Industrial Revolution.

#### **5.4.4. The 2002 Environmental Management Act (Chapter 20:27)**

This Act is managed by the Environmental Management Agency<sup>51</sup>. Section 113 of this Act empowers the Minister of Climate, Water and Natural Resources to protect areas that are considered 'sensitive environments (GoZ, 2003). Wetlands and those areas near water bodies are considered sensitive environments. Wetlands are conserved in consideration of the Ramsar<sup>52</sup> Convention of 2 February 1971, which Zimbabwe ratified in 2013 (Mandishona, and Knight, 2019). Wetlands are also protected because they are habitats for flora and fauna.

Therefore, in terms of Section 113 of this Act, it is illegal to cultivate or build on a wetland without a permit. However, this law is not only good for ecological sustainability. This study found that the State's power on issues of urban settlement demolition is derived from this Act. This study found that given the dangers posed by climate change-related hazards, such as flooding authorities have invoked this Act to regulate the siting of urban human settlements. Findings in Chapter 6 show that some of the urban settlement demolitions have been based on issues of the 'safety' of the residents (Section 6.5.2).

### **5.5. LOCAL POLICIES**

#### **5.5.1. Harare Strategic Plan (2012-2025): Driving the World City Vision**

The Harare Strategic Plan is also called the Harare Strategic Document (2012-2025). Although this document was crafted by the City of Harare, it is linked to the political economy of urban settlement demolitions not only in the environs of the City of Harare but in the entirety of Harare Metropolitan Province.

One official of the City of Harare interviewed explained that during the launch of the Strategic Document, each council unit was urged to work towards attaining a dream of World City by 2025 through various initiatives. Another pointed out that the vision of a world-class city has caused the eradication of the informal settlements. Chirisa (2013b) argues that the relaxation of the existing law after OM, during the implementation of OG/HK, and the period

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<sup>51</sup> This is the arm of the Ministry of Climate, Water and Natural Resources.

<sup>52</sup> Ramar is in Iran

of the GNU caused squalid and slum-like conditions in Harare Metropolitan's urban and peri-urban environments.

One can also argue that these squalid conditions also threatened the vision of a World City Status even for Chitungwiza and Epworth Local Board. This is because, in 2015, Epworth Local Board also came up with its own Strategic Plan known as Epworth Strategic Plan. The Plan focused on the planning of the settlement and housing provision.

However, much as this is an attempt to reduce the degree of its informal settlement ranking, expecting Epworth and even Chitungwiza to achieve a world city status that the City of Harare desires is implementing what Matamanda (2020) describes as a 'one size fits all approach'. This is so because these two urban local authorities cannot function and look the same as Harare and compete for a World City Status with Harare. The challenges facing these two local authorities are so complex that talking about achieving a World Class City Status is a mere pastime.

Commentators have argued that there are basic issues that urban local authorities such as Harare City Council, Chitungwiza and Epworth Local Board should be able to meet. For example, Toriro (2018) argues that the dream of a World City by 2025 by the City of Harare is rhetoric and a pipe-dream when it is failing to deliver such basic things like water, street lighting, road patching and many critical activities that make a city functional. For Chitungwiza, the frequency of government-instituted audits and their findings, namely, rampant malpractices, is a sign that it should first reign in on its officials if it hopes to build a base for a progressing city.

### **5.5.2. The 2013 Government Urban Land Audit**

Government-initiated urban land audits can determine the political economy of urban settlement demolitions. These audits are conducted in terms of Section 313 of the Urban Council's Act (Chapter 29:15) which provides for the deployment of an investigation team into a local authority. They are often commissioned by the central government to investigate various issues about the local authority.

McGregor and Chatiza (2019) argue that although such land audits may be used to promote transparency and accountability, they can also be the means or routes to selectively purge political opponents. However, Chiweshe (2020) argues that in 2013 an Urban Land Audit

was conducted in Chitungwiza Municipality. The government was responding to the uproar by residents over land management and allocation issues (Muchadenyika, 2017a). The 23-member investigation team found several breaches of urban planning regulations (Muchadenyika, 2017a). It recommended the regularisation of some housing structures which were deemed redeemable. The same urban land audit recommended the demolition of over 11000 illegal structures because they were irredeemable (MLGPWUD, 2013). They were found to have been built in undesignated sites such as in wetlands, below electricity pylons, and in road servitudes. While evictions were recommended, however, evictees were to be resettled.

These recommendations were tantamount to paradigm shifts in the way demolitions and evictions were to be conducted. The recommendations that are produced from government-initiated audits are normally used as a template.<sup>53</sup> However, the extent to which the demolitions in Chitungwiza and other local authorities such as Epworth Local Board and areas under the auspices of Harare City Council have been conducted since 2013 is the subject of this research. The findings are shown in Chapters 6 and 7.

## **5.6. Summary**

This chapter began by highlighting the socio-economic and political environment post-OM to 2018 as a prelude to understanding the political economy of urban settlement demolitions and state power. This was followed by analysing the legislative and policy environment regulating urban human settlement development. The chapter examined the conventions and national policies, Acts of Parliament and local plans. The chapter made mention of the influence of the SDGs and NUAs on urban planning, arguing that such contributes to human settlement demolitions. The next chapter characterises the demolitions after the promulgation of the 2013 Constitution. To understand if there has been a transformation or not in the manner of demolitions since the promulgation of the 2013 Constitution, the main focus of the next chapter is on the manner demolitions have been conducted during the period under study.

The next chapter presents and discusses findings on the first research question; ‘What has been the nature of urban settlement demolitions in Harare Metropolitan Province after the promulgation of the constitution in 2013’.

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<sup>53</sup> Interview with one of the Harare Provincial Planning Officers (SS19)

## **CHAPTER 6: THE CONDUCT OF URBAN SETTLEMENT DEMOLITIONS IN HARARE METROPOLITAN PROVINCE SINCE THE PROMULGATION OF THE CONSTITUTION**

### **6.1. Introduction**

Having analysed and explained the legislative and policy affecting the political economy of urban settlement demolitions and state power, the thesis now shifts to focusing more explicitly on the first research question as discussed in Chapter 1. This chapter presents and discusses findings on the research question: *‘What has been the nature of urban settlement demolitions in Harare Metropolitan Province after the promulgation of the Constitution of Zimbabwe in 2013?’* The chapter makes a characterization of urban settlement demolitions that occurred in Harare Metropolitan Province after the promulgation of the constitution in 2013. The chapter is meant to answer the main research question: *‘Has there been any transformation in the manner urban settlement demolitions have been conducted in Zimbabwe after the promulgation of the new Constitution in 2013?’*

In undertaking this in-depth characterisation, the analysis of the empirical data collected through interviews, questionnaire survey, and observations (as explained in Chapter 4) is conceptualized within the context of the Actor Network Theory (ANT), Political Economy Frameworks and the Procedural Social Justice Theory (refer to Chapter 3 on theoretical framework). As illustrated in Chapter 4, in the presentation of the findings, the pseudonym SS represents participant from the state sector, NSS is participant from the non-state sector; W represents witness to demolition, and Ev represents an evictee.

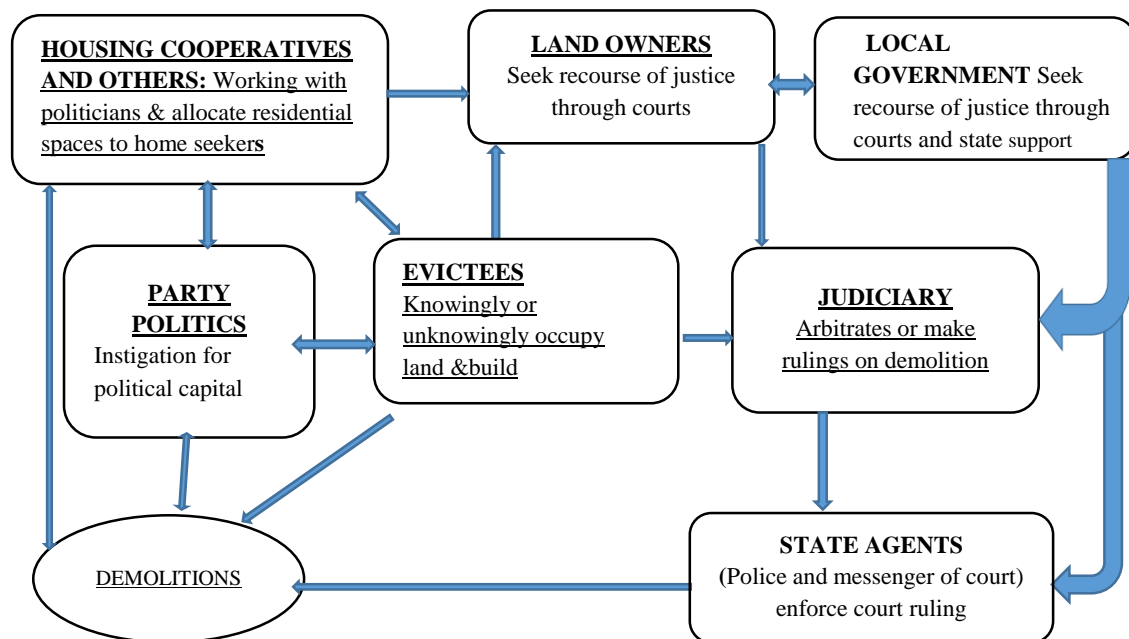
The chapter first addresses the question “Who are the key actors in urban settlement demolitions?” Hence, the chapter first profiles the key stakeholders associated with the demolitions and the role they play. These actors include evictees, housing cooperatives, landowners, local government officials and state departments. Second, the chapter analyses trends in urban settlement demolitions in Harare Metropolitan Province. Third, it presents and discusses findings on the types of residential suburbs affected by demolitions. Fourth, it presents and discusses findings on how the demolitions were conducted from 2013-2020. The fifth section presents and discusses findings on the reactions of different actors to these demolitions. In the sixth section, the chapter provides a discussion on the major findings while the seventh section provides a summary of the chapter.

The key findings are that urban settlement demolitions in Harare Metropolitan Province from 2013-2020 violated the canons of the Constitution of Zimbabwe enacted in 2013. Besides violating the declaration of rights, they have not been done in conformity with international

standards. This shows that there has not been any transformation in the manner demolitions should have been conducted.

## 6.2. Main stakeholders (actors) involved in urban settlement demolitions

Figure 6.1 provides information about the main stakeholders involved in urban settlement demolitions, the role they have played and the environment in which they have acted.



**Figure 6. 1:** Main actors in urban settlement demolitions

Information in Figure 6.1 is in line with the Actor Network Theory (ANT) as discussed in Chapter 3. The ANT is network-tracing activity (Creswell et al, 2010). The framework shows actants (Bencherki 2017) involved in demolitions. As shown in Figure 6.1, there are evictees. These are homeless urban dwellers, who have often constructed their dwellings on illegally acquired land, either knowingly or unknowingly. It is knowingly, because the circumstances of these homeless people have left them with no choice but to occupy spaces privately owned. On the other hand, it is unknowingly because, as unsuspecting and desperate home seekers, they have been taken advantage of and settled illegally by opportunists, who comprise land barons connected to politicians, corrupt council and government officials.

In the past, central government and local authorities could use subsidiary legislation such as Statutory Instrument (SI) 109 of 1979 to bypass the judiciary and evoke state organs such as the police to assist with the demolitions. Currently, SI 109 of 1979 has been made redundant since the power has been reposed into the hands of the court. Thus, although the homeless would have occupied either private space or council and state land illegally, they can

no longer be evicted using SI 109 of 1979 that allowed councils to do so without going to court. Since these illegal settlers are now fully protected by the law, the municipality, state departments or private voluntary organisations ought to seek recourse of the law through the courts to facilitate the eviction of these illegal settlers.

This is the procedural eviction process that is in line with operating within the enacted rules, laws and regulations as espoused by Max Weber (1978), in his theory of rational legal authority. Without that, the eviction process is illegal. Therefore, local authorities and property owners in their diversity on one hand and the homeless on the other hand ought to interact with the court on matters of demolitions.

The next section provides the findings on the profile of the evictees. It addresses the question: “Who are the persons affected by urban settlement demolitions?”

### 6.2.1. Evictees and their profiles

Data on the profile of the evictees were collected and analysed. Based on the data that were derived from the in-depth interviews, the evictees were characterised according to gender, age range, marital status, origin, household size and the level of education. What is provided in Table 6.1 is therefore a summary of the demographic characteristics of the evictees.

**Table 6. 1:** Demographic characteristics of the evictees

	Number	Total
<b>a. Gender</b>		
Male	11	17
Female	6	
<b>b. Age range</b>		
18-23	-	17
24-29	3	
30-35	5	
36-41	4	
42-47	2	
48-53	1	
Above 53	2	
<b>c. Marital status</b>		
Married	12	

Single	3	17
Widowed	2	
<b>d. Origin</b>		
Rural	8	17
Urban	5	
Farms	3	
Other	1	
<b>e. Occupation</b>		
Self-employed	9	17
Formally employed	3	
Unemployed	5	
<b>f. Household size</b>		
0-3	6	17
4-6	10	
7-10	1	
<b>g. Level of education</b>		
Primary	1	17
Secondary	4	
High School	2	
Tertiary	10	

**Source:** Field work.

In terms of gender, the study found that the most affected residents were males (eleven), and the less affected were females (six). This is probably because the number of males who participated in this study was more (eleven) in relation to females (six). The results of the current study probably imply the patriarchal nature of households that could have led to more males attending interviews. Regarding age and marital status, most of the residents who were affected by the demolitions were below the age of 50 years, and were married. That evictees are the youthful ages strikes similar resemblance with OM of 2005. Bratton and Masunungure (2007) revealed that OM largely affected the young urbanites.

Regarding this study, it can be argued that the young adults have been adversely impacted because in their quest to escape the rigours of renting, they established homes in ways that violated urban planning regulations. Thus, their actions were in violation of the Regional, Town and Country Planning Act (RTCPA) (Chapter 29:12) that prescribes issues of zoning,

aesthetics and order in its preamble. Issues of promoting adherence to planning regulations are in sync with what Foucault (1978) describe as governmentality. Government refers to the different practices and techniques the state and non-state agencies use to control citizens to bring order in the urban space.

In terms of the geographic origins of the evictees, eight reported that they had migrated from rural areas, five had originated from other urban areas, three came from the surrounding farms, while one referred to “other” areas. This pattern of rural–urban migration is a dominant feature of a great number of African cities owing to rural poverty (Nel et al., 2021). However, it has given rise to what Mpofu (2011), characterises as urbanisation of poverty. Yet, as shown in the current study, most of the families were large, averaging 4-6, per persons per family.

Laden with both poverty and large households, it is a foregone conclusion that they could not compete with the richer residents or property owners in the city in terms of access to land and affording rentals. Their plight is worsened by the forms of occupation they engage in for livelihood, since most of occupations do not guarantee a stable source of income. As illustrated in Table 6.1, although three participants were formally employed, the majority (nine) were self-employed, and five were not employed at all. For most employed young people, access to urban land for residential purposes is problematic because of lack of a stable source of income.

Basing on participants’ level of education, the information on Table 6.1 above shows that all evictees were literate. Ten had tertiary education; four had secondary education; two had high school education and one had primary education. This reflects the national picture, as the literacy level is very high in Zimbabwe. Also, the country is one of the highly ranked countries in terms of literacy in Africa. However, the paradox is that those with tertiary education, and hence better education, constituted the majority among those affected by demolitions.

It is a paradox because it can be assumed that people who are better educated and literate are better informed and are more knowledgeable on matters of accessing urban land. Nevertheless, the findings above show that this assumption does not hold water because the evictees’ socio-economic conditions of lacking resources often make them vulnerable to corrupt council officials, influential political elites and political parties. While political leaders encourage the homeless to occupy undeveloped land on the assurances that the homes will be regularised, this will be for selfish interest such as political capital. Unfortunately, these homeless people are left to face the consequences of demolitions alone, after circumventing knowingly, or unknowingly the city bye-laws.

### **6.2.2. Other actors/ actants involved in demolitions and their roles**

This study found that different actors have been directly or indirectly involved in the demolitions that occurred Harare Metropolitan Province since 2013. The study found that urban local authorities have in some cases been directly involved in demolitions. During an interview, participant SS1 from the City of Harare reported that his council demolished illegal homes owned by members of the Stars Housing Consortium in 2015, saying:

*'As a council, we had accepted that Stars Housing Consortium would be given the area near High Glen Shopping Centre, in Budiriro to allocate to its members. The agreement was contingent upon the ability of the consortium and its housing cooperatives to meet basic requirements before settling. However, Chronicle Housing Cooperative and others allocated residential stands to their members, who built and occupied stands in the absence of basic services such as water and sanitation. The council had no option but to demolish these homes to safeguard the neighbours against the spread of diseases'.*

Similarly, one of the City of Harare Town and Land Surveyor (SS20) interviewed explained that the council demolished homes that had been built beyond the areas meant for housing cooperatives. He said, *Council demolished homes of members of Tembwe Housing Cooperative in 2015 because they encroached the area reserved for a school.*

At Chitungwiza, a former Deputy Mayor for the municipality (SS18) who participated in this study, revealed conflicts between the municipality and people who joined housing cooperatives. He explained that in the municipality, settlers disregarded urban planning regulations.

Regarding Epworth, an official from the Ministry of Local Government (SS4) reported about reports of demolitions, saying the council evicted people who allocated themselves residential stands in areas designated for industrial purposes. A participant from the Spatial Planning Department at the Ministry of Local Government (SS13) explained about the demolitions of homes of members of Nyikavanhu Housing Cooperative at Arlington Estate Farm in 2016. He attributed the demolition of the homes of the members of this housing cooperative to zoning issues. According to the participant, the area on which the settlements were established was reserved for airport expansion.

While these sentiments suggest that these demolitions were councils' conduct of conducts to reverse violations of urban planning legislation or by-laws, it also emerged that some of the demolitions in Harare Metropolitan Province since 2013 have been as a result of

factional politics and what Mphambukeli (2015) as discussed in Chapter, 3 (Section 3.2.4.1), describes as the politics of difference. Politics of difference is a situation where those who fail to align with the elites or are seen to be deviating from the ethos of the political establishments are sanctioned through forced evictions (Matamanda et al., 2021). Factional politics occur when two or more different groups compete for political control (Mungwari, 2017).

While it has been mentioned that homes of members of Nyikavanhu Housing Cooperative were demolished in 2016 because they had encroached into zones reserved for the airport expansion, however, sentiments of participant SS6 from the Zimbabwe Human Rights Commission interviewed showed the ugly side of factional politics in which some people become victims of power. According to the participant, the two factions within Zanu PF, namely Generation Forty (G-40), and Lacoste culminated in homes of members of Nyikavanhu Housing Cooperative getting demolished. It was revealed Lacoste supported the current president, Cde Emerson Mnangagwa. On the other hand, G-40 had on its side, the political commissar and the Local Government Minister, Saviour Kasukuwere, and the former First Lady, Grace Mugabe, as well as the Harare Province political commissar, who was also the Member of Parliament for Harare South. The latter was at antagonism with members of Nyikavanhu Housing Cooperative and its patron<sup>54</sup>. It was revealed that G-40 group capitalised on the remarks made by the late president, Robert Mugabe to the effect that homes of members of Nyikavanhu Housing had been built at a site that did not project a good image of the country to the visitors. It was revealed that the Local Government Minister worked with his faction compatriots to have the homes demolished by directing that the City of Harare to implement the President's directive.

However, participant (NSS10) from the Zim-Habitat attributed the various demolitions in Harare to inter-party power politics. His explanation resonated with what Muchadenyika (2015b) has described as politics of urban control, to mean the age-long contestation of the MDC and Zanu-PF for the control Harare Metropolitan Province since the turn of the millennium when the former entered the political area. The participant pointed out that demolitions were influenced by the Movement for Democratic Change Councillors controlling the City of Harare. He cited the demolition of various homes of Zanu-PF linked housing cooperatives in 2015 such as Ivhu Rakauya and Takawira Housing Cooperatives in Aspindale (Kambuzuma), Joseph Chinotimba in Glen View and Tembwe. The participant felt that it was

not coincidence that housing cooperatives advancing Zanu- PF ideology have been demolished. According to him, politics of the MDC has caused demolition of homes of members of these housing cooperatives.

The same participant (NSS10) from the Zim-Habitat also questioned why the MDC-Councillors did not object to the directive that the homes belonging to members of Nyikavanhu Housing Cooperative demolished. According to him, these MDC-Councillors saw the remarks and directive of the former President, Cde Mugabe for the settlement to be demolished as the opportune time. He argued that they saw it as an opportunity to remove homes of members belonging to this housing cooperatives because its members posed a threat to their hold on to power in the future elections.

Apart from politics and their leaders influencing demolitions, the study found that wrangles over urban space by housing consortia and housing cooperative leaders have contributed to demolitions. On one hand, the issue of wrangles was mentioned by two participants, SS9 from the Ministry of Women Affairs, Small to Medium Enterprises and Cooperative Development and NSS12 from the Combined Harare Residents Association. These participants pointed out that the bad relationship between some members of Veldfire Housing Cooperative with the executive leaders of Hannah Consortium led to the demolition of homes of the former in 2015 in Budiriro.

The issue of wrangles also emerged during the group interview with members of Vatemavotonga Housing Cooperative in ward 15, Tynwald South, who lost their homes following a spontaneous demolition that occurred on 20 September 2019. The participants revealed that they had wrangles with a rival housing cooperative called Limpopo over ownership of land they had occupied since 2015. The participants mentioned that their homes got demolished by some hired youth on a day the wrangle was being determined at the court.

### **6.3. Demolition and eviction trends in Harare Metropolitan Province since 2013**

#### **6.3.1. Citizens' experiences**

By tapping on citizens' experiences, the study sought to establish how widespread urban settlement demolition have been in Harare Metropolitan Province since 2013. Fig 6.2 highlights demolition trends, based on reports by participants who witnessed (31) and experienced (17) demolitions.



**Figure 6.2:** Demolition and eviction trends in Harare Metropolitan Province since 2013

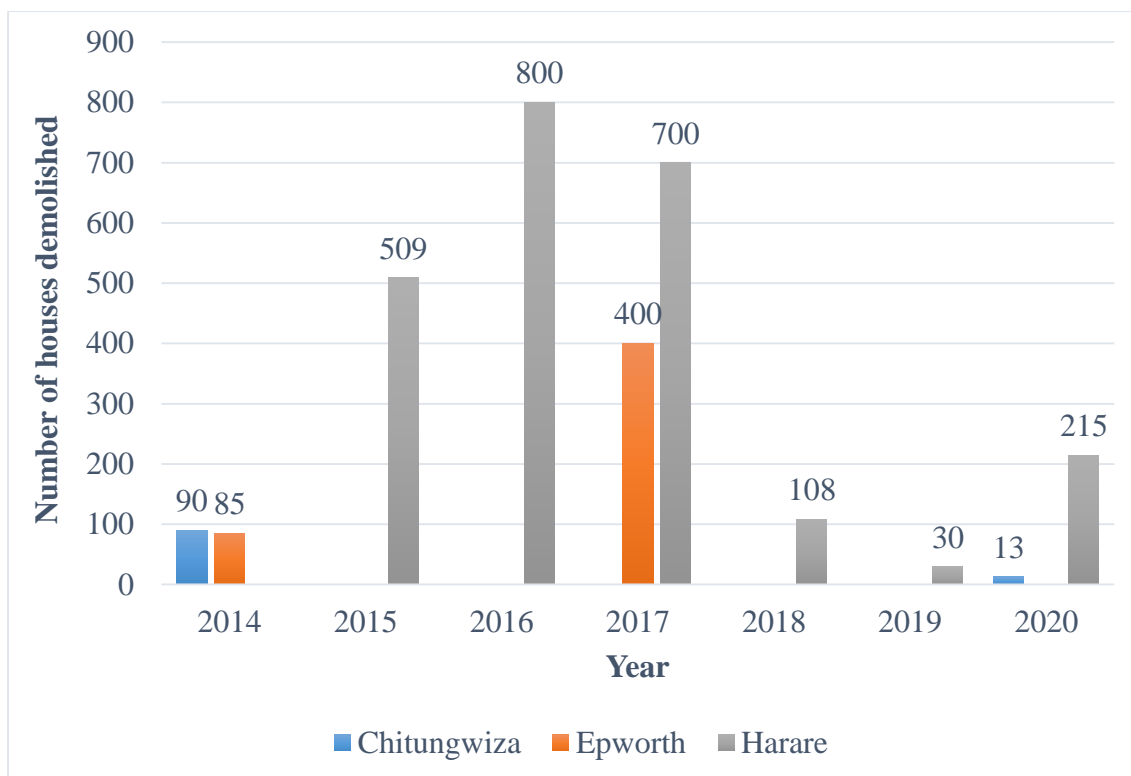
(Source: Compiled from witness' and evictees' accounts)

As Figure 6.2 shows, one participant reported witnessing demolitions in 2013, while three participants reported witnessing demolitions in 2014. This is in comparison to eight participants who witnessed demolitions in 2015, three in 2017, three in 2018 and six in 2019. Similarly, two participants reported that they were affected by demolitions in 2014, compared to seven in 2015, seven in 2016, one in 2018. Based on these statistics, it can be concluded that though the demolitions have been fluctuating, they were most prevalent in 2015 and 2016.

In relation to this study, Appendix U shows some of the demolitions that were done in Harare Metropolitan between 2013-2020 while Appendix V shows the geographic distribution of demolitions for the same.

### 6.3.2. Variations and severity of demolitions in Harare Metropolitan Province

This research sought to determine the severity of demolitions in three urban local authorities in Harare Metropolitan Province, namely Harare City, Epworth and Chitungwiza. Information collected from municipal reports and reports of residents' associations and trusts indicates that variability in the number of housing units that were demolished, as illustrated in Figure 6.3.



**Figure 6. 2:** Number of houses demolished in Harare Metropolitan Province since 2014

It is evident in fig 6.3 that there are variations in severity of demolitions among the three urban local authorities. Since 2013, Harare has lost more housing stock (2 362), compared to Epworth (485) and Chitungwiza (103). Why this variation?

During interviews, participants felt that high spates of demolitions in areas under the jurisdiction of the City of Harare could be arising out of City’s adoption of what Carmody and Owusu (2016) and Huchzermeyer (2011) describe as discourses of city imaging and smart cities. The participant pointed out that in 2012 the City of Harare launched a Strategic Plan (2012-2025), exhorting every its officials in various departments to work towards achieving a milestone- world city status. The participant NSS4 said;

*The Strategic Plan (2012-2025) was said to be wide in scope, and spontaneous informal settlements and informal traders plying their trade in the central business district were seen as a possible obstruction to the realisation of the goal.*

This was also mentioned by participant SS20 from the department of town survey within the Harare City Council who indicated that in their quest to realise the vision of ‘World City Status’, they have been employing development control measures in terms of Section 22-24 of the RTCPA) (Chapter 29:12.

However, it can also be argued that the variations in severity of demolitions in the three local authorities are due to a number of reasons apart from the ambition for World City Status.

First, Epworth Local Board and Chitungwiza Municipality have not changed so much from the way they originated. As indicated in Chapter 1, Epworth developed as an informal settlement. Chitungwiza developed and grew as dormitory town. It can be argued that should these local authorities adopt the stance of the City of Harare, their demolition spates can be described as a crisis.

For the City of Harare clearance of informal settlements is part of its governmentality as espoused by Foucault. Governmentality is the exercise of power for the purpose of managing or facilitating the best resolution of a population’s needs resources and wealth (Watson, 2000). This part of governmentality in the City of Harare which involves clearance of informal settlements has long been observed by many scholars. For example, Kamete (2013) and Muchadenyika (2020) have argued that the City of Harare does not flinch on issues of order, control, health, security, and amenity.

Also, for the City of Harare, these high spates of demolitions compared to other local authorities could be due to its huge size, and its being the capital city. In relation to being the capital city, it is its wish to want laws governing the urban environment such as the RTCPA (Chapter 29:12) to be observed to become competitive (Banks et al., 2020; Carmody and Owusu, 2016). These are the enacted rules governing the urban environment, consistent with the rational legal framework as articulated by Weber, (1978).

### 6.3.3. Types of residential suburbs affected by demolitions

The study sought to find the type of residential zones that have been greatly affected by the demolitions. Participants from the non-state sector (19) and the state sector (21), were asked to state the types of suburbs where demolitions have been mostly concentrated in terms of; i), high density, ii), low density and iii), medium density residential areas. Out of 40 participants, 38 named high density residential areas, 2 named low density residential areas as shown in Table 6.2.

**Table 6. 2:** Concentrations of demolitions by residential suburbs

Type of residential suburb	Frequency	Response (%)
High density	38	95
Medium	-	-
Low density	2	5
<b>Total</b>	40	100

The results suggest that high density areas have been greatly affected by demolitions in Harare Metropolitan Province since 2013. Participants justified frequency of demolitions in low-income areas on account of huge population densities. Participants highlighted that high population densities make residents vulnerable to disease outbreaks. This is a ‘public interest’ argument that cannot be undermined when considered against the backdrop of a 2008/9 cholera outbreak that gravely affected low-income residential areas such as Budiro (Waterkeyn and Matimati, 2009). Hence, some of these urban settlement demolitions are in sync with the focus of the New Urban Agenda that seeks to advance disaster risk reduction measures (Satterthwaite, 2016). This is also in conformity with the Sustainable Development Goals (SDG), especially Goal 11, that seeks to make cities inclusive, resilient, safe, and sustainable (UN-Habitat, 2016).

It can also be argued that the high prevalence of demolitions in high density residential areas are a form of conduct of conduct. While the low rentals in these areas attract the new arrivals from the countryside because this is where they can afford to live, it is the illegal occupation of the areas that have been left as wetlands and for some activities, other than residential purposes that has caused evictions.

#### 6.3.4. Categories of evictees since 2013

The results in Table 6.3 were obtained from the analysis of the responses from the state sector participants (21), regarding the categories of evictees. The participants were asked the questions about who had been affected by demolitions from among the three categories, including (i) people who joined housing cooperatives (ii) people who settled themselves without the involvement of the housing cooperative movement and (iii) renters who have been staying in illegally extended houses and outbuildings such as workers’ quarters?

**Table 6.3:** Categories of evictees since 2013.

Category	Frequencies(N=21)
People who joined housing cooperatives	16
People who were settled outside the cooperative movement	5
Renters in extended houses and outbuildings such as workers’ quarters	-
<b>Total</b>	21

The results show that two categories of people have been affected by demolitions. As shown in Table 6.3 five participants pointed out that people who settled themselves without the involvement of the housing cooperative movement have been affected. However, the most affected as shown in Table 6.3. have been people who joined housing cooperatives. The irony is that first, during the period of the inclusive government, there was a clarion call by the government to prioritise housing cooperatives as a vehicle of housing delivery for the urban poor. And second, during OM they were affected too (Chitekwe-Biti, 2009).

#### **6.4. Manner and process of urban settlement demolitions**

This section presents findings relating to how demolitions have been conducted in Zimbabwe's Harare Metropolitan Province from 2013-2020. As outlined in the literature review chapters, following the enactment of a new Constitution (Amendment No. 20), Act 2013, urban settlement demolitions in Zimbabwe are guided by Section 74 that enunciates freedom from arbitrary eviction. It covers the extent to which demolitions have been conducted in line with the legal and the policy frameworks of Zimbabwe and international law. The findings are covered under the following sub-themes issues of demolition notices and authorisation, alternative shelter and space, timing of the demolition, and compensation.

##### **6.4.1. Demolition notice and authorisation**

This section presents and discusses findings on demolition notice and authorisation. It is based on the evidence collect during interviews with twenty-one participants from the state sector and seventeen evictees. As highlighted in Chapter 3, Max Weber (1978) in his theory of rational legal authority, any operation to be accorded legitimacy, it should be based on legally enacted rules, laws and regulations. However, it emerged from the interviews conducted with participants from the state sector and the seventeen evictees that urban settlement demolitions have lacked procedural legality. *For example*, a Local Government Ministry official (SS4) interviewed said:

*Demolitions should be in terms of the law, but due process has not been followed and this has resulted in litigation, especially with the case of Arlington Farm evictions.*

This was also confirmed by officials from urban local authorities who indicated that councils have skirted the standard operating procedure of conducting urban settlement demolitions in line with the dictates of the new law. For example, a Town and Land Surveyor (SS20) from the City of Harare said:

*No progress would be realised because illegal settlers would always fight their cause in courts, yet the courts always side with them. Also, notifying residents about the intent to remove them is like 'arming your enemy', because once they are notified, they team up to resist their removal.*

Although as argued in Chapter 1, Section 74 of the Constitution of Zimbabwe provides that demolitions should be done after the court has determined all relevant circumstances, the above quotations show that demolitions have been characterised by procedural improprieties. Procedural impropriety refers to a situation where a policy or program is not implemented in line with what Max Weber (1978), in his theory of rational legal authority describes as legally enacted rules, laws and regulations. The participants from the state sector were therefore advancing the notion that councils have not adhered to the enacted rules, laws and regulations of eviction.

These procedural improprieties were also captured during interviews with evictees. During interviews with seventeen evictees, fourteen participants expressed that they did not receive any notification. For example, at Budiriro 4, participant Ev11 mentioned that only executive members of Tembwe Housing Cooperative (Chairperson, the vice chairperson, secretary, the vice and the treasurer) knew about the eviction notice. The participant revealed that that executive committee did not communicate with the general members for it thought the eviction would not be done since the notice was not from the court, but from council.

At Arlington Estate Farm, former members of Nyikavanhu Housing Cooperative indicated that they were evicted without adequate notice. For example, participant Ev2 indicated that he heard about the possibility of their eviction from the word of mouth:

*'I was alerted by a friend through a WhatsApp message that the president had ordered that all of us at Arlington were supposed to be removed. I did not take this message seriously. I said, these are the lies associated with social media because our settlement had the support of our leaders'.*

Similarly, another participant, Ev3, indicated that she heard from friends who raised rumours about their settlement being illegal, and that it should be removed. In contrast participants Ev7 and Ev8 at Epworth indicated that theirs' was an ambush because they were evicted at night.

While three of the seventeen indicated that they received communication on the pending eviction, the communication was based on the SI 109 of 1979 that is no longer consistent with the Section 74. For example, at Budiriro, participant Ev15 said:

*'Harare City municipal police, moved around our area and used a loud hailer advising us to demolish our housing structures within 48 hours and vacate the area.'*

Another participant, (Ev16) at Budiro mentioned that he heard that the council police had delivered a message to the effect that all people were supposed to leave the area before the council brings its graders when returned from town.

It is significant to note that eviction message can be delivered by the messenger of court, or even being inserted in the leading newspapers, as a court order. However, evidence at Arlington Estate Farm where homes belonging to members of Nyikavanhu Housing were demolished show that people received the message from unofficial channels as it was conveyed by word of mouth. One of the seven participants interviewed (Ev2) said;

*'I was alerted by a friend through a WhatsApp message that the president had ordered that all of us at Arlington were supposed to be removed. I did not take this message seriously. I said, these are the lies associated with social media because our settlement had the support of our leaders.'*

These findings show that while the Zimbabwe people entrenched this constitutional provision to protect themselves from evictions reminiscent with the past (Mavedzenge 2016), the manner of dealing with haphazard settlements has remained the same. Even court reports reviewed showed that the presence of a constitutional provision regulating the conduct of urban settlement demolitions in Zimbabwe has not translated into aberration of arbitrary nature of eviction. These court reports detailed the cases of evictions that were adjudicated on after the enactment of the new Constitution. For example, in the cases filed by evictees at Epworth in 2014, the High Court Judge admonished the Local Board for disregarding the spirit of the new law regarding the ways illegal settlers should be evicted (See HH 550-14 v HE 8596/14; Makani and Others vs Epworth Local Board).

While the case for Epworth complainants was done in 2014, the City of Harare evicted many illegal settlers in in 2015, 2016, 2018 and 2019 in ways that were inconsistent with the spirit of the new law. For example, in the following case: Tawanda Mukungurutse and Others versus City of Harare and Minister of Local Government Rural and Urban Development, Dusabe v City of Harare, the High Court judges admonished the council for conducting demolitions without court orders, thus violating Section 74 of the new Constitution, Amendment (Number 20), Act 2013. Tawanda Mukungutsa and others were members of Tembwe Housing Cooperative. As mentioned in this chapter (See Section 6.1.2) their homes were allegedly demolished in 2015 because they had encroached on areas reserved for a school.

The case of *Dusabe and Another v the City of Harare and Other* concerned Nyikavanhu Housing Cooperative whose members' homes were demolished in 2016. For Justice Chigumba who presided over this case at the High Court, the summary evictions were a violation of occupiers' rights, regardless of the way they had come into occupation of the 'home' (see case HH 114/16 HC 820/16). Although she did not point out for the evictees to be compensated, her judgement shows that these demolitions lacked what Kamete (2007) has described as procedural legality. They were condemned because the new constitutional dispensation, through Section 74 (Amendment Number 20), Act 2013, prohibits demolitions and evictions that occur without court order. This shows that it may not be the absence of a constitutional provision regulating the conduct of urban settlement demolitions in Zimbabwe as observed by Muchadenyika (2017a) that necessitated the arbitrary nature of OM/RO of 2005 (See Chapter 1, section 1.1). This is because despite the presence of the clause that restricts arbitrary evictions, they have continued to occur.

As Chapter 1 has indicated, the new Constitution of 2013 does not advocate for the development of haphazard settlement. However, if the demolitions are to occur, this must be through an order of court made after considering all relevant circumstances (See Chapter 1, section 1.1). However, the order of court has not been followed, neither has there been consideration of the relevant circumstances. This shows that there has not been a break from the past on matters of evicting illegal settlers on the urban space.

#### **6.4.2. Response on alternative space or shelter**

Findings from all the seventeen evictees interviewed revealed that no alternative shelter or space was provided. Seven participants interviewed at Budiriro and two at Epworth revealed that they were not provided with alternative space or shelter. At Arlington Estate Farm, where members of Nyikavanhu Housing Cooperative were evicted in 2016, six of the seven interviewed revealed that they were neither provided with alternative shelter nor space. For example, evictees (Ev4) said:

*'We would not be staying here if the authorities had considered us as humans deserving better treatment and life. Who would have continued to live here if alternative space was provided?'*

However, one participant (Ev3) reported that she went with others to Stoneridge, where they had been assured of alternative space. But upon arriving, she and others realised that those were lies because the residential stands there were already occupied. She said:

*'What prompted me to return here at Arlington Estate was the realisation that we had been lied to that we would be given space to build at Stoneridge. On realising that the spaces we were occupying had their owners, I had no option other than coming here to put up a temporary shelter so that we stay while my children continue to learn here. Otherwise, my children were going to be removed from the school register'.*

The deprivation of alternative shelter or space was also mentioned during interviews with a participant (SS6) from the ZHRC, who indicated that his organisation condemned the demolitions at Arlington Estate for depriving people of their shelter.

Again, the sentiments and the revelation that evictions were done without provision of shelter or space show violation of the legally enacted rules, laws and regulations espoused by Max Weber. First, this is consideration of the fact that these demolitions occurred during the implementation of the 2012 National Housing Policy which emphasised and pronounced the policy framework of *no eviction without alternatives* (See Chapter 5). Second, this is in terms of the fact that Section 68 of the Zimbabwean Constitution calls for administrative conduct that is procedurally and substantively fair (GoZ, 2013a). Although haphazard settlements are not encouraged, however, without alternative shelter, demolitions would have disabled the right of every person to have access to adequate shelter as enshrined in Section 28 of the Constitution. The finding that demolitions have been conducted without alternative shelter or space has striking resemblances with OM. Indeed, Operation Garikai/Hlalani Kuhle (OG/HK) as indicated in Chapter 1 was an attempt to house those that had been affected by OM, but this was an afterthought because the plan was announced almost a month after the launch of OM (Kamete, 2011, Nyere, 2014).

### **6.4.3. Timing of demolitions**

Seventeen evictees were asked question relating to the time the demolitions were conducted, of which, fourteen indicated that demolitions were conducted during the day while three mentioned that their houses were demolished at night.

Relating to her experience, Ev8 from Epworth felt that the Local Board should have at least notified her and others to remove their belongings rather than coming at night to conduct the demolition. Expressing her dismay over the night evictions, she said:

*'I do not know why the Local Board did not tell us to pack our goods and go during the day. I have never heard of evictions that are conducted during the night. I wonder what authorities will be trying to achieve by night evictions.'*

Nocturnal demolitions were also reported in Chitungwiza. The way a Chitungwiza Residents Trust (NSS1) who was interviewed explained how the evictions occurred in Chitungwiza validated the story that appeared in news media. The participant mentioned about the evictions that occurred in September 2014 in which residents were awoken around 01h00 and 02h00 by a bulldozer.

It is significant to point out that under international law, nocturnal evictions are not permissible. As mentioned in Chapter 5, General Comment No.7 of the ICESCR state that evictions should not take place in bad weather or at nights because the lives of many social groups including property are put at great risk (UN-Habitat, 2009).

#### **6.4.4. Question of compensation**

Regarding to the question of compensation, all the seventeen evictees claimed that they did not receive any compensation. Their claims for compensation were based on losses that they have incurred due to lack of notice. A male participant (Ev12) whose home was demolished in Budiro expressed dismay on lack of compensation, saying:

*‘If the state was alive to the fact that what was destroyed was the best we had accrued over the years and under difficult economic environment, it was going to do one of the following; either providing us with space, or compensate us for the losses we have incurred.’*

Ev12’s sentiments were echoed by a legal practitioner (NSS10), during an interview, who blamed the state for not being fair with the ordinary residents, saying: ‘

*‘Some of these people are victims of the political elite including corrupt government officials that did not only encourage them to settle but defrauded them of the hard to obtain money. Yet, the state asks these people to get compensation from the land barons that settled them. This is strange. After all, the state has records of these land barons. It (the state) was supposed to simply ask these land barons to compensate these poor people.’*

Participant (SS6) from the ZHRC during the interview acknowledged the absence of compensation, pointing out that it shall be a legal battle one day if the demolitions remain means to deal with illegal settlements without handling sternly with the perpetrators of these illegal settlements such as the leaders of these housing cooperatives. This statement indicates what Hansen (2014) and Schlosberg (2007), described as lack of fairness and equitable institutional processes of a state with its citizens. However, a Provincial Planning Officer pointed out that the call for compensation will remain a pipe dream because people are being

evicted not on the basis that the area is being considered for development projects, but on account that the people are illegal occupants of the area.

## **6.5. Reactions to demolitions**

This part of the chapter examines the reactions of the evictees and other actors to these demolitions and the reasons for their reactions. The findings are based on accounts from the evictees themselves, and from the state and non-state actor interviewees. Findings are also drawn from those who witnessed the demolitions.

### **6.5.1. Evictees**

The study found that evictees have reacted differently to demolitions. Two participants indicated that they had no reason to stay at the demolition site because valuable property would continue to be lost. For example, participant Ev7 from Epworth indicated that he learnt a lesson that it is better to register with the Epworth Local Board first and wait to be allocated a stand, regardless of the year when the stand is allocated. A member of Bvunzai Housing Cooperative (Ev17) whose home was demolished in 2018 mentioned that she collected the few building materials she was able to salvage and moved on with life. These sentiments suggest that these two participants complied with the eviction.

Through observations and interviews, the current study established that some of the evictees have remained at the demolition sites. For instance, all the seven participants interviewed at Arlington Estate were still domiciled at the demolition site. They erected some temporary housing structures after the demolition of their settlement. For example, one of the participants (Ev1), explained that while some were moving out silently to different areas, he and other people did not evacuate the area because of the education of their children and because their temporary works were found in the area. Participant (Ev5) at Arlington Estate explained challenges he met due to the eviction that occurred at the beginning of the year that stymied them from moving from the area. The participant (Ev5) explained that: *‘a new place meant new school, yet enrolling children at new schools at the beginning of the year is difficult. A new school also meant new uniform, books and paying new fees.’*

He further revealed that he could not risk the education of his children, particularly one who was entering grade seven. Thus, securing a stable environment for his children’s education forced him to stay behind, rebuild temporary shelter like others.

The evictees seemed to suggest that they quietly remained on demolition sites while others quietly sought shelter elsewhere. This is similar to the subtle tactics of evictees during OM. Musoni (2010) and International Crisis Group (2005) mention that although some the victims of OM in 2005 complied with the back to the village the government pronounced, some milled around to allow the dust to settle.

Regarding this study, although the evictees interviewed depicted themselves as peaceful and compliant, information from witnesses of demolition, key informants' interviews and media reports revealed forms of counter-conduct espoused by Foucault (2007). Foucault defines counter-conduct as a resistance against the processes employed for conducting others. This resistance was particularly noted in Epworth, Chitungwiza and Budiro. For example, participant W13, who witnessed demolitions in Budiro reported that the municipal policeman lost his limb during the demolitions of homes of members of housing cooperatives belonging to Stars Housing Consortium in Ward 43 in 2015. The participant explained that this mishap followed reprisals by the angry youth.

Also, information from the public media reveals that the mission to demolish some illegal settlements by council officials, the Zimbabwe Republic Police, and the Deputy Sheriff, was aborted in Nyatsime area of Chitungwiza. The report said that the Deputy Sheriff's vehicle was damaged during the attack (See The Daily News of 5 March 2014).

A participant (SS4) from the Local Government Ministry capped it all when he reported that:

*'We have heard of situations where the removal from sites deemed illegal has not been so easy. We received reports concerning violence in which residents fought the municipal police in Epworth.'*

That being the case, this study also found that counter-conduct has not always entailed facing off with law enforcement agents in ways that could be seen as violent behaviour. During interviews in Budiro 4, three members of Tembwe Housing Cooperative indicated that they contested the eviction to the court. One of the members (Ev12), explained:

*'We felt that we had been treated unfairly. The council was supposed to evict members of Events Housing Cooperative, but because a certain director within the department of planning at the City of Harare wanted to replace us with her preferred housing cooperative, she directed that our houses as members of Tembwe Housing Cooperative be demolished. We therefore felt that we were not going anywhere but fight for justice at the court. After all we had not been issued with a court order.'*

This contestation through the court can be equated to the principle of ‘voicing’. While as espoused in Tom Tyler’s procedural social justice theory, voicing is speaking out (Barry 1974; Hirschman 1970), in the quotation above the principle of voice is an expression of defiance and engagement.

Contesting demolitions in the courts has not just risen after the promulgation of the new constitution in 2013. Chitekwe-Biti (2009) and the International Crisis Groups (2005) report of lawsuit launched by a group of Hatcliffe Extension residents during OM, on 26 May 2005. These residents were challenging the procedural legality of their eviction. Although the petition to stop the eviction was presented as an urgent matter, it was never attended to in accordance with the urgency it deserved (The International Crisis Groups, 2005).

This study also found that in the case *Dusabe and Others v the City of Harare* (See Jean Pierre Dusabe and John Peter Mutokambali and Others v the City of Harare, case, number HH 114/16 HC 820/16) the High Court did not attend to the petition with the urgency it deserved. This was despite the fact that the petitioners wanted to stop evictions. However, when the court finally sat, it ruled that the eviction was illegal because it had not been given the greenlight by court. This implies that the action of the administrative authorities of evicting people without notice and authority of the court was procedurally wrong and unjust. Thus, it violated the principles advocated by 68 of the new Constitution, regarding administrative conduct that is procedural and substantively fair (GoZ, 2013a).

### **6.5.2. Reactions of other actors**

The study found mixed reactions to demolitions by other actors and participants. Sentiments from twenty-seven participants who witnessed demolitions in Budiriro showed that they welcomed demolitions, hailing them as timely. Participant W19 indicated that they visited the district office as a neighbourhood to express their displeasure over the emergence of a settlement where there were no social amenities. Participant W27 in Ward 43 in near Budiriro 3<sup>55</sup>, supported the evictions that occurred there for fear of the recurrence of disease outbreak. She said:

*‘In 2013, barely 4 years after the saddest experience of cholera outbreak, a settlement emerged within our vicinity. There were no decent toilets, and when we saw people establishing this settlement in this area, fear gripped the entire community. Without water and sanitation*

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<sup>55</sup>Churu was a Harare peri-urban farm belonging to Ndabaningi Sithole, the first President of Zanu in 196

*facilities, we felt we were being exposed yet again to the 2008 /9 cholera experience. We had a sigh of relief in December 2015 when these homes got demolished.'*

Sentiments from the Environmental Management Agency (EMA) official (SS2) suggest that these demolitions were conducted whose objectives were good for the preservation of the water bodies. The participant mentioned that his organisation and other environmentalists have welcomed demolition of homes built in wetlands. However, he criticised central government for policy vacillations and inconsistencies saying they have been homes of the poor that have been demolished while the elite have constructed homes in wetlands in the elite suburbs.

Nevertheless, while some participants welcomed demolitions, others such as residents' associations and trusts condemned these demolitions. The Harare Residents Trust official (NSS15) criticised the COH and central government for not taking a holistic action that assists in reducing the development of illegal settlements. A Chitungwiza Residents Trust official (NSS1) condemned the evictions, pointing out that they were reactive measures. The participant mentioned that her organisation has helped residents to secure the services of legal firms or human rights organisations such as the Zimbabwe Lawyers for Human Rights. Similarly, a Zimbabwe Human Rights Commission official (SS6), mentioned that his organisation condemned the demolitions at Arlington Estate for depriving people of their shelter. However, his organisation's attempt to help the victims with legal representation failed because they did not cooperate. One of the witnesses to demolitions in Epworth (W8) was miffed by the timing of demolitions. She pointed out that demolitions should be conducted at least during the day because at least the would-be evictees have the means to salvage their property.

## **6.7. Summary**

This chapter has examined the nature of urban settlement demolitions in Harare Metropolitan Province since enactment of the 2013 Constitution. The purpose was to determine if there has been transformation in the conduct of urban settlement demolitions following the promulgation of this Constitution that was adopted in 2013. In addition to presenting and discussing findings on the demographic characteristics of the evictees, demolition trends, types of residential suburb where demolitions have been concentrated, categories of evictees affected by the demolitions, the nature of the quality of homes that have been destroyed, the chapter focused

actual manner with which the demolitions have been conducted and reactions towards demolitions.

The chapter has found that while the ideal is that evictions should have been approved by the court, the reality has been that urban settlement demolitions have been conducted without the authority of the courts. This has meant that evictions have been conducted without determination of all circumstances. This shows procedural impropriety.

Also, whereas the ideal situation is that demolitions should be conducted after notices have been issued, this has not been the case. The manner demolitions have been conducted, contradicts with the spirit and letter of Section 32 of the RTCPA (Chapter 29:12), which provides for a month notice.

Some of the demolitions have been conducted in contravention of the 2012 National Housing Policy framework of *no eviction without alternatives* (See Chapter 5, Section 5.3.2). This is because most of the demolitions studied occurred without alternative space or shelter to the evictees. Besides lack of alternatives, illegal settlers have not been compensated for loss of property caused by lack of notice.

Thus, based on the above findings, this chapter concludes that in all aspects there has not been any transformation in the manner demolitions should have been conducted. This also means that the anti-eviction clause that came courtesy of the constitutional reforms of the Government of National Unity (GNU) as discussed in Chapter 1, have not transformed the manner of demolitions. This is unlike in Kenya, where, as discussed in Chapter 2, courts have steadfastly invoked the general rules of international law<sup>56</sup> and human rights provisions enshrined in the 2010 Constitution to defend the rights of slum-dwellers (see also Angote, 2018; Githira, 2016).

Could there be compelling factors to the continuation of arbitrary nature of eviction? The next chapter focuses on the factors that have influenced the manner in which illegal urban settlements have been demolished in Harare Metropolitan Province after the promulgation of the new constitution in 2013. It focuses on why demolitions have been conducted without i) court order, ii) demolition and eviction notices, iii). alternative accommodation or space/shelter, and iv). compensation.

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<sup>56</sup> Article 11(1), Recommendation No. 4 of the International Covenant on Economic, Social and Cultural Rights speaks about the right to adequate housing

## **CHAPTER 7: FORCES OF POLITICAL ECONOMY INHIBITING TRANSFORMATION**

### **7.1. Introduction**

The previous chapter examined the nature of urban settlement demolitions in Harare Metropolitan Province from 2013-2020, following the promulgation of the constitution in 2013. The examination intended to answer the central question: *Has there been any transformation in the conduct of urban settlement demolitions in Harare Metropolitan Province, following the enactment of the new Constitution in 2013?* The chapter concluded that constitutional changes of 2013 have not transformed the manner of urban settlement demolitions.

In light of the finding that there has not been any transformation, this chapter presents and discusses findings on the forces of political economy that have inhibited transformation in the conduct of urban settlement demolitions. The chapter answers the second research question: *What factors have influenced the manner in which illegal urban settlements have been demolished in Harare Metropolitan Province after the promulgation of the new constitution in 2013.* This presentation and discussion is based on the data that were obtained through interviews and the analysis of legislative documents and court reports on demolitions that have occurred during the period under study (2013-2020).

Applying the ANT, classical and neo-classical political economy, procedural social justice theory and rational-legal authority, the chapter argues that myriads of forces have inhibited transformation in the manner urban settlement demolitions should have been done. These include among others, the delay in harmonizing legislation used by local authorities with dictates of new Constitution as the prevailing political economy, the negative attitude towards Section 74 of the Constitution, the incompatibility of S74 with the nature of work of local authorities, and influence of the political environment. These inhibiting factors are discussed under five sections (Sections 7.2 – 7.6). Section 7.6 presents the summary of the chapter.

### **7.2. Views on the obstacles to court orders**

When participants were asked a question regarding obstacles to court orders, their answers showed that there were challenges associated with implementing the legal framework

governing demolitions. These challenges which militated against transforming the manner urban settlement demolitions should have been conducted are discussed as follow;

### **7.2.1. The delay in aligning the old legislation to the new constitution.**

Regarding the effect of the delay in aligning the legislations urban local authorities use with the new legislation in the 2013 Constitution, participant (SS6) from the Zimbabwe Human Rights Commission (ZHRC) pointed out that it forced councils to continue to operate as usual. A similar view was expressed by participant SS4 from the Local Government Ministry, who, during the interview said:

*‘Section 74 speaks of what should be done. However, these councils, as authorities governing the urban space saw nothing amiss to continue to operate as usual because their key result areas had not changed.’*

This quotation highlights the conditions prevailing within the political economy of Zimbabwe which inhibited transformation in the conduct of urban settlement demolitions. These conditions include the use of Statutory Instrument 109 of 1979 (SI 109 of 1979) to evict illegal settlers over short notice. However, the delay in harmonizing the old legislation with the new constitution cannot be solely blamed on the SI 109 of 1979. In terms of the procedural social justice theory, and formalized and legitimated procedures as espoused by Max Weber, Councils could have invoked the relevant sections of the Regional, Town and Country Planning Act (RTCPA) (Chapter 29:12) to evict settlers. As mentioned in Chapter 5, Section 32 of this Act speaks about an enforcement order and provides for a month's notice. Section 34 of the same Act provides for the issuing of Prohibition Orders while demolitions are done in terms of Section 35 and 36 of this Act. This finding shows that procedures of evictions were violated. This could be the abuse of power, which cancels that argument by Max Weber that power is exercised rationally (Giddens, 2009)

### **7.2.2. Incompatibility of Section 74 of the 2013 Constitution with council operations**

Participants revealed that councils have not embraced Section 74 of new Constitution because its dictates are not compatible with the nature of their work. During interviews, officials from urban local authorities made comparisons between Section 74 and SI 109 of 1979. For example, participant SS20, a Town and Land Surveyor of the City of Harare said:

*‘The placing of some of the development control functions in the ambit of the court has given operational challenges, not only to our council but to many municipalities. The process of*

*obtaining a court order is not compatible with the nature of council work. The court process is cumbersome, slow and promotes lawlessness yet SI 109 of 1979 was efficient.'*

A participant (SS13), from the Department of Spatial Planning, in the Local Government Ministry, sympathised with people charged with implementing development control. In his view, while Section 74 is a protective mechanism to residents, however, it makes the work of councils difficult because the court process is long and winding.

This account shows that in as much as Section 74 of the Constitution is a protective mechanism to residents (Stewart et al.,2017), it is somehow divorced from the conditions prevailing within the political economy of Zimbabwe. By the time the court approves a demolition exercise, the illegal settlements would have grown into an unfathomable size. Yet, as discussed in Chapter 1, SI 109 of 1979 allowed urban local authorities to give a 48-hour eviction notice and to evict illegal settlers without court order and compensation (See also Nyadombo, 2018).

These challenges posed by Section 74 to the operation of councils are consistent with the observations made by Nyadombo (2018) and Rickard (2021). In her study on effectiveness of development control mechanisms used by the City of Harare, to control illegal settlements, Nyadombo (2018) pointed out that the process of acquiring a court order was slow. Commenting on judicial pronouncements, Rickard (2021), decried the practice of adjudication in which he said judgements are not early enough.

Therefore, these findings suggest that local authorities have circumvented the legal route because it is bureaucratic and slow. This bureaucracy and slowness is, hence incompatible with their work. This has therefore inhibited transformation in the manner urban settlement demolitions should be conducted.

### **7.2.3. Resistance to embrace change**

The study also found that urban local authorities' resistance to embrace Section 74 has also inhibited transformation in the manner of demolitions. This resistance has been due to two reasons, namely fear and issues of power.

In relation to fear, an Epworth Residents Development Association official (NSS17) explained that:

*'Many local authorities know that they do not pass the test around the emergence of many settlements they tout as illegal because council officials have often been part of the rot'.*

This was also echoed by a Combined Harare Residents Association official (NSS12), and Chitungwiza Residents Trust official (NSS1) who were of the view that urban local authorities have felt threatened by Section 74 because of its capacity of unearthing corrupt acts on issues of residential stands allocation.

These explanations suggest the fear over the potency of ‘voice’ in relation to Tom Tyler’s procedural justice theory. As argued in Chapter 3, voicing is about speaking out or giving people the opportunity to tell their ‘side of the story’ (Barry, 1974). In the case of this study, fears of local authorities are that giving illegal settlers the chance to testify in courts expose them, in ways that taint their images. Hence, it can be argued that while Section 74 of the Constitution seems to advance a democratic and transparent process of making decisions regarding the evictions, this process irks urban local authorities who fear that their shenanigans are exposed.

On issues of power, the account of a Harare Provincial Planning Officer (SS19) suggested that urban local authorities have sought to maintain the status. He said:

*These urban local authorities have not fathomed a situation where they seek authority from another actor on a process that they had the prerogative of determining.*

This was also echoed by one of the Chitungwiza Municipality Town Planners (SS11) who said:

*Urban local authorities have long endeared themselves with SI 109 of 1979 that has made their work easy.*

This view is a case of counter-power as argued by the Actor Network Theory. The theory posits that where there is power, there is also counter-power (Cressman, 2009; Hassard, 1999). Counter-power emanates from friction that takes place in a network by social actors over other social actors (Castells, 2011). In this case, urban local authorities feel that they cannot accept a situation where they have to seek authority of another actor to evict illegal settlers, when they are better informed about illegalities obtaining in the built environment. Since they have traditionally been solely responsible for determining the legality and illegality of the settlement, this resistance by local authorities to follow Section 74 is premised on what Zibagwe (2016) conceptualises as defending zones of authority.

Urban local authorities’ resistance to have their development control mechanisms being determined by the court is evidenced by their continued use of SI 109 of 1979 when courts had disapproved its use. In 2014, Justice Mathonisi, in a case brought by the Epworth residents, determined that their eviction was not procedural because it had been done in violation of Section 74. That ruling did not deter further evictions in Harare Metropolitan Province without

approval. As mentioned in Chapter 6, the City of Harare demolished homes of members of Tembwe Housing Cooperative in Budiriro in 2015. Irked by the losses they incurred and expecting that the court would support their continued stay on the premise, these residents filed a complaint with the High Court in what can be described as a counter-conduct, as espoused by Foucault (See case law, Tawanda Mukungurutse and Others versus City of Harare and Others). In their heads of arguments, they challenged the legality of their eviction, pointing out that the establishment of a new Constitutional order during a referendum on 17 March 2013 overhauled SI 109 of 1979 (See case HH 558-16/ HC 7694/15).

However, following the ruling of the High Court to the effect that the City of Harare acted outside the confines of the law by demolishing the applicants' homes without court order (See case HH 558-16/ HC 7694/15), the COH did not only profess ignorance over the unconstitutionality of its actions and the fact that a competent court had now ruled. It appealed to the Supreme Court, against the ruling of the High Court (See the case law, City of Harare v (1) Tawanda Mukungurutse (2) Patrick Chikohora (3) Cledwyn Mutete).

In its ruling on 26 July 2018, the Supreme Court also threw out the appeal by COH on the grounds that SI 109 of 1979 was inconsistent with the new Constitution (See Judgment No. ZWSC 46/18 vs Civil Appeal No. SC 603/16). This ruling by the Supreme Court was supposed to end cases of arbitrary eviction. However, that was never case. On 29 August 2018, the same local authority issued an eviction order to Hanna Housing Consortium of Budiriro using Statutory Instrument 109 of 1979. Although the consortium filed a petition to the High Court (See case number HH 503-18 HC 7528/18), this did not stop the City of Harare from demolishing homes belonging to members of Bvunzai Housing Cooperative, an affiliated of this Consortium. This is a demonstration of resistance to Section 74.

This skirting of the court did not end with the demolition of homes of members of Bvunzai Housing Cooperative. In 2020, at the height of the Covid-19 Lock Down, Harare City Council together with Epworth Local Board and Chitungwiza Municipality demolished illegal housing structures including trading stalls without court order. This was not just a violation of Section 74 only, but a violation of the Covid-19 regulations<sup>57</sup> that were put forth by the World Health Organisation. These events show that what has contributed to lack of transformation is resistance couched on what Zibagwe (2016) couched as the need to protect the zones of authority. This is resistance that is meant to preserve areas of autonomy by councils which have been the main actors on matters of evictions.

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<sup>57</sup> Among others, Covid-19 measures included restricted movement to stop the virus from spreading

### **7.3. Absence of demolition notices: influence of the conduct of residents and the political environment**

To have a clear picture of factors inhibiting transformation in the conduct of demolition, participants were also asked to explain why demolition and eviction notices would not be issued. The study established the conduct of residents, and the political environment as some of the reasons demolitions have been conducted without notice, hence impeding transformation in the manner demolitions should be conducted. These factors are discussed under the following subsections.

#### **7.3.1. Conduct of residents: Counter-conduct**

In relation to the conduct of residents, participants indicated that in as much as urban local authorities would have liked to issue eviction notices, this has been impaired by the adversarial actions of the illegal settlers. During an interview, a City of Harare official (SS1), reported about the existence of militant groups in certain pockets of Harare whose behaviour thwarted any procedural and logical processes the council could take. This participant explained that as early as 2014, the City of Harare tried to engage with illegal settlers in Glen Norah in ways that would result in them vacating the areas they had occupied illegally without application of force. This is what the participant said:

*'In 2014 we served Glen Norah residents, eviction notices. At the expiry of the 48-hour notice, we sent our officers to evict these illegal settlers. However, this exercise flopped because residents sealed all entry points to their residential areas. They armed themselves with all sorts of objects their hands could land on, ready to fight. This forced our officials to retreat, a development that forced us to strategize.'*

In another interview, one of the Town and Land Surveyor (SS20) from the City of Harare when asked why they would not issue demolition and eviction notices remarked:

*'Notifying the illegal residents, the intent to remove them is like 'arming your enemy', because once they are notified, they team up to resist their removal.'*

This resistance was not confined to the areas under the jurisdiction of the City of Harare. A senior executive officer from the Epworth Local Board (SS21), reported about incidents of militant youth groups in that local authority, that had forcefully occupied areas reserved for the home industries (also referred to as informal business ventures). He explained that his staff who had gone to engage the groups to vacate the area were manhandled. One of the Harare

Provincial Planning Officers (SS19) mentioned the lawlessness of the illegal settlers in Chitungwiza who had made Nyatsime a no go area. He explained that illegal settlers blocked a convoy of vehicles carrying council officials, the Zimbabwe Republic Police, and the Deputy Sheriff, who were on a mission to remove illegal settlements in that area.

Although all the urban local authority officials interviewed declined to name the strategies used to deal with the ungovernable areas, information from participants from residents' associations and residents' trusts revealed local authorities employed heavy handed methods to force militant illegal settlers to submit to the conduct of conduct. A participant from the Combined Harare Residents Association (NSS12) reported that Harare City Council employed a night eviction in Glen Norah in 2015. Glen Norah is the same suburb where residents resisted arbitrary eviction as noted above. Similar methods were employed in 2014 by Chitungwiza Municipality and Epworth Local Board (See Chapter 6, Section 6.4.3).

It can be argued that the resistance by the illegal settlers conform to the counter-conduct postulated by Foucault. The counter-conducts undertaken by the illegal settlers had been carried out with the intention of rejecting eviction. However, this counter-conduct by the combative illegal settlers fortified systems of power because repressive power was used to evict them. Resultantly, 'best practice' in terms of procedural protective mechanism, were shelved. Therefore, this conduct by urbanites led to lack of notice and thereby inhibiting transformation in the way demolitions should have been conducted.

### **7.3.2. Policy environment**

Besides the conduct of residents, all participants from the three urban local authorities including councilors showed that the policy environment under which urban local authorities work has often forced them to ignore the court process with the result that demolitions are conducted without notice. During an interview, one of the Town and Land Surveyors for the City of Harare stated:

*'When you hear of demolitions and eviction occurring without notice, it is not always the initiative of the City of Harare, but we will be implementing government policy in line with the urgency the instruction has been delivered.'*

This was also mentioned by one of the Town Planners (SS11) for Chitungwiza Municipality who said:

*‘As municipalities, we work under contentious environments. While people think that urban local authorities control affairs in areas under their jurisdiction, the situation is not as straightforward as it appears because we have layers of authority above us whose instruction we cannot contest especially under the obtaining political environment.’*

While some of the sentiments by urban local authority officials would appear as attempts to exonerate themselves from blame, it is important to note conditions prevailing within the political economy of Zimbabwe. As observed in Chapter 6 (Section 6.2.2), councils have been zones of contestation by two political parties, the MDC, as an opposition party and the ruling party (Zanu-PF). The MDC by virtue of it being dominant the party in urban local authorities would want their resolutions, some that are partisan to be implemented. On the other hand, there is also the ruling party Zanu-PF that, although it has not had many councilors, controls government and gives directive to councils. These many centres of power compel council officials to implement those policies that come out as pronouncements or directives and that need to be implemented without delay. In the process, important procedural mechanisms are ignored since lack of haste to implement directives is conceived as sabotage.

Unfortunately, when policy pronouncements of this kind are implemented, some illegal settlers are caught unaware. For example, it has been reported in Chapter 6 that the demolition of homes belonging to members of Nyikavanhu Housing Cooperative was done without any communication on that regard to the residents. It was revealed that the settlement was demolished following an order by the then president, Robert Mugabe, who saw the settlement as an eye sore to visitors.

This example highlights how the political dimension of decision making (Fret 1994) render logical processes that are supposed to take place in public interest being ignored. Thus, while Section 68 of the 2013 Constitution recommends administrative conduct that is lawful (GoZ 2013a), conditions of the political environment have not allowed that. Pressure from the policy environment has often forced some administrative bodies to act against their will. As discussed in Chapter 5, Since 2013, Section 314 of the Urban Councils Act has often been invoked. The the result has been a breach of not only international, but local law in relation to issues of adequate consultation before evictions (See Chapter 5). The end result has been lack of transformation in the manner demolitions should have been conducted.

#### **7.4. Impediments to provision of alternative shelter or space**

Participants were also inquired on the main impediments to the provision of alternative shelter and alternative space for accommodating evictees. The study found that on one hand, what has militated against provision of alternative space and accommodation are the presumptions that people have rural areas where they should return. On the other hand, there are certain fears inherent in municipal and State officials regarding providing space and shelter. This study found that these presumptions and fears have inhibited transformation in the manner urban settlement demolitions should have been conducted. These presumptions and fears are discussed in the following subsections.

##### **7.4.1. Presumptions that evictees should track back to their rural homes**

Regarding the presumptions of the authorities, at Budiriro all the seven evictees interviewed revealed that the overall thinking by authorities has been that people do not just come from nowhere. For example, when asked what could be the reasons why evictees were not provided with alternative space for resettlement, participant (Ev13) explained that during the eviction, the order was, ‘*go back to where you came from.*’ This was also mentioned by two evictees interviewed at Epworth.

This corresponds closely with a neo-liberal political economy approach in which the State seeks to lessen itself with the burden on provisioning. This idea that evictees should go back to the rural areas is similar to the anti-urbanization policy of Kenya during the reign of Arap Moi in 1978 (See Chapter 2, Section 2.4.2. and also Angote, 2018; Macharia, 1992). This is also tantamount to exclusion. And for Zimbabwe, this is tantamount to a re-hoisting of the repressive migration laws or colonial influx control measures such as the Vagrancy Act of the 1960s whose aims were to keep the African population in rural areas (Machakaire, 2015; Muchadenyika, 2017a).

However, the eviction on the basis of returning people to rural areas is a wrong presumption, and a perception that is divorced from reality. In ordering that people should track back to their rural areas, there is failure by authorities to appreciate the circumstances driving these people. The simple question that authorities fail to answer regards to why people would choose to live in squalor-like conditions when there is vast and productive land in the rural areas. Many scholars (e.g., Hungwe 2014; Matamanda et al 2019) have pointed out that for most of the people, both young and old, one of the main instigators of the rural-urban migration

is economic hardships. For many migrants, the overall thinking for the streaming to urban areas is that urban areas offer better opportunities.

#### **7. 4.2. The fear factor**

The study established that the State has three fears regarding provision of space and accommodation to evictees. The first fear is that providing alternative shelter and alternative space to accommodate the evictees sets a precedence that is difficult to undo. The second concerns the mismatch between urban population growth and the available land and the third is that provisioning of alternative space is not profitable.

Regarding the first fear, a District Administrator (SS8), responsible for Budiriro and Glen View said:

*'It is difficult to provide alternative space for everyone. Beyond that, it sets a bad precedent in that it encourages bad behaviour.'*

This view was echoed by participant SS9 who said: *'it inculcates a culture of entitlement.'* These sentiments suggest that urban authorities want to avoid setting a train of incidences that will be difficult to reverse. Many people will establish illegal settlements on the understanding that on eviction they will be relocated.

The above sentiments confirm the findings of the 2013 Urban Land Audit that was instituted by the government. As discussed in Chapter 5 (See Section 2.5.8), the Audit was conducted following uproar by residents over land management and allocation issues in Chitungwiza. The report mentioned the negative effect of regularisation of illegal settlements. The audit reported that the initiative by the government to regularise illegal settlements in Chitungwiza caused an upsurge in illegal settlement development (MLGPWNH, 2013).

Regarding the second fear, a Local Government Ministry official (SS4) said: *'Giving alternative space is unsustainable and not feasible, considering the rate of urban population growth, and that land is a finite resource. While people need places to build their shelter in urban areas they also need to eat.'*

These sentiments highlight influences of the neo-classical political economy that have not spared Zimbabwe. One of the influences is the reality of urbanisation facing most developing countries. Chirisa et al (2016) noted that the rising urban population due to both in-migration and natural population increase have caused the sprawl of Harare. It seems that, it is against this background that the authorities of Harare Metropolitan Province have not chosen to provide alternative space for the evictees. Perhaps, urban densification which seems to be

the thrust of the 2020 Zimbabwe National Human Settlements Policy (See Chapter 5, Section 5.3.4), can go a long way in addressing the issue of land as it may preserve all productive agricultural land.

In relation to the third fear, one of the witnesses to demolitions (W20) and participant NSS13 from Zim-Habitat felt that evictees have not been provided with alternative space because the government wants people to buy commercial stands. It can be argued that this is commercialization of the residential space that resonates with the neo-classical political economy mentioned in Chapter 3. This notion that provision of space to evictees is not a commercially viable enterprise supports the view of the Marxist theory of political economy which argues that the State's practices are not monolithic, but generally respond to business interests (see Chapter 3, and also Dax, 2017 as cited in Harvey, 2014). The purpose is to maximize economic interest.

## **7.5. Challenges of compensation**

Further to the impediments regarding the provision of alternative shelter or space, the study investigated challenges around compensation to understand factors that have inhibited transformation in the conduct of demolitions. The following findings were identified as having militated against prospects of getting compensation, hence lack of transformation in the conduct of demolitions; (i) lack of financial muscle to hire quality lawyers (ii) the constitution gives prominence to private property rights over housing rights, and (iii) liability of actors to pay compensation for property losses.

### **7.5.1. Cost of hiring lawyers is prohibitive**

Evictees revealed that their limited access to financial resources compromised their ability to hire competent lawyers. They argued that court cases take time and they are won or lost through the quality of legal representation one has access to. At Arlington Estate participant Ev3 said: *'You need to have fat pockets to go to courts and withstand protracted cases associated with these disputes.'*

Participant Ev13 interviewed at Budiriro said: *'Court processes are not for people who live from hand to mouth.'*

Participants Ev14 at Budiriro mentioned that despite losing valuables, he did not think of dispensing with the little money he has to fight a case whose financial demands outstrip the value of goods he lost. These views suggest that what has impeded some of the evictees from

being compensated following the loss of property due to eviction occurring without notices is lack of financial resources to hire lawyers who have relevant experience on socio-economic rights.

The findings resonate well with the report by Kika (2014) regarding the comments made by a guest lecturer at the University of Kwazulu Natal whom their 4<sup>th</sup> year LLB class hired out during the lecture session at that university. The guest lecturer pointed out that her firm does not represent little man in the street (Kika, 2014). This means that her law firm acts for clients who could afford to pay. While these views might be correct, however, there are further significant factors that prevent informal settlers from getting compensated when evicted.

### **7.5.2. The law on compensation is unfriendly to the informal settlers**

Out of the seventeen evictees, ten revealed that they occupied the premises without express permission of owners. This means that they were illegal occupiers. Yet, the law on compensation is unfriendly to the informal settlers because many sections of the Regional Town and Country Planning Act (Chapter 29:12) shield urban local authorities from paying compensation. As mentioned in Chapter 5 (See Section 5.4.1), although Part VIII, Section 50 of the RTCPA provides for the liability and claims for compensation, any claim a citizen might have for compensation is hindered by Section 52 of the RTCPA. The local authority can invoke this section (52) to the effect that it was operationalising master plan to protect the inhabitants or the community from danger or things that put the health of the community into danger.

Furthermore, the wording of Section 71 of the 2013 Constitution of Zimbabwe shows advancement of the neo-liberal nature of the political economy in protecting private property owner on such things as land ownership. It reads;

*‘Every person in Zimbabwe has the right to acquire, hold, occupy, use, transfer, hypothecate, lease or dispose of all forms of property, either individually or in association with others’* (GoZ, 2013a:35)

This wording shows that the 2013 Constitution is slanted to issues of private property more than to housing. Initiatives to get compensated over the destruction of unregistered homes such as informal settlements are futile. Preference is over the rights of the land owner more than the rights of illegal settlers.

The finding that the law on compensation does not apply to informal settlements is vividly expressed in the case law, *Dusabe and Others versus the COH* that has been mentioned

in this thesis. It is important to point out that among other things the applicants' petition sought restitution. They wanted it to be at the scale that would be determined by an independent evaluator and costs should be on a legal practitioner and client scale (HH 114/16 HC 820/16). However, Justice Chigumba did not only advise the applicants to pursue issues of compensation with the housing cooperative that misled them to believe that they were legal occupiers. She ruled that s 71 (3) (a) of the Constitution that relates to deprivation in terms of a law of general application (GoZ, 2013a) does not provide a right to fair compensation to anyone who is 'deprived of property' (See HH 114/16/ HC 820/16). This means that what has hindered transformation relates to the fact that compensation cannot be given to people that would have been evicted on account of being unlawful occupiers.

Overall, the ruling gives credence to the argument by Juma (2012) as illustrated in Chapter 5, that although many voices want to see forced eviction becoming a thing of the past, the obstacles are the normative and institutional structures that respect private ownership. Examples of these institutions that protect private ownership include the World Trade Organisation and International Monetary Fund. These institutions can be regarded as economic decision markers. Chirisa, et al (2016) claim that these institutions can impose heavy penalties to member states that would have violated the protection of private property. This means that transformation is being prevented by the nature of the laws that are not only colonial in outlook, but also advance neo-liberal policies that are not friendly to the poor.

#### **7.6. Other factors inhibiting transformation in the manner demolitions should have been conducted**

The ZHRC that comes from a rights point of view has investigated issues of demolition. Interviews with one of its officials (SS6) revealed that it has often advised and reminded the State regarding its obligations under domestic and international law to protect people from forced evictions. However, participant NSS 16 from the Harare Metropolitan Residents Forum pointed out that ZHRC's lack of funding has compromised its independence to take the State to task on issues of arbitrary evictions and the resultant emergencies.

Residents' associations and trusts are organisations that work with the people. They are updated with day-to-day activities in the communities. Hence, they should also provide awareness to the residents on modalities of acquiring residential stands in ways that protect them from fraudulent housing cooperatives and from arbitrary eviction. Adopting such a stance will be seen as part of complementing government effort. Participant SS4 from the Local

Government Ministry said this, about the roles of residential associations, and trusts, which has contributed to lack of transformation in the conduct of demolitions:

*Concentrating on condemning every State action at the expense lobbying it to enact a legislation that elaborates on what after consideration of all relevant circumstances mean, educating the public they work with, has the effect of hardening the stance of the State to the effect they are of bad influence.*

The judiciary which is supposed to be the guardian of the constitution (IIDEA<sup>58</sup> 2016) has not really stamped its authority. The failure by the judiciary to promptly attend to the urgent cases brought before it and failure to be assertive enough to make sure that despite being illegal, the eviction is done within the confines of the law show lack of independence. For example, the court failed to lay constitutional precedents in the case law of Dusabe and Others vs the City of Harare. The court could have stopped the demolition temporarily, until temporary shelter for children, as requested by the applicants had been found. However, as mentioned, all interim orders were ignored until a later date. Failure by the courts to set constitutional precedence such as provision of temporary shelter has led to the neglect of important procedures.

These findings are stark contrast to the impact watchdog roles have played elsewhere. Literature has shown that in South and Kenya watchdog roles of human rights organisations and the judiciary have transformed the excesses of the State (See Chapter 2; Bradlow, 2010), Therefore, transformation in Zimbabwe could have been realised if pressure groups such as residential associations and trusts and the judiciary had been effective. However, this has not been the case.

## **7.7. Summary**

In summary, this chapter concludes that myriad of factors have hindered transformation in ways urban settlement demolitions should be conducted. The chapter found that on one hand, actors or stakeholders associated with the built environment, have inhibited transformation. One of the stakeholders are illegal residents. Their adversarial conduct has stymied permissible conduct of conducts as espoused by Foucault. Urban local authorities, as key actors responsible for the day to day management of the urban space have not embraced the spirit of Section 74, alleging that it is not compatible with their operations.

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<sup>58</sup>International Institute for Democracy and Electoral Assistance

On the other hand, the absence of a provision regarding the right to shelter in the Constitution which was adopted in 2013 has made it absolutely difficult for courts, in their ruling on forced evictions to force the State, and any of its agencies and institutions to provide shelter.

Another fault-line is that the content of the new Constitution is not fundamentally different from the Lancaster House Constitution which it replaced. It is neo-liberal in substance, such that it protects the rights of the rich, more than it does for poor, most of who tend to house themselves illegally. In the final analysis, it can be argued that it is not the absence of a constitutional provision regulating the conduct of urban settlement demolitions in Zimbabwe that necessitated the arbitrary nature of demolitions of OM/RO of 2005, since after the enactment of that provision nothing has changed.

Now that it has been noted that there has been a lack of transformation in the way demolitions should have been conducted, and that a host of factors have impeded this transformation, the next chapter discusses the consequences that this lack of transformation has for the State and other actors. It answers the question; *What are the consequences that this lack of transformation has for the State and other actors?*

## **CHAPTER 8: IMPACT ON THE STATE AND OTHER ACTORS IN IMPEDING TRANSFORMATION IN THE CONDUCT OF DEMOLITIONS**

### **8.1. Introduction**

This chapter analyses the effects that the lack of transformation in the conduct of urban settlement demolitions has for the State and other actors. The chapter answers the question: *What are the consequence of such lack of transformation, for the State?* This chapter is about how the State and other actors are affected by the lack of transformation in the conduct of urban settlement demolitions. As discussed in the ANT, the actors also include that evictees themselves

The State, as mentioned in Chapter 1, refers to the highest governing authority or the national government (central government). As mentioned in the ANT, local authorities are key actors in issues of the urban space together with the other actors such as the evictees and housing cooperatives. Although these urban local authorities are empowered by the 2013 Constitution to determine their own affairs (GoZ, 2013a), their omissions and commissions render the State accountable. The Standard Human Rights Law impresses upon the State to dissuade its organs and other spheres of government from carrying out forced evictions (see COHRE, 2008).

This chapter has six sections. The first section provides an overview of the findings so far. These are the findings arising from objective 1, which examined the nature of urban settlement in Harare Metropolitan Province from 2013-2020, and objective 2 which investigated factors that have influenced the nature in which illegal urban settlement demolitions have been conducted in Harare Metropolitan Province after the promulgation of the Constitution in 2013.

In the second section, the consequences for the State of the lack of transformation are examined from the broad goals of development the State envisages or has always laboured to fulfil. The chapter argues that the ways these demolitions have been conducted are problematic because they are in dissonance with the State's avowed goals.

In the third section, the lack of transformation is examined in relation to the relevant international covenants the State is a signatory to. The chapter argues that these demolitions paint a picture of an unrepentant State, one that pays lip-service to the international instruments and treaties it ratified. This has negative consequences to the State.

In the fourth section, the lack of transformation is examined in relation to values underpinning the 2013 Constitution. The research argues that these demolitions amount to wanton disregard for rules and procedures of the land, and it is up to the State enforce the values of the Constitution. The fifth section focuses on the Citizen and State-Citizen relations. The chapter argues that counter-conduct of the citizens is deleterious to them because the law is never king to them. At the same time, the chapter argues that in as much as for the local authorities and the State, demolitions are their conduct of conduct, whose primary aim is to facilitate adherence to enacted rules and regulations obtaining in the urban environment, the manner with which it is done has a bearing on Citizen-State relations especially if the procedure undermines constitutional rights. The sixth section of the chapter provides a summary.

## **8.2. Overview of the research findings**

In examining the political economy of urban settlement demolitions and state power, the first objective examined the nature of urban settlement demolitions in Harare Metropolitan Province from 2013-2020 while the second objective investigated factors that have inhibited transformation. Thus, the previous chapters have responded to the central question; *Has there been any transformation in the manner urban settlement demolitions have been conducted in Harare Metropolitan Province, since the adoption of the new Constitution in 2013? If there is no transformation, why?*

In relation to the first objective, of particular importance have been the work of Muchadenyika (2017a) and Mavedzenge (2016;2020). As mentioned in Chapter 1, Muchadenyika (2017a) alleged that the absence of a constitutional provision regulating the conduct of urban settlement demolitions in Zimbabwe necessitated the arbitrary nature of OM/RO of 2005. Mavedzenge (2016;2020) in concurrence, argues that it was this desire to protect themselves from evictions reminiscent with the past, that Zimbabweans advocated for the entrenchment of the fundamental freedom from arbitrary evictions in the Constitution that was adopted in 2013. However, the findings of objective 1 demonstrate that the culture of arbitrary eviction has continued even after the insertion of a constitutional provision that directs how matters of evictions should be handled.

In relation to the second research objective, the study found various forces of political economy that have militated against transformation.

### **8.3. The State’s avowed goals of development**

In discussing what effect, this lack of transformation in the manner demolition has on the State, this section first focuses on the State’s avowed goals of development, namely; goals of cities free of informal settlements, goals of addressing urban housing crisis and goal of realising a middle-income economy by the year 2030.

#### **8.3.1. Goal of cities free of informal settlements**

Although it was revealed in Chapter 6 that central government and its local authorities share a vision of cities free of informal settlements, whose rationality is oriented towards realising what (Banks et al (2020) and Carmody and Owusu (2016) describe as modern, globally competitive cities, the results of the demolitions are contra-wise to this vision. Through observations, the study found that evictees have engaged in ‘counter-conduct’ that continues to blight the aesthetics so desired. As mentioned in Chapter 7, three years after their homes were demolished, some members of Nyikavanhu Housing Cooperative were still resident at the demolition site at Arlington Estate Farm, where they built illegal temporary housing structures (See Plate 8.1).

A similar development was observed in Ward 43 (Budiro) where some members of Tembwe Housing Cooperative and others of Chronicle Housing Cooperative administered by Stars Housing Consortium were still rooted at the demolition site four years after their evictions in 2015 (Plate 8.2). In Chitungwiza, the study observed that illegal settlers have remained resident at sites that were condemned for residential purposes (See Plate 8.3).



**Plate 8.1:** Illegal housing structures re-erected at Arlington Estate by former members of Nyikavanhu Housing Cooperative after demolition in 2016

**Source:** Author, 2019



**Plate 8.2:** Housing structures built by members of Chronicle Housing Cooperative after the 2015 urban settlement demolitions

**Source:** Author, 2019



**Plate 8. 3:** In the far left is a demolished house in Chitungwiza.

**Source:** Author, 2020

The presence of these illegal settlers in the areas they were evicted is testimony of the limitations of ignoring the salient feature of Section 74. A consideration of all relevant

circumstances helps to unearth most of the structural and institutional forces that have caused in the first place, the development of these informal settlements. This study found that it is not a mere counter-conduct as espoused by Foucault, that is premised on resisting urban by-laws that has caused evictees to remain rooted at demolition sites. Instead, it is the degree of need that is dire. As mentioned in Chapter 6, the majority of the evictees are laden with poverty because they are mainly involved in informal jobs that does not guarantee stable income.

Although, as revealed in Chapter 7, it is difficult for the municipalities and central government to provide everyone with housing stands, this mind-set is counter-productive in view of the anomaly in accessing land for residential purposes. A situation where, as mentioned in Chapter 2, land in urban areas, especially Harare has become concentrated more in the hands of private individuals, private companies and non-governmental organisations (Marongwe et al 2011; see also Chapter 2) than in the hands of the planning institutions is untenable<sup>59</sup>. This is because, as Chapter 6 has shown, the majority of the evictees are people involved in informal jobs. What is essential to note is that, due to their limited income, the capacity of these evictees to access housing from the open market is constrained.

Failure to address challenges of access and affordability can cause vicious cycles of displacement. However, these vicious cycles of displacements may subside if the State also reforms its economic policies. Sound economic policies benefit the whole country. They act as stimuli for rural development, with the result of reducing rural-urban migration. They also help in the generation of employment in urban areas. Being employed, citizens can be able to afford rented housing because not all can be accommodated by the social housing programme. This means that the State ought to have a look at the practices and power relations that constrain access to housing.

One of the areas could be to reform its economic policies, such as having a relook at the neoliberal public policies it embraced, that have generated distinct forms of inequality and poverty (Wacquant, 2008). Although the influences of neoliberalism are very powerful, as they influence policies of many national government, the market competition should not be regarded as the panacea to everything (Schmidt-Sane, 2020). Otherwise the goal of informal settlement free-cities will remain a mirage.

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<sup>59</sup> Stand production in Harare by sector for the period 1999-2011, shows that councils had, 8 940; the private had 23 000, while the State had 36 800 (see Chapter 2, Section, 2.5.2 and Marongwe et al., 2011).

### **8.3.2. Demolitions in light of the State's national urban housing thrust**

Basing on the accounts of the participants, the conduct of conduct pursued by the three local authorities is premised on making sure that residents comply with laws, regulations and legislation of the urban environment. As indicated by one of the Epworth Local Government officials (SS21), demolitions of informal housing have occurred partly because some of the homes were established at sites that are earmarked for roads. For Chitungwiza, one of the drivers of demolition has been to remove settlements that were developed in wetlands, under electricity pylons and near road servitudes (See Chapter 6, Section 6.1.2). Also as discussed in Chapter 5, and confirmed in Chapter 6, for Harare, the chief reason cited is the vision of attaining a World City Status by 2025.

Although some of the demolitions are justified, they are problematic in light of the general housing delivery rate. Thus, considering that all these demolitions are taking place at a time local authorities and the government have failed to provide houses for the poor, it can be concluded that the decimation of the housing stock to the tune of 2 950 between 2013 and 2020 (See Chapter 6, Section 6.2.2), is exacerbating the national urban housing crisis. Apparently, for a long time, the State has not had solution to this problem. Evidence is that in 2013 the national housing backlog stood at 1.25 million (See Chapter 5; GoZ, 2013b), but in 2018, it had risen to 1.3 million units (GoZ, 2020). This also affects the local authorities because they are on one hand, the key actors that should provide rental houses the citizens. On the other hand, these local authorities are criticised for allowing informality to take root.

### **8.3.3. Zimbabwe's Vision 2030: Turning the country into a middle-income economy**

From a practical point of view, removing people from wetlands as was revealed by participants (see Chapter 6) is part of pro-activeness. The reason is that the inhabitants may not be safe in the event of shocks such as flooding events. It is also in line with the New Urban Agenda in relation to advancing disaster risk reduction measures (See Chapter 5, Section; Satterthwaite, 2016). It is also in line with the Sustainable Development Goal 11 which seeks to make cities and human settlements inclusive, safe, resilient and sustainable (UN, 2015). In particular, it helps to achieve target 11.5 of the SDG Goal Number 11.

However, as this thesis has revealed, they are the urban poor, unemployed, and those in the informal economy who eke their living through cooking food for sale, selling wares and clothes and those that extract sand for sale that have been affected by demolitions and evictions (See Chapter 6, section 6.1.2). Indeed, their socio-economic situation cannot be a justification

for illegal housing developments and invading State-land. Building in unsafe environments such as wetlands, has the danger of undermining SDG 11, which seeks to, ‘make cities and human settlements inclusive, *safe (emphasis)*, resilient and sustainable. However, these demolitions risk jeopardising Zimbabwe’s avowed goal of turning the country into an upper-middle-income economy by 2030. The goal of turning the country into a middle-income economy by 2030 is in sync with the United Nation’s pledge in which it called upon on all governments to ‘Leave No One Behind’ (Donoghue and Khan, 2019). At the heart of the pledge, ‘Leave No One Behind’ is the desire to end poverty in all its forms (Mishra, and Chatterjee, 2020; UN, 2015).

It has been documented that demolitions and eviction that are conducted with little thought as to where the evictees will go, often result in homelessness or inadequate shelter, (COHRE, 2008). Shelter is one of the physiological needs as espoused by Maslow in his theory of Hierarchy of Needs. As one of the primary needs, it should be prioritised if the poorest and most vulnerable are not to be left behind. Its omission risks perpetuating poverty hence jeopardising Zimbabwe’s hope of achieving an upper middle-income economy by 2030. Therefore, an evaluation should always be made on circumstances that force citizens into settling in areas that threaten their lives, lest, the pledge of ‘leaving no one behind’ risks also to be mere rhetoric similar to the housing for all by the year 2000.

#### **8.4. Respect to International Covenants**

While demolitions and evictions are inevitable (COHRE 2008), however, the fact that they have not been done in observance of procedural protective mechanisms can be regarded as lack of respect to the precepts of international covenants Zimbabwe is a member to. As discussed in Chapter 5, Zimbabwe is a signatory not only to the Universal Declaration of Human Rights, but she also acceded to the International Covenant on Economic Social and Cultural Rights (ICESCR) on 13 May 1991 (See also Zimbabwe People’s Land Rights Movement, 2019). Zimbabwe is among the 164 that accepted to implement this covenant (ICESCR) in good faith (ICJ, 2015). The simple act of embracing this covenant (ICESCR) calls for adherence to its precepts. Yet violation of these precepts has the negative effect on the character of the State.

It is also pertinent to stress that nocturnal evictions such as those that occurred on 26 September 2014 in Epworth and Chitungwiza, and in Harare’s Glen Norah in 2015 (See Chapter 6) violated this UN Covenant in relation to timing. As found in Chapter 7, participants argued that urban local authorities wanted to avoid retaliation, and hence minimising injury

since residents had become militant). However, the use of extreme force has negative consequences for the State in view of its human rights record that has in the past been rated as a 'crisis' (See Chapter 1, Section 1.3; Amnesty International, 2013; Chikwanha 2009; House 2017; Noyes 2020). The State is viewed as unrepentant that always pays lip-service to the international instruments and treaties it ratified. The end result is that its human rights record will continue to be rated by the Universal Period Reviews (UPR) as a crisis, especially when past records are also revisited.

### **8.5. Commitment to constitutionalism and the rule of law**

The insistence by urban local authorities and central government for urban citizens to adhere to planning laws is in line with governmentality espoused by Foucault (See Chapter 3). Governmentality is meant to prevent disorder within the built environment thereby making environments liveable. However, the 2013 Constitution of Zimbabwe, as was the case with the previous one, advances issues of constitutionalism and the rule of law. As discussed in Chapter 1, the rule of law is a situation where a government exercises its authority in conformity with the written laws of the country (See also Chikwanha, 2009). Tied to the rule of law is the doctrine of constitutionalism that basically refers to adherence to the principles of the constitution (Mzikamanda, 2011).

The call for constitutionalism is a call for everyone from the the ordinary citizen, to the head of State. For the ordinary citizen, their eviction is when viewed from the enacted rules and regulation of the urban space is based on undermining constitutionalism. As argued in Chapter 1, Section 74, Amendment (Number 20), Act 2013, does not advocate for haphazard urban settlement development, but strongly provides for transformation in ways the demolitions should be conducted. The establishment of illegal settlement is violation of the principle of constitutionalism. Therefore, the rule of law, and in particular, constitutionalism signifies operating within formalized and legitimated procedures as advanced by Weber in theory of rational legal authority. This is because it entails following the written laws of the country.

At the same time, failure by the State and its agencies to observe the principles of the constitution is negative for the State. The baulking of the court process on the basis of courts' cumbersome processes leading to demolitions without court permission as was revealed in Chapter 7, is a wilful disregard for rules and procedures agreed on. Such practices are injurious

to the State because they create the perception that there is no respect to own constitution and hence there is no rule of law and commitment to constitutionalism.

It is important to note that there are some positives derived from adherence to constitutionalism. Adherence to constitutionalism gives a certain positive impression about the State and its governance. This has the potential to unlock opportunities such as international assistance that the State can harness for the good of the country. Therefore, since the State is the guarantor of the rule of law (Mandega, 2017), it should be seen to be enforcing the transformative texts of the new constitution on matters of demolitions and evictions.

## **8.6. Protection of socio-economic rights**

Lack of transformation in the ways demolitions have been conducted malign the State's record in relation to the protection of socio-economic rights such as the right to human dignity (Section 51), right to personal security (Section 52), right to privacy (Section 57) among others. Part 3 of the Chapter under the Declaration of Rights, provides for the rights of women (Section 80), rights of children (Section 81), rights of the elderly (Section 82) etcetera. Section 85(1) of the Constitution imposes on everyone at every level to protect the fundamental rights in the event of proven infringement (GoZ, 2013a).

However, evictions and demolitions spates in Harare Metropolitan since 2013, have been conducted without provision for alternative shelter. The dilemma is that although the demolitions would have been conducted in the spirit of protecting property rights, the State is blamed for violating the socio-economic rights of its people. For example, in the case law, *Dusabe and other vs the COH and Others* (see case HH114/16), the issue of temporary shelter was raised by the applicant, in relation to his children and his pregnant wife.

Much as in its ruling, the court absolved the City of Harare with any obligation to provide shelter, arguing that the right to housing is not justiciable and its provision depends on the availability of resources (Rickard 2021), this study argues that despite being a delayed ruling, the court could have set a legal jurisprudence by ruling retroactively in consideration of the rights of children. This is because Section 81(1) (f) of the Constitution of Zimbabwe recognises the right to shelter for children. The rights of children are some of the few rights that are justiciable as they fall under the Bill of Rights (Rickard, 2021). The applicants were not out of their senses on this. For the court, this ruling could have been along the line of the South African case<sup>60</sup>, highlighted in Chapter 2 of this thesis in which the retroactive ruling

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<sup>60</sup> See *Government of the Republic of South Africa and Others v Grootboom and Others*

considered the plight of children, and ruled in favour of emergency shelter (see also Tissington, 2011).

This study takes on board the idea by Mavedzenge (2016) and Chitimira (2017), that since the entrenchment of ESCR is part of fully justiciable fundamental rights is a fairly new constitutional phenomenon in Zimbabwe, there is need to look up to comparative foreign jurisdictions and international law. Such an approach helps better enforcement, and ultimately, the promotion and protection of socio-economic rights (Solomom, 2021).

Looking outside for best practices is not an offence because it is provided for in the constitution. As Chapter 5 has shown, section 46 (1) (d), implores the courts to pay attention to all relevant provisions of the Constitution when interpreting fundamental rights. This is the rational legal authority advanced by Weber that the courts can use to promote and protect the socio-economic rights of its citizens, particularly the vulnerable, namely, women, children and the elderly.

### **8.7. The evictees and evictee- State relationships**

Evictees are affected by the lack of transformation. They should have taken due diligence before entrusting their money with land barons and joining the housing cooperative. As this study has revealed, the State has several justifications for spontaneous evictions. The public interest argument has been given. However, it is also tantamount to expecting too much from citizens because they could not be suspicious that some of the housing cooperatives were not in good standing. For example, Nyikavanhu Housing Cooperative was duly registered in line with the Cooperative Act (Chapter 24:05). And above all, members of this housing cooperative had offer letters dated and stamped from the Local Government Ministry as was revealed in the case law pitting Dusabe and Others vs City of Harare and Other (See Chapter 6).

So citizens pay to the housing cooperative on the understanding that it is a duly constituted housing cooperative advancing housing rights in line with the State policy. As argued in Chapter 5 (See Section 5.3.3 and also GoZ, 2013a), Section 28 of the new constitution argues that the State and all of its institutions and other agencies at every level will take reasonable legislative and other measures to enable every person have access to adequate shelter.

However, the lack of transformation in the ways demolitions have been conducted risks having knock-on-effects on State-evictee relationships. This State-evictee relation is not only jeopardised by the fact that their homes have been destroyed without notice, and provision of alternative space or shelter and that they lost valuable property. It is also about the failure by

the State to reign in on the land barons who have contributed to the misery of the evictees. The failure to deal with the land barons creates an impression that they are untouchables, despite abundant evidence as revealed by the investigations and urban land audits (see Chapter 5). These investigations and audits have revealed that these land barons contributed in the creation of illegal settlements in addition to swindling unsuspecting citizens. Criminalizing the evictees without also prosecuting land barons, risks disconnecting the people with the government because they may not, as Jacobs and Kampen (2014) notes, separate the character of the decision maker and the institution of (in)justice. Building trust with evictees is vital. The feeling that the State is protecting land barons, and corrupt councils and government officials erodes the trust of the citizens in the institutions of the State, when the authority to govern is also derived from the weak (Oladipo, 1991). A sovereignty State should protect the weak from the insecurity, disorder and brutality of the ‘state of nature’, (Oladipo, 1991). The land barons threaten the security of the poor.

## **8.8. Summary**

This chapter examined the consequences for the State and other actors, of the lack of transformation in the ways demolitions should have been conducted. While it has been noted that lack of transformation affects other actors such as the evictees, the chapter identified several negative consequences of this lack of transformation for the State. The outcomes of these demolitions, for instance, the construction of temporary housing structures at the demolition sites, the losses of housing stock built by the poor out their ingenuity, are not in sync with the avowed goals of the State.

The presence of temporary housing structures runs gamut to the goals of informal free-cities. The demolition of homes at the time the State is unable to provide residential spaces, let alone build houses for the poor owing to limited financial resources and capacity exacerbates the urban housing backlog of local authorities. At the same time, these housing backlogs add to the national backlog, meaning that for the State, these demolitions worsen the national housing backlog.

Without provision of alternative shelter or space, demolition as a policy or practice increase homelessness, and if not checked, consign many to poverty. The chapter argued that the demolition-induced homelessness is not in sync with the goal of the State of attaining a middle –income economy by 2030. It also works against the 2015 UN Pledge of ‘Leaving No One Behind’.

In addition, this chapter has argued that the ways demolitions have been conducted continue to put the State into the spotlight as they have not been in conformity with the 2013 Constitution and procedural protective mechanism that the country affirmed by being signatory to the ICESCR. Regarding conformity with the Constitution, arbitrary eviction violates Section 74. The effect of violating the constitution is that the State is viewed as having no regard to constitutionalism and the rule of law. The State is viewed as violating the constitution it should protect. With respect to violation of procedural protective mechanisms, the unfortunate effect is that the State continues to be regarded as indifferent to international covenants it is signatory to, and which it affirmed to respect in good faith.

Lastly, this chapter examined the consequences that this lack transformation in the manner of demolitions has for the State in terms of the State-evictee relationship. It argues that these demolitions have the unfortunate effect of further straining Citizen-State relations which has been bad since the start of the millennium, and after OM. These demolitions disconnect the poor, especially in view of the inertia by the State to deal decisively with the corrupt government and council officials who have been implicated in the creation of illegal settlements, while also swindling the unsuspecting residents. The failure to prosecute the land barons gives an impression of the invincibility of these officials, while projecting the impression that the poor have no protection of the same law.

The next chapter provides a synthesis of whole thesis.

## **CHAPTER 9: SYNTHESIS**

### **9.1. Introduction**

This chapter is a synthesis of the findings of the thesis that examined the political economy of urban settlement demolitions and state power. In consolidating the results, the chapter focuses on what the results mean and how they have answered the research questions. The principal objective was to understand if the new Constitution which was adopted in 2013, has transformed the conduct of urban settlement demolitions in Harare Metropolitan Province since then. As a working definition, this study took ‘transformation’ to mean a change from the former practices or a fundamental departure from the old ways of doing things. This means that on one hand, evictions should occur after the courts have granted eviction orders. On the other hand, evictions should occur after the court has determined all relevant circumstances so that the eviction does not cause human suffering.

Therefore, the thesis examined the extent to which the enactment of the 2013 Constitution has changed how urban settlement demolitions used to be carried out. Section 74 was the lens through which the political economy of urban settlement demolitions and state power was examined. The insertion of Section 74 in the 2013 Constitution changed the power relations by transferring some of the development control decisions from local authorities to the court. However, the culture of arbitrary eviction has remained. This means that in terms of Max Weber’s theory of rational legal authority, the demolitions have lacked legitimacy.

This chapter has four parts. First, it makes conclusions for each of the research objectives. The second part discusses the urban settlement demolitions in light of the eviction framework. The third part discusses main themes emerging from the data. The fourth part proposes the enhancement of the existing eviction framework. The final section is the chapter summary.

### **9.2. Revisiting the research objectives**

This section revisits the research objectives outlined in Chapter 1. The first objective sought to establish the nature of urban settlement demolitions in Harare Metropolitan Province after the promulgation of the constitution in 2013. This objective was one of the prime purposes of the study because its findings would answer the central question, that is, ‘If there has been a transformation in the conduct of urban settlement demolitions in the period under review. It also helped to answer the second objective, concerning factors that have influenced the nature

in which urban settlement demolitions have been conducted in Harare Metropolitan Province after the promulgation of the Constitution in 2013. The third objective sought to examine the consequences for the State and other actors, of this lack of transformation.

### **9.2.1. Adherence to legislative and policy frameworks guiding urban settlement demolitions**

This section answers the first research objective that examined the nature of urban settlement demolitions. The researcher mainly centred on how urban settlement demolitions were conducted in Harare Metropolitan Province from 2013 to 2020 (Section 6.4). The purpose was to establish if the legislative and policy frameworks guiding urban settlement demolitions have been adhered to. The objective was guided by the theory of rational-legal authority espoused by Max Weber (1978), the procedural social justice theory espoused by Tom Tyler (See Chapter 3, Section 3.4)

The theory of rational-legal authority by Max Weber and the procedural social justice theory were used to examine if the demolitions have been conducted according to the enacted rules and regulations. Procedural social justice theory was used to evaluate the fairness of the manner of demolitions. The research findings revealed that urban local authorities, at times with the support of the central government, have defied the court route envisaged by Section 74. By evicting illegal settlers without a court order, authorities have violated the constitutional rights of the illegal settlers, who should speak out for the court to consider all the relevant circumstances.

Therefore, findings in Chapter 6 show that authorities governing the urban space have not adhered with legislative and policy frameworks guiding urban settlement demolitions. They also indicated that the evictions were conducted without the provision of alternative shelter or space. The study concluded that urban settlement demolitions that were conducted without the provision of alternative shelter or space did not only overlook the importance of considering all relevant circumstances. They violated the 2012 National Housing Policy, which, as discussed in Chapter 5, Section 5.3.2, *stressed a no eviction without alternatives framework*<sup>61</sup>.

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<sup>61</sup>Most of the urban settlement demolitions studied occurred before the passing of the Zimbabwe National Housing Policy of 2020 which pointed out the no eviction without the alternative framework of the 2012 NHP

They also occurred contrary to the procedural protective mechanisms recommended by the International Covenant on Economic, Social and Cultural Rights (See Chapter 5, Section 5.2.1).

The thesis also found that while evicting militant illegal settlers could be justified, however, doing so at night, and without notice, violated Section 32 of the RTCPA (Chapter 29:12), which advocates that a month's notice be given (See Chapter 5, Section 5.4.1). They also contradicted the spirit and letter of the ICESCR regarding nocturnal evictions. As discussed in Chapter 5 (See Section 5.2.1; COHRE 2008; Kothari and Vasquez 2015; ), the covenant states that evictions should not occur *at night*<sup>62</sup> or during bad weather.

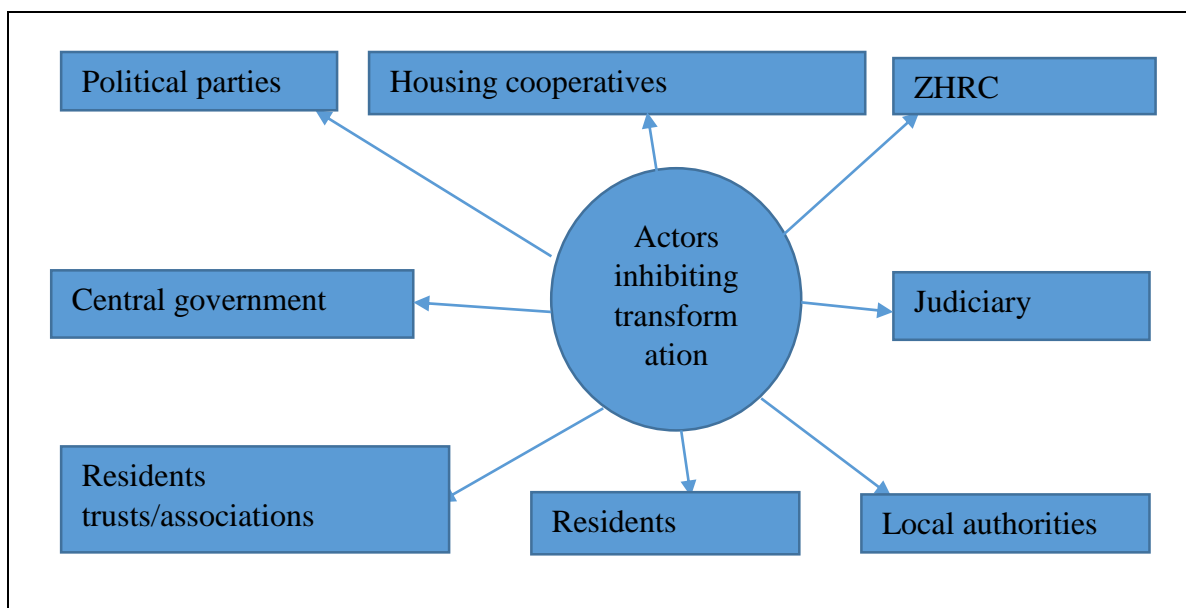
Overall, these findings show that authorities have chosen continuity over procedural justice. This means a continuation of the status quo because Statutory Instrument 109 of 1979 was the tool of urban space governance before 2013. These findings show that the constitutional reform of 2013 in Zimbabwe has not led to the protection of illegal settlers. This is in stark contrast with the impact of constitutional reforms in other countries such as South Africa and Kenya, where their constitutional reforms have resulted in the recognition of the rights of illegal settlers (Leckie 2021; Mavedzenge 2016).

### **9.2.2. Circumstances impeding transformation**

This section provides the answer to the second objective which sought to understand, why after the adoption of the Constitution, in 2013, there has been no transformation in the conduct of demolitions. Applying the political economy approach, the Actor-Network Theory and the procedural social justice theory, the study found that transformation has been inhibited by the activities of the actors involved in the urban space. Figure 9.1 shows the actors who have contributed to the lack of transformation.

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<sup>62</sup> Emphasis



**Figure 9.1:** Multiple actors inhibiting transformation in the conduct of demolitions

On one hand, the local authorities have shown disdain for the provision of Section 74 of the 2013 Constitution. From the interviews with officials from local authorities, the study found that these councils have not adapted to the spirit of Section 74 because the court process is unsuited to the nature of their work. While the argument that Section 74 is not very compatible with the nature of their work is somehow valid, the resistance to embrace this legislation borders largely on the refusal to accept change. This is so because they feel inconvenienced by the court route.

Findings also showed that local authorities have disdain for this anti-arbitrary eviction clause. The recourse by the court to hear the voices of other actors, especially of the would-be evictees, before granting eviction permission, exposes some shenanigans of local authorities. The study concluded that the phraseology, ‘considering all relevant circumstances’ before granting an eviction order poses discomfort to authorities.

The study exposed the weaknesses of the judiciary, the Zimbabwe Human Rights Commission, housing cooperatives, residential associations and trusts. Regarding the judiciary, the study found that although matters about evictions were brought under its ambit by the 2013 Constitution, however, the courts have not been actively involved before evictions. They have displayed uneasiness to act on matters they perceive to be involving influential political figures. For example, in the case law, *Dusabe and Other versus the City of Harare and Others* (see Chapters 6 and 7), the court failed to stop demolitions temporarily, until it had determined all

relevant circumstances. The applicant<sup>63</sup> had submitted four interim orders, one of which sought to stop the council from destroying their household property. On one hand, the court did not sit to hear the case before it. Demolitions occurred without its authority. Although when it finally sat, it admonished the action of the local authority and central government to evict without a court order, the damage had already been done.

On another hand, courts have failed to set constitutional precedents regarding the provision of temporary shelter to vulnerable people such as pregnant women and sick children. In the case of Dusabe, the City of Harare and others discussed in this thesis, the applicant had submitted interim orders requesting shelter to accommodate his pregnant wife and child. This could have set a precedent about rights for children which in the Declaration of Rights are justiciable (Rickard, 2021). This failure to set a precedent has inhibited transformation in how demolitions should be conducted.

The conduct of illegal settlers was also identified to have curtailed transformation. As discussed in Chapter 7, urban local authorities and central government could not sit by and watch militant illegal settlers threatening the governmentality of the urban space. In the face of the resistance, authorities employed heavy-handed methods to force the illegal settlers to opt out of the premises they had occupied and were resisting vacating. As this study has indicated the three local authorities thwarted the militancy through night evictions (See Chapter 7, Section 7.3.1).

During a group interview, the study found that housing cooperatives embroiled in conflicts over land ownership have inhibited the transformative potential of Section 74. The study found that some housing cooperatives have lived up to their mandate by acquiring urban land for housing purposes, and financing and constructing the dwellings for their members (Chirisa et al., 2014). However, others have taken the law into their own hands. Evicting members of the rival housing cooperative without the court's permission has inhibited transformation.

The study also found that although the ZHRC comes from a rights point of view and hence, should investigate issues of demolition and advise and remind the state regarding its obligations under domestic and international law, it has not adequately done so. This is because

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<sup>63</sup> The applicant was one among those affected by the demolitions of homes of members of Nyikavanhu Housing Cooperative which were destroyed after the then president had insinuated that the homes did not give a good picture of the country to visitors (Chapter 6, Section 6.2.2).

it is a state organ that relies heavily on the State for funding. This dependence on the State for funding, it was revealed, has made its position weak to take the State to task on issues of arbitrary evictions where the latter is involved.

It was also revealed that the opposition party controlling urban local authorities has engineered the demolition of homes of housing cooperatives perceived to be linked with the ruling party. This is a confirmation of what Mphambukeli (2015) describes as politics of difference. Its councilors also supported the demolition of homes belonging to members of Nyikavanhu Housing Cooperatives because they felt the growth of the settlements would affect their political base.

The study also found that much as Section 74 protects illegal settlers, the protection is temporary. The study found that the court has only condemned the arbitrary eviction. It has not ruled that evictees be compensated for the loss of valuables caused by lack of notice. This is because the whole constitution does not provide for the compensation of illegal settlers. Provisions that are there are slanted towards the protection of the rights of the land owner more than it does to the rights of illegal settlers.

### **9.2.3. Effect of the lack of transformation on the State and other actors**

This section answers the third objective which sought to investigate the effect, that the lack of transformation has on the State and other actors. The study found that this lack of transformation affects the evictees, local authorities and State in several ways.

First, in terms of the evictees, the study found that they are great losers because their losses are not compensated. The reason is simple- no law is sympathetic to the cause of the informal settlers. The study also found that local authorities are hounded by the lack of this transformation because their housing backlog continue to grow, at a time these local authorities are financially incapacitated to provide serviced stands affordable to the low-income earners.

At the same time findings of Chapter 8 show that first, the lack of transformation has forced the illegal settlers to adopt coping mechanisms that scupper the State's goal of realizing slum-free cities. The study found that, years after they lost their housing structures through demolitions, illegal settlers were still residents at the demolition sites. They erected temporary structures, most of which were almost worse in quality than the housing structures that were demolished. The presence of temporary housing structures at the demolition sites which are

made of low-quality materials compared to those destroyed is spoiling the vision of modernity. As discussed in Chapter 5 (Section 5.5), since 2013, the desire of the City of Harare is that of realizing a World City Status by 2025.

The study concluded that the reason for staying put at the demolition site is indicative of a lack of alternatives. The study also concludes that there were no assessments that were carried out to find the situation of the illegal settlers. Hence, there was no consideration of all relevant circumstances, concerning the economic status of the evictees. It would be important to evaluate the efficacy of evictions that are done without consideration of the circumstances of the settlers.

Second, the findings in Chapters 7 and 8 reveal that destroying illegal homes without providing alternative shelter is contrary to the goal of councils and the State of addressing the housing backlog. Therefore, considering that the State and urban councils have intended to address the housing backlog, these demolitions are perpetuating the urban housing crisis.

Third, the findings in Chapter 6 show that most of the people who have been affected by demolitions are unemployed and, hence, poverty-laden because they lack a stable source of income (See Chapter 6, section 6.1.2). The study concludes that these evictions have the potential to scupper the State's avowed goal of achieving an upper-middle-income economy by 2030 (GoZ, 2018). The pledge, of 'leaving no one behind', which the State is advancing along the lines of the United Nation's SDGs risks to be mere rhetoric. While it is difficult to shelter everyone, it would be important for the State to make sure that alternative space is provided to reduce homelessness.

Fourth, given Zimbabwe's past human rights record that has been conceived to be poor (Amnesty International 2013; Chikwanha 2009; House 2017; Noyes 2020), night evictions may have the unfortunate effect of further painting a gloomy picture of the character of the State. Nocturnal evictions such as those that occurred in Epworth and Chitungwiza in 2014, and in Harare's Glen Norah in 2015 (See Chapter 6) violated the ICESCR about timing, because it provides that evictions should not take place *at night* (emphasis) (COHRE, 2008; Kothari and Vasquez, 2015). Although participants argued that urban local authorities wanted to avoid retaliation, and hence minimise injury since residents had become militant earlier on (See Chapter 7), doing night eviction is a demonstration of the use of excess force. Such demolitions (night evictions) and those that have been done without meaningful engagement and notice have reputational risks for the State because they are rated as human rights violations.

Consequently, human rights situations in the country may continue to be rated as a ‘crisis’ during the Universal Periodic Reviews (UPR).

Fifth, cases of evictions occurring as a result of rival housing cooperatives destroying each other's homes because of feuding over land ownership paint the picture of a lawless country. This speaks negatively about the governance of the country.

Sixth, considering that Zimbabwean citizens entrenched Section 74 to avert evictions reminiscent of the past, (Mavedzenge 2016; Muchadenyika 2017a), this lack of transformation projects the State as indifferent to reform, constitutionalism and the rule of law.

Seventh, given the several covenants the country is signatory to (see Chapter 5), the lack of transformation in the conduct of demolitions has negative consequences for the State regarding respecting international covenants. It would be important to appreciate the effects of a covenant on the governance before ascending to it.

Finally, this lack of transformation has the effect of constraining relations between the State and citizens. This mainly emanates from failure to deal with the land barons. The perception by the citizens, especially evictees is that the the State is protecting the land barons, because their criminal activities have not been harshly dealt with.

### **9.3. Urban settlement demolitions and the eviction framework**

This section revisits the eviction framework (Section 74) as far as it affects urban settlement demolitions. Through Section 74, the Constitution prescribes a new governance norm because it has transferred some of the development control mechanisms from local authorities to the court. It wants the court to ascertain the situation of the illegal settlers before it grants eviction orders. The recourse to determine all relevant circumstances is intended to prevent human suffering. However, findings in Chapter 6 challenge Muchadenyika’s (2017a) claim that the absence of a constitutional provision regulating the conduct of urban settlement demolitions in Zimbabwe necessitated the arbitrary nature of OM/RO of 2005. This is because, despite the presence of a constitutional provision regulating the conduct of demolitions in the 2013 Constitution, the culture of arbitrary eviction has continued.

Thus, this culture of arbitrary eviction does not fit well with the new constitutional dispensation. Also, the culture of arbitrary eviction does not fit well with the aspirations of the citizens. As mentioned in Chapter 1, when they gave their inputs during the Constitution-

making process, citizens aspired to protect themselves from evictions reminiscent of the past. However, although they successfully entrenched the fundamental freedom from arbitrary evictions in the 2013 Constitution, its presence has not made any difference.

#### **9.4. Major themes**

The previous section has considered the impact of the eviction law (framework) on urban settlement demolitions. This section discusses four key themes that emerged from the data focusing on the ANT and the procedural social justice theory.

##### **9.4.1. The court has been ambivalent**

The thesis argues that citizens sought to transfer some of the development control mechanisms from local authorities to the court to smother power relations that had always been skewed in favour of local authorities. This thesis argues that transformation is not measured by the extent to which evictees come to the court to complain about the eviction that was un-procedural. It is measured by the extent to which the court stops an eviction because it (court) has not ascertained all relevant circumstances. The study concludes that courts have been ambivalent, even though the eviction clause is one of the development control mechanisms that has been brought into their domain.

This ambivalence of the courts may not augur well with citizens. In the procedural social justice theory, Jacobs and Kampen (2014) point out that people link the character of the decision-maker and the institutions of justice. The same scholars further argue that the character of the decision-maker is a central attribute in influencing the public evaluation of the legal authorities and the State in particular. This study argues that the indecisiveness of the courts about their duties on matters of evictions has the effect of evaporating citizens' trust and confidence in the institutions of justice.

##### **9.4.2. Content of the eviction framework is vague**

The content of the eviction framework or law is vague. Section 74 does not have an Act that defines the 'relevant circumstances' that the court should consider before granting an eviction order, and what penalty is imposed to the violator. A well-articulated eviction legislation could benefit the courts from the pernicious interpretations of a clause. The study argues that an Act that gives content to Section 74 may save the courts from the pernicious interpretations of such clause. The presence of an Act guarantees the potential violators, that their contempt of the

eviction procedure has negative consequences for the officials and the local authorities involved.

#### **9.4.3 The eviction framework does not protect citizens permanently**

In Chapter 1, the thesis argued that although the Constitution of Zimbabwe, Amendment (Number 20), Act 2013, strongly provides for transformation in ways the demolitions should be conducted, it does not condone haphazard urban settlement development. Findings showed that courts have consistently condemned local authorities for evicting the illegal settlers without their permission and without notice of eviction to the illegal settlers. At the same time, although citizens have reached out to courts after having been arbitrarily evicted with the hope of getting compensation, the compensation has not come their way.

However, the same courts have always turned against the evictees for illegally occupying a piece of land. Nothing tangible has come into the hands of evictees, although they would have lost their only property through un-procedural evictions. This means that the eviction law does not protect illegal settlers permanently. It would be important for citizens to be informed about the limits to which the courts can protect illegal settlers. The study argues that since residents' associations and trusts engage with residents on a day-to-day basis, it would be important to help educate citizens about the dangers of illegally occupying pieces of land.

#### **9.4.4. Local authority and government officials are not receptive to Section 74**

The reluctance of local authorities and government officials to embrace Section 74 has inhibited transformation. They have argued that Section 74 poses operational challenges which, would be taken as sheer incompetence to deal with indiscipline in their areas of jurisdiction. They have also justified their continued use of SI 109 of 1979 on the pretext that, that subsidiary legislation had not been made redundant.

While these arguments may be valid, the study concludes that their continued use of the colonial pieces of legislation is deliberate. They had become avid disciples of the colonial piece of legislation, such that they could not easily accept change. One can also argue that these officials are hypocrites. They condemn colonial pieces of legislation when they see it fit. However, they also use the same colonial legislation with brute force, when their interests are

threatened. When analysed within the context of Max Weber's theory of rational-legal authority, it is not true that power is exercised rationally (Giddens, 2009).

## **9.5. Making the eviction framework more transformative in light of the underlying obstacles**

Identifying how the eviction framework can be made transformative was one of the primary goals of this research. Having found that there has not been any transformation in the conduct of urban settlement demolitions; that several circumstances have impeded this transformation and that this lack of transformation has a negative bearing on the State, this study proposes that for Section 74 to be transformative the following should be done:

### **9.5.1. Stakeholder participation**

The whole constitution of Zimbabwe was born out of the input of citizens. There is little the court can do to make adjudications that are sound and well-received when local authorities and the general citizens do not agree on the content of Section 74. Section 74 can further be strengthened if it is sent back to the citizens through a portfolio of parliament to seek the input of the people. Stakeholder participation promotes accountability, transparency, and ownership. Stakeholders' inputs can then be used by legislators to devise an Act; which Act should define all relevant circumstances the court should consider before giving an eviction order.

The Act should define how all the relevant circumstances are identified. For example, it would be prudent to get detailed information regarding number of people to be affected by the eviction, the number of the aged, children and women; the socio-economic status of the evictees. It would be important to get information regarding how the evictees would be handled, rather than leaving them to their devices. It would also be important to consider the period the illegal settlers would have stayed. The problem situation would be, however, to determine how to evict people that would have recently invaded a piece of land, and build. The way of eviction may need to be different from the one used to evict people who would have been resident at a particular place for a long time.

### **9.5.2. Prosecution and compensation**

In Max Weber's theory of rational-legal authority, it was stated that the purpose of rules is for the State and its actors to be able to regulate individuals by enforcing those general rules of law

(See Chapter 3). One can argue that after residents have displayed contempt of planning regulations, evictions are done by the administrative authorities as part of enforcing those general rules or laws. However, the application of the law ought not to be one way. The enacted rules and regulations also apply to the administrative authorities. This means that rules and regulations are for everyone to obey. While administrative authorities are applying governmentality, the conduct of conduct ought also to conform to the law, because Section 74 is essentially searching for evictions that are procedurally and substantively fair (GoZ, 2013a). This study argues that although the intention of inserting Section 74 was never done to promote the development of haphazard settlements, it was largely meant to prevent abuse of authority. The thesis provides that for Section 74 to be transformative, council officials who bypass the court should be prosecuted.

Perhaps, the challenge is who should be arrested, the official or the organization? Since the official is the face of the organization, the officials who superintend the demolitions without a court order should be prosecuted. In case of other penalties, they should be stiff enough to prevent contempt of Section 74 in future. The failure to prosecute officials who deliberately violate the Constitution and the lack of stiff penalties for ignoring the court process fosters a culture of impunity and recklessness.

It is still an anathema to have illegal settlers compensated because the law on compensation is in favour of private property owners. Since the eviction framework provides for evictions that occur after consideration of all relevant circumstances, the eviction that is done without notice and that occurs outside the court's permission is intentional. The poor are deprived of the little property they have. Compensation law suited to the breach of Section 74 will make this law transformative.

## **9.6. Summary**

This chapter revisited and discussed all the thesis findings in the empirical chapters. It also revisited the eviction framework about how it affects urban settlement demolitions. The chapter argued that although the eviction law does protect illegal settlers, however, the protection is temporary. The chapter argued that it would be important for the citizens to know about this fact. Once they are empowered about this fact, they may not be easily duped by land barons. As this study has revealed land barons have taken advantage of the ignorance of many citizens about the extent to which Section 74 applies. The chapter proposed that for Section 74 to be

transformative, there is a need for prosecution of those who show contempt of the eviction law. The chapter also proposed for the enhancement of the eviction framework (Section 74) for it to be more transformative. This involved coming up with the Act that supports Section 74.

## **CHAPTER 10: SUMMARY, CONCLUSIONS, RECOMMENDATIONS AND CONTRIBUTION TO KNOWLEDGE**

### **10.1. Introduction**

This chapter presents the summary and conclusions of the findings. It also highlights the contribution of the thesis to the existing body of knowledge. The chapter also draws and presents policy recommendations from the findings and points out to areas that need further study.

The thesis examined the political economy of urban settlement demolitions and state power in Zimbabwe since 2013. The main purpose was to assess the extent to which the new Constitution that was adopted in 2013 has transformed the conduct of urban settlement in Harare Metropolitan Province since 2013. If there has been a transformation, the thesis sought to identify how the urban local authorities, under the auspices of the opposition political party, had been able to alter the nature of demolitions. On the other hand, if there has been no transformation, the thesis sought to identify the bottlenecks or restrictive underlying conditions. An understanding of the restrictive conditions would also help to proffer recommendations that assist in overcoming these bottlenecks. Chapter 1 illustrated that the manner urban settlement demolitions have been conducted after the enactment of this new Constitution has so far received little scholarly attention.

### **10.2. Recapitulation of the central question and the study objectives**

The central question guiding the study was: 'Has there been any transformation in the manner in which illegal urban settlement demolitions are conducted in Zimbabwe following the promulgation of the new Constitution in 2013, and if not, why

In line with the above research question, the specific objectives of the study were to:

- Establish the nature of urban settlement demolitions in Harare Metropolitan Province after the promulgation of the new constitution in 2013.
- Investigate the factors that have influenced the manner in which illegal urban settlements have been demolished in Harare Metropolitan Province after the promulgation of the new constitution in 2013.
- Examine the consequences of this transformation, or lack of it, for the State and other actors

It was pointed out in Chapter 1. that the results of this study could be of interest to various actors. For example, civil society organisations may want to know how, against the

background of her past human rights record that has been conceived to be poor (Amnesty International, 2013; Chikwanha 2009; House, 2017; Noyes, 2020), Zimbabwe is using its new laws in promoting fundamental normative issues of fairness, justice and protecting the rights of its citizens. It was also highlighted that the results of this study could be of importance to State institutions such as the judiciary and parliament whose responsibility is to play an oversight role on issues of promoting justice. To the judiciary as the guardian of the Constitution, provisions of Section 74 cover issues of constitutionalism and the rule of law which should be upheld. This is notwithstanding evictees themselves.

This study was based on the following claims:

- The absence of a constitutional provision regulating the conduct of urban settlement demolitions in Zimbabwe necessitated the arbitrary nature of OM/RO of 2005 (Muchadenyika, 2017a)
- In entrenching the fundamental freedom from arbitrary evictions in the new Constitution of Zimbabwe which was adopted in 2013, citizens wanted to protect themselves from evictions reminiscent of the past (Mavedzenge, 2016; 2020).
- The new Constitution which was adopted in 2013 is transformative on matters of urban settlement demolitions.

### **10.2.1. The study summary**

In line with the constructivism paradigm that informed the study (See Chapter 4, section 4.3) the study adopted a purely qualitative approach. The sampling matrix (Chapter 4, Table 4.1.) shows that study participants were selected using three sampling strategies; purposive, snowballing (referral) and convenient (accidental). The study used the following primary methods to collect data; in-depth interviews, observations, group interviews, and a questionnaire survey. The study also used secondary methods, namely, court, municipal and newspaper reports on eviction to augment and verify the primary data findings. Primary data was analysed thematically while content analysis was used to analyse secondary data.

### **10.3. Results summary and conclusions**

This section provides a summary of the results that emerged from each objective. Conclusions are also made.

### **10.3.1. Objective 1**

To find if *there has been any transformation in the manner urban settlement demolitions have been conducted in Zimbabwe after the promulgation of the new Constitution in 2013*, the researcher focused more on the manner urban settlement demolitions have been conducted in Harare Metropolitan Province from 2013-2020 (See Chapter 6, Section 6.4). As argued in Chapter 6, the mere fact that evictees go to the courts to complain about the manner they have been evicted is not transformation. Instead, transformation is based on the fact that there is a departure from the common law position in which evictions used to be dealt with (Muller, 2011). When evictions are done after the court has authorised them, and has determined all relevant circumstances such that when conducted, the evictions do not cause much suffering, this translates to transformation.

The study found that the presence of a constitutional provision regulating the conduct of urban settlement demolition in Zimbabwe has not in any way altered the manner of urban settlement demolitions in Harare Metropolitan Province since 2013. Evidence of the lack of transformation includes the following:

First, evictions have been conducted without a court order. Second, evictions have also violated the precepts of Section 74, because they have been conducted before the court has considered all relevant circumstances, such as the availability of alternatives- shelter or space. Evicting the illegal settlers without consideration of relevant circumstances violated the procedural safeguards recommended by the 2012 National Housing Policy (NHP) and General Comment Number 7 of the International Covenant on Economic Social and Cultural Rights (ICESCR). As outlined in Chapter 5, (see Section 5.3.3), the 2012 NHP emphasised and pronounced the policy framework of no eviction without alternatives (GoZ, 2012).

Third, evictions have been conducted without notice. These violated Section 32 of the Regional Town and Country Planning Act (Chapter 29:12). This Act, as discussed in Chapter 5, Section 5.4.1, provides for 30-day notice. Fourth, the timing has been poor. Some of the demolitions after 2013 have violated international law because they have been conducted at night. This is despite the condemnation the State received in 2005 for conducting OM, during the chilly winter (Nyere, 2014).

Based on these findings, the study concludes that the ways urban settlement demolitions have been conducted after 2013 mirror OM of 2005. The culture of arbitrary eviction has remained embedded in the broader matrix of actors involved in the governance of the urban space. The chapter concludes that the entrenchment of fundamental freedom from arbitrary evictions in the new Constitution of Zimbabwe has not protected citizens from the arbitrary

nature of the demolitions of the past. The study also concludes that in all aspects, the evictions have been in contravention of what Max Weber, in his theory of rational-legal authority, describes as the formalised and legitimated procedures because they have contravened the existing eviction guidelines.

### **10.3.2. Objective 2**

About the second objective, which investigated the factors that have influenced the manner in which illegal urban settlements have been demolished in Harare Metropolitan Province after the promulgation of the new constitution in 2013, the study concludes that there are many factors at play. These factors are summarized under two themes, namely, key stakeholders/actors involved in the governance of the urban space and the legal framework.

#### **10.3.2.1. Key stakeholders/actors involved in the governance of the urban space**

The findings show the relevance of the Actor Network Theory. As discussed in Chapter 3, as an analytic framework, the ANT assists in describing or accounting for the occurrence of phenomena (Bencherk, 2017). It also helps to thoroughly analyse actors in their heterogeneity to understand what they do (Alcadipani, and Hassard, 2010; Creswell et al, 2010). This study found that what has stifled transformation are the tensions and activities of the actors, namely, urban local authorities that have not embraced Section 74 which they;

- Perceive to be ill-suited to deal with the problems of the urban space in fast urbanising cities such as Harare and Chitungwiza, let alone to deal with problems of a largely informal settlement such as Epworth Local Board.
- Fear that it strips them of the discretionary powers they used to enjoy in managing the urban space when after all, they are the only institutions alive to the intricate issues obtaining in the urban space.
- Fear that the public inquiry and participation that comes out of the need to consider all relevant circumstances inculcates indiscipline, in ways that make the work of councils difficult and,
- Fear that the public inquiry propagated by Section 74 to determine all relevant circumstances, exposes things that tarnish the image of their organisations.

On the other hand, it was also found that the militancy of illegal settlers militated against any humane way demolitions should have been conducted.

Also, drawing from the premise that courts are the protectors of the constitution (Angote, 2018), this study found that courts have not been in evictees' favour. Each time evictees have approached the courts to complain about the un-procedural eviction method that caused them to lose valuable property, the court has not ruled in favour of compensation. Based on the cases studied (see Chapter 7, sections 7.4.2. and 7.5), one can conclude first, that courts have displayed uneasiness in awarding compensation claims to evictees in their adjudication. The reason for the uneasiness seems to be that they do not want to continue inviting the wrath of the entire capitalist system that has previously castigated the land reform programme the country undertook at the start of the new millennium.

Second, it can also be concluded that courts have feared making rulings that run contrary to the interests of capital as they can be justified as the reason why there are low investment levels in the country. Third, it also appears that courts have eschewed making rulings that are pro-illegal occupiers, as such rulings would be castigated as illogical, not based on the rule of law, and anti-private property rights.

Fourth, it can be concluded that courts in Zimbabwe are not free to act and to decide on what is fair or what is not fair in an environment where they see politics to be at play. For example, in the case law concerning *Dusabe and Other versus the City of Harare and Others* (see Chapters 6 and 7), findings show that courts are fettered and incapable of acting in a manner that undermines people in high authority in Zimbabwe. This is because, in this case, the court failed to stop the demolition of the homes of members of Nyikavanhu Housing Cooperative in 2016. This was even though the demolition occurred when there was an interim application to stop the eviction at the High Court (See Chapter 6, Section 6.5). The court did not sit and decide based on the petition, neither did it put the demolitions in abeyance until it had determined all the relevant circumstances.

If they were impartial, they would not act diametrically opposite to what Section 74 prescribes. This is contrary to other countries such as Kenya and South Africa, where, because the judiciary has a modicum of independence, it has been forthright and ruled against the State excesses (see Chapter 2, Section 2.5.4; Angote, 2018).

The ambivalence of pressure groups such as residents' associations and trusts, as well as the ZHRC were also identified as having curtailed transformation. They have not played their watchdog roles efficiently to prevent arbitrary evictions.

Therefore, against the background that in entrenching Section 74, citizens wanted to protect themselves from evictions reminiscent of the past (See Chapter 1, Section 1.1; Mavedzenge, 2016; 2020), one can conclude that clashes of interest between authorities and residents (illegal settlers) have inhibited transformation.

### **10.3.2.2. Problems of the legal framework**

In terms of the problems of the legal framework, the study concludes by pointing out to the prevailing political economy of Zimbabwe. It argues that what has inhibited transformation is the entirety of planning practice and legislation that has remained an appendage of the colonial planning system that serves the interests of capital (Matamanda, 2019; Rankin, 2009). As revealed in Chapter 5, the existing laws are steeped more on the protection of private property in the form of land (see Section 71 of the Constitution, Amendment Number 20, Act 2013). It does not cushion the unregistered properties such as those of the informal settlers.

The study also found that the void created by the failure by the government to expedite aligning the laws at the disposal of urban local authorities with the constitution left councils with no option other than to put order in the areas of their jurisdiction using old legislation, namely SI 109 of 1979. However, as mentioned in Chapter 1, it was legal before 2013 for urban local authorities to employ SI 109 of 1979 to remove illegal settlers. Employing it after 2013 violated Section 74 of the 2013 Constitution. The instrument allowed them to evict illegal settlers without the need to get permission from the court and give long notice. Thus, this thesis found that the absence of direction by the government regarding the need to align the existing legislative and regulative framework, created the lacuna urban local authorities exploited. This has inhibited transformation.

### **10.3.3. Objective 3**

The third research objective sought to decipher how this lack of transformation impacts the State and other actors. The study found that, lack of diligence by ordinary citizens on the legality of the residential stands they get negatively affect them. They are the greatest losers because there is no compensation for losing informal settlements, regardless of the illegality of the eviction process.

However, from the assessment made on the socio-economic status of the evictees (See Chapter 6, Section 6.1.1), the study concluded that there is a real need to evaluate the efficacy

of conducting demolitions without considering all relevant circumstances. The thesis exposed the fact that owing to a lack of other options, some of the evictees remained at the demolition sites where they erected temporary structures, many of which were constructed of materials of low quality (See Chapter 8, Plates 8.1, 8.2 and 8.3). These housing structures affect the aesthetics of cities thereby militating against the State's quest to have globally competitive cities (Carmody and Owusu, 2016).

The study found that 2 950 homes were destroyed between 2013 and 2020 (See Chapter 6, Section 6.2.2). However, against the backdrop of the housing need that stood at 1.3 million units in 2018, up from 1.25 units in 2013 (See Chapter 8; GoZ 2020), the thesis concluded that the destruction to the tune 2 950 homes is exacerbating the housing backlog which the State and local authorities have always laboured to address.

The thesis also revealed that since homelessness and poverty can be intertwined (Mabhala et al. 2021), these demolitions that are conducted without alternative shelter are not only in disharmony with the UN's clarion call for all nations to 'leave no one behind' (Donoghue and Khan, 2019). Rather, they undermine the State's avowed goal of attaining an upper-middle-income economy by the year 2030.

This thesis also revealed the area that is problematic for the State. This is its human rights record. The thesis revealed that although Zimbabwe is a sovereign State, and like other States, it has the latitude to deploy its national policies to control the lives of its citizens (Mubangizi 2005), its human rights situation may continue to be rated lowly during the Universal Period Reviews due to the ways demolitions continue to be conducted.

Another finding related to how the un-procedural conduct of demolitions affects the State. The study revealed that it creates a negative impression regarding the governance of the country. The study concluded that the tag that the country does not observe the rule of law and constitutionalism has the effect of repelling the confidence of leading international financial institutions such that their investment in the country may be low. This locks opportunities that the State should harness for the good of the country.

Finally, the study reveals that the ways these demolitions have been conducted hurt the State-evictee relationships. Although these evictees should have taken due diligence before entrusting their money with land barons and joining the housing cooperative with questionable standing, however, destroying their homes without also holding land barons, council and government officials, who have been fingered into land deals is criminalizing the victims. It

engenders the feeling that the State is protecting land barons, corrupt councils and government officials. The study pointed out that inertia to deal with land baronage, council and government officials whose corrupt land deals are on public record has the potential to erode the trust of the citizens in the institutions of the State to stamp out the malpractices.

#### **10.4. Relevance of the theoretical frameworks**

Although all the theories analysed in Chapter 3 formed the basis on which to understand the political economy of urban settlement demolitions and state power, studies on the eviction process can borrow useful lessons from the procedural social justice theory by Tom Tyler and the rational-legal authority by Max Weber. These theories emphasize engagement representation, and inclusion in decision making (Jacobs and Kampen, 2014). When considered against the provision of Section 74 that wants evictions to occur after the court has considered all relevant circumstances, the principle of ‘voice’ helps to understand the socio-economic circumstances of the people to be affected by the eviction. This undertaking helps to evaluate the efficacy of the proposed policy or practice.

Revelations from all the cases studied showed that zero, or minimal engagement with the evictees has yielded undesired results. For example, the failure to take into account the circumstances of the illegal settlers saw them erecting temporary housing structures at the demolition sites. This is something that works against the State’s desire of creating slum-free cities.

Hirschman (1970) stresses the importance of collective voice, arguing that it makes a great impact. Voices of other actors such as residents' associations and trusts, and the Zimbabwe Human Rights Commission, help the court to make informed decisions rather than listening only to the voices of local authorities. Residents' associations and trusts are organizations which engage with the residents on a day-to-day basis. However, these actors have not played their roles efficiently.

Procedural social justice theory encourages fairness. Tom Tyler notes that the legitimacy of criminal proceedings mainly depends on the question of how citizens are addressed and treated by the legal authorities. He calls for the courts to be fair to gain the confidence of disputants, rather than listening to the concerns of one party to a dispute. However, this study revealed that in some cases, courts have dithered to make timely rulings in environments where they have perceived politics to be at play (See Chapter 7, Section 7.4.2). Unfortunately, when courts fail to be fair they lose the confidence of the people. In the end, the decisions they make may be perceived to be pro-elite and against the poor (Jacobs and Kampen,

2014). A consideration of rational legal authority as articulated by Max Weber (1978) could also help courts to gain the trust of the citizens. The final determination can be viewed as being based on legal authority (Jacobs and Kampen, 2014).

## **10.5. Contribution of the study to knowledge**

The objective of this study was also to show how the study on the political economy of urban settlement demolitions and state power in Zimbabwe contributes to the body of knowledge. The contribution is at four levels, namely, the theoretical framework, enhancement of the eviction framework, constitutional knowledge, and literature respectively.

### **10.5.1. Theoretical contribution**

The study brings to the fore, the relevance of the theoretical frameworks; in which it introduces Tom Tyler's Procedural Social Justice theory. This theory has close links with the current thinking regarding meaningful engagement or consultation whose outcome is granting eviction permission after consideration of all relevant circumstances. This study recommends that courts should consider the principle of procedural justice, namely, 'voice', on matters of evictions. Incorporating the voices of the illegal settlers or subalterns is consistent with the demands of Section 74 regarding consideration of all relevant circumstances before granting an eviction order. This is an engagement that shows an attempt to narrow the unequal power relations that have usually been tilted in favour of those people in authority.

Incorporating the voice of the subaltern helps in revealing the likely social impact of a proposed eviction because it unearths the socio-economic circumstances of the people to be affected. It mitigates against making decisions that are counter-productive, decisions such as evictions of the poor, without alternatives. This study showed that because the voices of the illegal settlers were not heard, the evictions underestimated the dire need of evictees. Because of their situations, the evictees remained at the demolition sites where they erected housing structures which were even worse in quality compared with the homes that were demolished.

Second, regarding the theoretical contribution, the use of the Actor-Network Theory enables the researcher to move away from the understanding of urban settlement demolitions from a 'tunnel vision', to one that shows the contribution of a multiplicity of players. Although in most of the studies, evictees are imaged as victims of circumstances (See for example, Mazuru 2019; Nyamayedenga 2016), findings in Chapter 7 demonstrated how in some circumstances, evictees' misery has been inflicted by their own conduct. It was shown that the

counter-conduct of these illegal settlers has also compelled local authorities to use force in ways that undermined any transformational move.

In addition, the use of the Actor-Network Theory helped to show that there are multiple players involved in the occurrence of phenomena. The use of the ANT aids in understanding how the politics of difference has impeded transformation. This politics of difference has seen the opposition party councilors pressuring the councils they lead to fast-track the demolition of illegal houses of members belonging to the ruling party (See Section 8.5 in this chapter).

### **10.5. 2. Enhancement of the eviction framework**

Also, as a contribution to knowledge, the research reveals that although for a start, S74 is an important eviction framework, it can further be strengthened by encouraging stakeholder participation and prosecution of its violators. Regarding stakeholder participation, the thesis reveals that the voices of the citizens who were instrumental in coming up with this Constitution should be tapped by the Parliamentary Portfolio Committee who then devise an Act. The Act defines what all relevant circumstances should be considered by the court before giving an eviction order. This enhanced eviction framework becomes sustainable because it may not be limited to the urban environment, but to commercial farms and communal areas as well. Prosecuting violators of the eviction framework will deter future violations of the Constitution.

### **10.5.3. Constitutional knowledge/literacy**

The thesis brings a constitutional dimension to the political economy of urban settlement demolitions. This is a departure from studies on urban settlement demolitions that concentrate on the planning aspects (Muchadenyika, 2017b). The study points out that, if in all aspects of development, the law takes precedence (Chigudu and Chirisa 2020), no law supersedes the Constitution. This is because a constitution is the mother of all legislation (Toriro, 2018), and hence subsidiary laws should conform to the main constitution, failure of which they will be ultra vires. Any organisation's enacted rules and regulations should conform to the national constitution. Thus, this study exposed how urban local authorities have violated the constitution by their use of Statutory Instrument 109 of 1979 after 2013.

At the same time, the thesis also points out that while the freedom from arbitrary eviction is a useful and progressive inclusion in the constitution, it is not permanently guaranteed. Section 74, does not override other sections of the Constitution because Section 86

argues that the fundamental rights and freedoms set out in Chapter 4 ought to be exercised 'reasonably and with due regard for the rights and freedoms of other persons' (GoZ, 2013a). Several factors militate against permanent protection from eviction. Often cited are issues of public interest, public safety, public order, public morality, public health, regional or town planning or the general public interest. Such constitutional knowledge or literacy is still limited among the citizens.

#### **10.5.4. Literature and debate**

This study has also contributed to debates on the procedural protective mechanisms advanced by the International Covenant on Economic Social and Cultural Rights (ICESCR) regarding evictions. This study has focused on the weaknesses of the procedural protective mechanisms such as adequate consultation and notice (See Chapter 5, Section 5.2.1).

#### **10.6. Limitations of the study**

While the study covered three urban local authorities of Harare Metropolitan Province, it was short on participants from the evictees. Although it was a qualitative study that does not focus much on numbers but puts more emphasis on saturation, the study could have done better by having an expanded number of evictees as participants. This was not the case for two principal reasons. First, covid-19 outbreak took effect before the researcher had located evictees in Chitungwiza municipality. Second, in the areas studied, evictees were unwilling to participate in the interviews.

#### **10.7. Policy Recommendations**

This section outlines several policy recommendations. These recommendations are drawn from the entire research that examined the political economy of urban settlement demolitions and state power in Harare Metropolitan Province, Zimbabwe since 2013. These include the following:

##### **10.7.1. Harmonising all legislation that are outside the precepts of the new constitution.**

This research advances that the aspiration of citizens to lobby for protective legislation against forced eviction in the form of Section 74 loses meaning if legislation used by urban local authorities and the central government remains unaligned with the constitution. The study recommends to the government the urgent need to align all legislation used by both urban and

rural local authorities so that they do not conflict with Section 74. One of the major alignments involves annulling section 314 of the Urban Councils Act, (Chapter 29:12) which conflict with Section 274(1) of the 2013 Constitution. It is this Section of the Urban Councils Act, (Chapter 29:12) which, the Local Government Minister uses to churn out directives to local authorities, resulting in the latter, ignoring important procedural processes because of fear.

### **10.7.2. Establishing an Act to support Section 74**

Although Statutory Instrument 109 of 1979 was finally revoked by the Supreme Court in 2018, there is still a gap because there is no holistic interpretation of Section 74. This study recommends that the Parliament of Zimbabwe should come up with an Act to give content to Section 74 of the new Constitution. This Act will serve as the blueprint, thus leading to a substantive understanding of what the phrase, *after consideration of all relevant circumstances* (GoZ, 2013a) entails. Currently, Section 74 is short of detail, as it is silent on the extent of the engagement between the settlers and the party asking for eviction, and the provision of alternative space and emergency accommodation in case of evictions.

The Act will be beneficial because it allows the court to dig deep into the circumstances of both urban local authorities and the illegal occupants in ways that can satisfy both parties to the conflict. The amount of detail in the Act will prevent a scenario in which lawyers are given too much leeway to interpret, and adjudicate, as such tendency is subject to manipulation.

### **10.7.3. A law that reigns on cooperative leaders, land barons and government and council office bearers**

This study has revealed that urban land audits have exposed the shenanigans of housing cooperative leaders, land barons and corrupt government and local authority officials. Similarly, the outcome of court cases revealed that these officials have been instigators of illegal occupation. However, while the courts have acknowledged the involvement of these corrupt officials in the development of illegal settlements, the adjudications have affected the occupants of the pieces of land, without taking corrupt officials into account for their misdeeds. This is because there is no law to hold these housing cooperatives and their leaders to account. Yet, ordinary citizens would have suffered a double tragedy. On one hand, they would have lost money to these corrupt officials. On the other hand, they would have lost property due to demolition.

This call for the enactment of a law that implicates cooperative leaders, land barons and office bearers, is a call for victims of evictions such as informal settlers to be compensated. They are victims of fraud yet existing legislation mainly refers to compensation on private property. Compelling land barons, office bearers and cooperative leaders to bear the brunt of compensation may act as a corruption deterrent measure in urban land administration. This gives a strong foundation for dealing with opaque urban land administration in general but corruption in the management of State land in particular.

#### **10.7.4. Constitutional education**

Many civil society organisations including residential associations and trusts have often condemned the government and urban local authorities for violating the constitutional rights of citizens or residents. The relevance of civil society organisations should not be evaluated on the extent to which they demand accountability of the State (central government) and urban local authorities. It would be helpful, if these civil society organisations could help to impart constitutional knowledge to citizens regarding the fact that Section 74 does not supersede other provisions of the Constitution (Amendment Number 20), Act 2013. This constitutional knowledge helps to raise awareness among residents, which awareness shields them from the machinations and deceit of unscrupulous land barons and other corrupt officials.

#### **10.7.5. Strong enforcement of Section 74**

This provision is a brilliant piece of legislation that can go a long way in addressing violation of socio-economic rights if the judiciary which is its guardian, strongly enforces that officials involved in the unsanctioned demolitions be arrested and held liable for fines, not the organisation. Such law should compel the violators of the law to pay, instead of using ratepayers' money. Such action helps to cultivate probity and effectiveness in enforcing development control measures.

#### **10.8. Suggestions for further study**

While this study has focused on demolitions of homes within the urban setting to interrogate if they have been conducted within the confines of Section 74, other studies can be built on this work but focus on evictions occurring in rural areas and former white commercial farms. Thus, there is a need for research to establish if evictions in these areas since 2013 have been

conducted within the dictates of the constitution and the implications of such evictions on land reform programmes in Zimbabwe.

The study identified rising cases of feuds pitting members of rival housing cooperatives, and housing cooperatives and their housing consortia. These have resulted in evictions and demolitions. There is a need for research to establish the source and implications of such feuds.

While this study used qualitative research, in retrospect, similar studies on the political economy of urban settlement demolitions and state power can be done by using mixed research.

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## **LIST OF APPENDICES**

**Appendix A:** Ethical clearance from the Faculty of Natural and Agricultural Sciences

14-Mar-2019

Dear Mr Kowanai Mhlanga

Ethics Clearance: **POLITICAL ECONOMY OF URBAN SETTLEMENT DEMOLITIONS AND STATE POWER IN ZIMBABWE: A CASE STUDY OF HARARE METROPOLITAN PROVINCE SINCE 2013**

Principal Investigator: **Mr Kowanai Mhlanga**

Department: **Geography Department (Qwaqwa Campus)**

**APPLICATION APPROVED**

This letter confirms that a research proposal with tracking number: **UFS-HSD2018/1231** and title: **'POLITICAL ECONOMY OF URBAN SETTLEMENT DEMOLITIONS AND STATE POWER IN ZIMBABWE: A CASE STUDY OF HARARE METROPOLITAN PROVINCE SINCE 2013'** was given ethical clearance by the Ethics Committee.

Your ethical clearance number, to be used in all correspondence is: **UFS-HSD2018/1231**

Please ensure that the Ethics Committee is notified should any substantive change(s) be made, for whatever reason, during the research process. This includes changes in investigators. Please also ensure that a brief report is submitted to the Ethics Committee on completion of the research.

The purpose of this report is to indicate whether or not the research was conducted successfully, if any aspects could not be completed, or if any problems arose that the Ethics Committee should be aware of.

**Note:**

1. This clearance is valid from the date on this letter to the time of completion of data collection.
2. Progress reports should be submitted annually unless otherwise specified.

Yours Sincerely



Dr. Karen Ehlers  
Chairperson: Ethics Committee  
Faculty of Natural and Agricultural Sciences

Natural and Agricultural Sciences Research Ethics Committee  
Office of the Dean: Natural and Agricultural Sciences  
T: +27 (0)51 401 2322 | +27 (0)82733 2696 | E: smitham@ufs.ac.za  
Biology Building, Ground Floor, Room 9 | P.O. Box/Posbus 339 (Internal Post Box G44) | Bloemfontein  
9300 | South Africa  
www.ufs.ac.za



## Appendix B: Application to Government Ministries for permission to conduct study



9 April 2019

To: \_\_\_\_\_

I, Kowanai Mhlanga, (Student Number 2017032497), am a registered PhD student in the Department of Geography at the University of the Free State, Qwaqwa Campus.

I am researching on the 'Political economy of urban settlement demolitions in Harare Metropolitan Province since 2013'. I have now entered the research phase where reconnaissance surveys must be conducted in the field. My ethical clearance number is UFS-HSD2018/1231.

I kindly request your office to grant me permission to conduct research. All the information will be used for the purposes of this thesis only and will be treated as highly and STRICTLY CONFIDENTIAL. I undertake to ensure that all the information provided will be used for academic analytical purposes only and that the study will serve for the betterment of society and the state.

I appreciate your kind cooperation and remain willing to answer any queries regarding this matter. My contact details are as follows; +27788699047. My emails are [komhlanga@gmail.com](mailto:komhlanga@gmail.com) or [2017032497@ufs4life.ac.za](mailto:2017032497@ufs4life.ac.za) or [mhlangak@ufs.ac.za](mailto:mhlangak@ufs.ac.za)

Yours Faithfully



Kowanai Mhlanga

University of the Free State, Qwa Qwa Campus, Kestell Road, Phuthaditjaba  
T: +27(0)58 718 5000



Appendix D: Official Secrecy Act

allows any other person to have possession of any official document issued for his use alone, or communicates any secret official code word or pass word so issued, or, without lawful authority or excuse, has in his possession any official document or secret official code word or pass word issued for the used of some person other than himself, or on obtaining possession of any official documents by finding or otherwise neglects or fails to restore it to the person or authority by whom or for whose use it was issued; shall be guilty of an offence.

Prevention of Corruption Act (Chapter 70)

Section 3 of this Act reads:

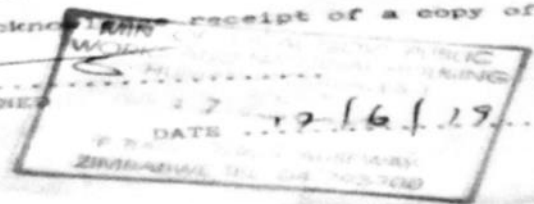
- a) If any agent corruptly accepts or obtains, or agrees to accept, or attempts to obtain from any person, for himself or for any other person, any gift or consideration as an inducement or reward for doing or forbearing to do, or for having done or foreborne to do any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business; or
b) any person corruptly gives or agrees to give, or offer any gift or consideration to any agent for himself or for any other person as an inducement or reward for doing or forbearing to do, or for having done or foreborne to do any act in relation to his principal's affairs to business; or
c) any person knowingly gives to any agent, or if any agent knowingly uses, with intent to deceive his principal, any receipt, account or other document in respect of which the principal is interested, and which contains any statement which is false or erroneous or defective in any material particular, and which to his knowledge is intended to mislead his principal; or
d) any agent, by collusive arrangement with the seller of goods or with any person engaging to render certain services, secretly offers any consideration to an agent in regard to the sale of the goods to the employment of his services;

he shall be guilty of corruption .....

acknowledged receipt of a copy of this Declaration of Secrecy"

John

SIGNED



**Appendix E: Response from the Ministry of Women Affairs, Community, Small and Medium Enterprises Development**

All communications should be addressed to **The Secretary**

Telephone: 2-708398, 2-735188,  
2-790932

www.women.gov.zw



Zimbabwe

Ministry of Women Affairs,  
Community Small and Medium  
Enterprises Development

P. Bag 7726 Causeway  
Harare

Ref/ Kowani Mhlanga  
**Students Reg No.** 2017032497

20 June 2019

Mr Mhlanga Kowani  
Department of Geography  
University of Free State  
Qwaqwa Campus  
P O Box 339  
Bloemfontein 9300  
South Africa

**Attention: Mr Kowani Mhlanga**


**REF: APPROVAL TO CONDUCT RESEARCH IN A PHD STUDY ON POLITICAL ECONOMY OF URBAN SETTLEMENT DEMOLITIONS IN HARARE METROPOLITAN PROVINCE SINCE 2013**

I refer to the above subject matter.

I advise that the Head of Ministry has approved an application for research on Political economy of urban settlement demolitions in Harare Metropolitan Province since 2013.

The approval is granted on condition that the information obtained from the Ministry will be used for academic purposes only.



  
Air Commodore I. G Dumba

**Acting Secretary for Women Affairs, Community, Small and Medium Enterprises Development**

## Appendix F: Application to Harare Metropolitan Province Urban Local Authorities to conduct study



9 April 2019

To: \_\_\_\_\_

I, Kowanai Mhlanga, (Student Number 2017032497), am a registered PhD student in the Department of Geography at the University of the Free State, Qwaqwa Campus.

I am researching on the 'Political economy of urban settlement demolitions in Harare Metropolitan Province since 2013'. I have now entered the research phase where reconnaissance surveys must be conducted in the field. My ethical clearance number is UFS-HSD2018/1231.

I kindly request your office to grant me permission to conduct research. All the information will be used for the purposes of this thesis only and will be treated as highly and STRICTLY CONFIDENTIAL. I undertake to ensure that all the information provided will be used for academic analytical purposes only and that the study will serve for the betterment of society and the state.

I appreciate your kind cooperation and remain willing to answer any queries regarding this matter. My contact details are as follows; +27788699047. My emails are [komhlanga@gmail.com](mailto:komhlanga@gmail.com) or [2017032497@ufs4life.ac.za](mailto:2017032497@ufs4life.ac.za) or [mhlangak@ufs.ac.za](mailto:mhlangak@ufs.ac.za)

Yours Faithfully



Kowanai Mhlanga

University of the Free State, Qwa Qwa Campus, Kestell Road, Phuthaditjaba  
T: +27(0)58 718 5000

Appendix G: Response from Chitungwiza Municipality

# CHITUNGWIZA MUNICIPALITY



27 September 2019

Mhlanga Kowanai  
House No 9552  
Chipukutu Park  
RUWA

All Correspondence to be addressed to the Town Clerk

If Calling, Please

Ask for...M.MUKONYORA

P. O. Box 70, ZENGEZA

**Chitungwiza.**

**PHONES:** 23001/4: 23000/9;

23022/3;

**FAX:** 070-23337

Dear Sir / Madam,

## PERMISSION TO CARRY OUT A RESEARCH PROJECT

I acknowledge receipt of your letter dated the 14<sup>th</sup> of June 2019, on the above captioned subject.

Please be advised that, the Council will be making the necessary provisions to assist you with information you require for your project. Furthermore, be advised that the Council is also interested in the findings of your research. You are therefore required to submit your findings/project results to the Human Resources.

Kindly report to the Human Resources office on the 30<sup>th</sup> of September 2019 to receive further instructions.

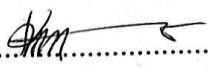
For more information you are advised to approach the undersigned.

Yours faithfully

  
M.MUKONYORA

HEAD HUMAN RESOURCES  
CC: Town Clerk



SIGNATURE..........DATE 27/9/19.....

## Appendix H: Response from the City of Harare



CITY OF HARARE

HUMAN CAPITAL DEPARTMENT  
TOWN HOUSE, HARARE, ZIMBABWE  
POST OFFICE BOX 990  
TELEPHONE 752979 / 753000

EMAIL: [hrd@hararecity.co.zw](mailto:hrd@hararecity.co.zw)  
ADDRESS ALL CORRESPONDENCE TO THE HUMAN CAPITAL DIRECTOR

26 April 2019

University of the Free State  
P.O Box 339  
Bloemfontein 9300  
South Africa


Dear Kowanai Mhlanga

**RE: AUTHORITY TO UNDERTAKE RESEARCH: KOWANAI MHLANGA**

This letter serves as authority for Kowanai Mhlanga to undertake a research study on the topic:  
**“POLITICAL ECONOMY OF URBAN SETTLEMENT DEMOLITIONS STATE  
POWER IN ZIMBABWE: A CASE STUDY OF HARARE METROPOLITAN  
PROVINCE SINCE 2013.”**

The City of Harare has no financial obligation and neither shall it render any further assistance in the conduct of the research. The researcher is however requested to avail a soft and hard copy of the research to the undersigned so that residents of Harare can benefit out of it. The research should not be used for any other purpose other than the study purpose specified.

Yours faithfully

  
\_\_\_\_\_  
RETIRED MAJOR M. MARARA  
ACTING HUMAN CAPITAL DIRECTOR

**Harare to achieve a WORLD CLASS CITY STATUS by 2025**

**Appendix I: Response form Epworth Local Board**

**EPWORTH LOCAL BOARD**

1038 Chiremba Road  
P. O. BOX EP180  
EPWORTH



Telephone: 08644268457  
: 08644267707  
: 0242 577445  
: 08644267706  
Email : elb@africaonline.co.zw

ALL CORRESPONDENCE SHOULD BE ADDRESSED TO THE SECRETARY

EPWORTH: YOUR AREA

25/6/19

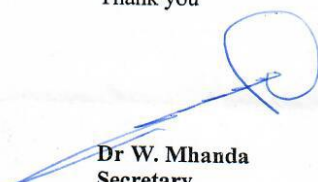
Kowandhi Mhlanga  
University of the Free State

Dear Sir/Madam

**RE: AUTHORITY TO CARRY OUT A RESEARCH**

Authority has been/not been granted for you to carry out your research in Epworth in terms of your area of study.

Thank you

  
**Dr W. Mhanda**  
Secretary  
**EPWORTH LOCAL BOARD**



## Appendix J: Semi-structured interview schedule for the state sector participants



### Introduction

I, am Kowanai Mhlanga, a PhD student in the Geography Department at the University of the Free State, Qwa Qwa Campus. I am conducting an academic research on the political economy of urban settlement demolitions and state power in Zimbabwe, focusing on Harare Metropolitan Province from the period 2013. The main purpose is to establish the ways demolitions have been conducted in Harare Metropolitan Province since 2013. All the information will be treated as highly and STRICTLY CONFIDENTIAL. The University also undertakes to ensure that all the information provided will be used for academic analytical purposes only and that the study findings will be used for the betterment of society and the state. I therefore have a few questions that I wish to ask concerning the aforesaid demolitions.

Code: \_\_\_\_\_

### Section A:

1. Gender : Male  Female
2. Age: 18-25  26-32  33-39  40-46  47-53  54-59  60 and above
3. Level of Education: \_\_\_\_\_
4. Occupation \_\_\_\_\_
5. Length in occupation \_\_\_\_\_

### Section B

6. a). Have there been housing demolitions in Harare Metropolitan Province since 2013?  
Yes  No
7. a). Who has been responsible for these demolitions in Harare Metropolitan Province since 2013?  
\_\_\_\_\_  
\_\_\_\_\_
8. What have been the compelling circumstances for effecting these demolitions in HMP since 2013?  
\_\_\_\_\_  
\_\_\_\_\_
9. Why have local authorities not prevented the mushrooming of squatter settlements in areas that are not designated for human settlement since 2013  
\_\_\_\_\_  
\_\_\_\_\_
10. May you please name the areas that have been affected by these demolitions since 2013 in
  - a). Harare  
\_\_\_\_\_
  - b). Chitungwiza  
\_\_\_\_\_
  - c). Epworth  
\_\_\_\_\_
  - d). Other \_\_\_\_\_

11. a). Where have these demolitions been concentrated?

High density residential suburb  Medium density  Low density

b). May you please explain in detail

\_\_\_\_\_

c). How did these housing structures that were demolished emerge?

\_\_\_\_\_

12. How many structures have been demolished during the following periods in each of the 3 areas named below?

	2014	2015	2016	2017	2018	2019	2020
Chitungwiza							
Harare Municipality							
Epworth							
Total							

13. How would you rate the extent of demolitions in the following since 2013 and why do you say so?

Area	Extreme	moderate	Low
Harare municipality			
Chitungwiza municipality			
Epworth			

14. How were these housing structures demolished?

\_\_\_\_\_

15. (a). How have residents been notified about pending demolition and eviction programmes?

\_\_\_\_\_

(b) What has been the response to the notification and why

\_\_\_\_\_

16 (a). What has been the reaction to these demolitions since 2013?

\_\_\_\_\_

b). Who has been reacting that way?

\_\_\_\_\_

c). In your opinion, how justified have they been in reacting that way?

\_\_\_\_\_

17 (a). What do think is the impact of these demolitions for the state?

\_\_\_\_\_

## Appendix K: Semi-structured interview schedule for the Non-state sector respondents



### Introduction

I am Kowanai Mhlanga, a PhD student in the Geography Department at the University of the Free State, Qwa Qwa Campus. I am conducting an academic research on the political economy of urban settlement demolitions and state power, focusing on Harare Metropolitan Province since 2013. The main purpose is to find if there has transformation in the conduct of demolition in Zimbabwe since 2013. The study thus seeks to establish how and why there were resumptions and escalations of demolitions in Harare Metropolitan Province from 2013-2019. All the information will be treated as highly and STRICTLY CONFIDENTIAL. The University also undertakes to ensure that all the information provided will be used for academic analytical purposes only and that the study findings will be used for the betterment of society and the state. I have a few questions that I wish to ask concerning the aforesaid demolitions.

Code: \_\_\_\_\_

### Section A

1. Gender : Male  Female
2. Age: 18-25  26-32  33-39  40-46  47-53  54-59  60 and above
3. Level of Education: \_\_\_\_\_
4. Occupation \_\_\_\_\_
5. Length in occupation \_\_\_\_\_

### Section B

6. i. Has there been demolition of housing structures in Harare Metropolitan Province since 2013? Yes  No   
ii. Who do you say has been responsible for the demolition of the housing structures in Harare Metropolitan Province since 2013, and why do you say so?  
\_\_\_\_\_  
\_\_\_\_\_
7. Who do you think has been authorising these demolitions?  
\_\_\_\_\_
8. What do you think have been the intentions for ordering these demolitions since 2013?  
\_\_\_\_\_  
\_\_\_\_\_
9. Why have local authorities (councils) not prevented the mushrooming of squatter settlements in areas that are not designated for human settlement since 2013  
\_\_\_\_\_  
\_\_\_\_\_

10. In which areas have demolitions occurred in

a). Harare

---

b. Chitungwiza

---

c. Epworth

---

11. How would you rate the extent of demolitions in the following since 2013?

Area	Extreme	moderate	Low
Harare municipality			
Chitungwiza municipality			
Epworth			

12. Who has been affected by the demolitions?

---

13. Approximately, how many housing structures have been demolished during the following periods in each of the areas you listed above. Use the table below.

	2014	2015	2016	2017	2018	2019	2020
Chitungwiza							
Harare Municipality							
Epworth							
Other							

14. What has been the reaction to these demolitions since 2013?

---

---

c). Who has been reacting that way?

---

---

a). In your own opinion, what is the justification in reacting that way?

---

---

15. How effective have these demolitions been in terms of preventing the growth of informal settlements?

---

---

## Appendix L: Interview schedule for evictees



I am Kowanai Mhlanga, a PhD student in the Geography Department at the University of the Free State, Qwa Qwa Campus. I am conducting an academic research on the political economy of urban settlement demolitions in Zimbabwe, focusing on Harare Metropolitan Province since 2013. The main purpose is to establish how and why there was resumption and escalation of demolitions in Harare Metropolitan Province from 2013-2018. All the information will be treated as highly and STRICTLY CONFIDENTIAL. The University also undertakes to ensure that all the information provided will be used for academic analytical purposes only and that the study findings will be used for the betterment of society and the state. I therefore have a few questions that I wish to ask concerning the aforesaid demolitions. I also have a consent document as shown below.

Code: \_\_\_\_\_

### Section A: Demographic Profile; Mark all the applications with an X where necessary

1. Age: Younger than 18-23  24-29yrs  30-35  36-41  42-47  48- 53  Above 53
2. Gender: Male  Female
3. Marital status: Married  Single  Divorced  Widowed  Never married
4. Family size: 0-3  4-6  7-10  more than 10
5. Place of origin: Rural home  Urban home  Commercial farms  other town  other
6. For how many years have you been residing in Harare Metropolitan Province?  
Less than 5 yrs  6-15  16-30  31-45  Since birth
7. Highest educational level attained: Primary  secondary  high school   
Tertiary  other
8. Occupation: self-employed  formally employed  unemployed  Seasonally employed
9. Where? Council  Government  Other  and specify.....

### Section B

10. (a). I understand that you are one of the people who was affected by demolitions in Harare Metropolitan Province since 2013. When were your housing structures demolished?  
2013  2014  2015  2016  2017  2018  2019
- b). Where in Harare Metropolitan Province did you experience these demolitions?  
Epworth?  Harare Municipality?  Chitungwiza?
- c. In which residential suburb did the demolition take place?  
\_\_\_\_\_
- d). What was destroyed? Complete house  Cabin  other
- f). If other, may you please specify \_\_\_\_\_

11). (a) Who do you say was responsible for demolition from among the following list;

Government  Council  Council and government  Other

---

b). Why do you say so?

---

**Basic infrastructural services**

12.). In terms of basic infrastructural services such as access to potable water, sewer and access roads, confirm if they were already installed.

a). Piped water? Yes  No

If No, what was your source of water? \_\_\_\_\_

b). Sewer? Yes  No

If No, what type of ablution facilities were you using?

---

c Roads? Yes  No

What type of roads did you have in the area you were residing? Tarred  Gravel?

13. a). When you were building your housing structures, councils inspectors signed on your form each of the following stages i) setting out, ii). trenching, iii). footing, iv). compacting and slab, v). window level/lintels, v). wall plate vi). Roofing. What was the last stage signed?

Setting out  trenching  Footing  compacting & slab  Window level/lintels   
wall plate  Roofing

What reasons were advanced for demolishing your housing structures?

---

---

---

**Procedure**

14. a). How did authorities communicate with you about the pending eviction?

---

---

---

b). What was the length of the notice? Less than one week  Fortnight  One month  Two months   
Three months  Other

c). What did you do when you received the notice of demolitions and eviction?

Did nothing  Petitioned courts  Sought dialogue  Other

d). If other, may you please specify \_\_\_\_\_

e). Why did you take that course of action?

---

f). What time were the demolitions conducted? Day  Night

g). Can you please shed light on how the structures were destroyed?

---

h). What alternative shelter were you provided with?

---

i. Who provided you with alternative shelter?

---

j). If you were **not** provided with alternative shelter, in your opinion, what could be the reasons for not providing you?

---

k). What alternative spaces or resettlement was arranged for you?

---

l). If No, in your opinion, what could have been the reason for not providing alternative space or having resettlement plan?

---

M) How were you compensated?

---

**Permission to settle**

15). a). How did you get the permission to settle where you were evicted?

---

b). What proof of ownership of the residential stand did you have?

---

b). If you had this proof ownership, what then was the justification for insisting with demolitions?

---

**Declaration**

I, Kowanai Mhlanga, Student Number 2017032497, and the undersigned student declare that I am going to use this information for academic purposes only.

Thank you for attending to this questionnaire

Signature \_\_\_\_\_

## Appendix M: Questionnaire survey instrument to witness of demolition



### Introduction

I am Kowanai Mhlanga, a PhD student in the Geography Department at the University of the Free State, Qwa Qwa Campus. I am conducting an academic research on the political economy of urban settlement demolitions in Zimbabwe, focusing on Harare Metropolitan Province since 2013. The main purpose is to establish if there has been transformation in the conduct of demolitions in Harare Metropolitan Province since 2013. All the information will be treated as highly and STRICTLY CONFIDENTIAL. The University also undertakes to ensure that all the information provided will be used for academic analytical purposes only and that the study findings will be used for the betterment of society and the state. I therefore have a few questions that I wish to ask concerning the aforesaid demolitions. I also have a consent document as shown below.

Code: \_\_\_\_\_

### Section A: Demographic Profile; Mark all the applications with an X where necessary

1. Age: Younger than 18-23  24-29yrs  30-35  36-41  42-47   
48- 53  Above 53
2. Gender: Male  Female
3. Marital status: Married  Single  Divorced  Widowe  Never married
4. Family size: 0-3  4-6  7-10  more than 10
5. Place of origin: Rural home  Urban home  Commercial farms  other town   
other
6. For how many years have you been residing in Harare Metropolitan Province:  
Less than 5 yrs  6-15  16-30  31-45  Since birth
7. Highest educational level attained: Primary  secondary  high school   
Tertiary  other
8. Occupation: self-employed  formally employed  unemployed  Seasonally employed
9. Where? Council  Government  Other  and specify.....

### Section B

10. (a). Have there been demolitions you witnessed in Harare Metropolitan Province since 2013? Yes  No
- b). If Yes, when did you witness them? 2013  2014  2015   
2016  2017  2018  2019  2020
- c). Where in Harare Metropolitan Province did you witness these demolitions?  
Epworth?  Harare Municipality?  Chitungwiza?  Other

d). If other, please specify where and in which year. \_\_\_\_\_

e). What was destroyed? Complete house  Cabin  other.

f). If other, may you please specify \_\_\_\_\_

g). Were they complete houses that were demolished? Yes  No

b). If No, may you please, specify \_\_\_\_\_

11 (a). Who demolished the structures? (Choose from the list given below)

Council police  ZRP  Other

b). If other, may you please specify \_\_\_\_\_

### Basic infrastructural services

12.a). Were their housing structures installed with electricity Yes  No

b). Did they have piped water? Yes  No

c). If No, what was their source of water? \_\_\_\_\_

d). What type of ablution facilities were they using?

\_\_\_\_\_

e). Did the residential areas have roads? Yes  No

f). What type of roads? tarred  gravel?

g). In your opinion what caused the demolition or eviction?

\_\_\_\_\_

### Procedure

13. a). In your opinion, do you think these settlers were made aware of the intention to demolish their housing structure? Yes  No  Don't know

b). Do you think people were given adequate notice period? Yes  No

c). If No, why do you say so?

\_\_\_\_\_

d). What time were the demolitions conducted? Day  Night

e). Were the owners present when demolitions occurred? Yes  No

f). In your opinion, do you think the evictees were relocated to new space?

Yes  No  Don't know

g). Do you think these evictees were provided them with alternative shelter?

Yes  No  Don't know

If Yes, who provided alternative shelter? Government  Council  NGOs  Other

.

e). If other, may you please specify \_\_\_\_\_

---

f). If they were provided with shelter, where exactly?

---

---

g. If they were not provided with alternative shelter, what do you think were the reasons?

---

16.a). Do you think these people were compensated for the loss?

Yes  No  Don't know

**Implications**

17). a) Do you think demolitions have served any purpose? Yes  NO

b). May you justify your answer

---

---

**Declaration**

I, Kowanai Mhlanga, Student Number 2017032497, and the undersigned student declare that I am going to use this information for academic purposes only.

Thank you for attending to this questionnaire

Signature \_\_\_\_\_

## Appendix N: Consent section for the participant

I \_\_\_\_\_ voluntarily participate in a research project conducted by the Principal Investigator, Kowanai Mhlanga from the University of the Free State. I understand that the project is designed to gather information that will contribute to doctoral level research that is accountable to the University of the Free State.

1. My participation in this project is therefore voluntary. I understand that I will not be paid for my participation. I may withdraw and discontinue participation at any time without penalty.
2. I understand that most interviewees will find the discussion interesting and thought-provoking. If, however, I feel uncomfortable in any way during the interview session, I have the right to decline to answer any question or to end the interview.
3. Participation involves being interviewed by a researcher from the University of the Free State and the interview will last approximately 30-45 minutes. Notes will be written during the interview and a transcript produced.
4. I understand that the researcher will not identify me by name in any reports and that my confidentiality as a participant in this study will remain secure. Subsequent uses of records and data will be subject to standard data use policies, which protect the anonymity of individuals and institutions.
5. Faculty and administrators from the campus will neither be present at the interview nor have access to raw notes. This precaution will prevent my individual comments from having any negative repercussions.
6. I understand that this research study has been reviewed and approved by the Ethics Committee for Studies Involving Human Subjects by the University of the Free State
7. I have read and understood the explanation provided to me. I have had all my questions answered to my satisfaction, and I voluntarily agree to participate in this study.
8. I have been given a copy of this consent form.

\_\_\_\_\_ My Signature

\_\_\_\_\_ My Printed Name

\_\_\_\_\_ Date

### Appendix O: Interview Profiles of State Sector Participants

Participants	Gender	Designation	Organisation	Date
SS1	M	Manager	Harare City Council	19.6.2019
SS2	M	Acting Director	EMA	21.06.2019
SS3	M	Principal Administrative Officer	MLGPWUD	27.6.2019
SS4	M	Principal Administrative Officer	MLGPWUD	27.6.2019
SS5	F	Provincial Administrator	MLGPWUD	28.6.2019
SS6	M	Acting Executive Director	ZHRC	27.6.2019
SS7	M	Principal Administration Officer	MSHPA	20.9.2019
SS8	M	District Administrator	MLGPWUD	20.9.2019
SS9	M	Principal Administrative Officer	W. Affairs	20.9.2019
SS10	M	Principal Administrative Officer	W. Affairs	20.9.2019
SS11	F	Town Planner	Chitungwiza Municipality	2.1.2020
SS12	F	DEO	Harare City Council	20.9.2019
SS13	M	Spatial Planning Director	MLGPWUD	3.9.2019
SS14	M	Councillor	Chitungwiza Municipality	8.1.2020
SS15	M	Housing Officer	Chitungwiza Municipality	3.1.2020
SS16	M	Housing Officer	Epworth Local Board	18.6.2019
SS17	M	Councillor	Chitungwiza Municipality	7.11.2020
SS18	M	Former Deputy Mayor	Chitungwiza Municipality	2.1.2020
SS19	M	Harare Provincial Planning Officer	Harare Metropolitan	6.1.2020
SS20	M	Town and Land Surveyor	Harare City Council	7.1.2020
SS21	M	Town Secretary	Epworth Local Board	6.1.2020

**Appendix P: Profile of Non-state sector participants and dates of interviews**

Participants	Gender	Designation	Organisation	Date
NSS1	F	Director	ChiTrust	21.6.2019
NSS2	M	National Coordinator	Zimbabwe Homeless People's Federation	26.6.2019
NSS3	F	Community Dev Officer	Joshua Mxabuko Housing Coop	20.9.2019
NSS4	M	Urban Researcher	Dialogue on Shelter Trust	26.6.2019
NSS5	M	Director	Camera	25.6.2019
NSS6	M	Chairman	Harare South Housing Apex Society	20.6.2019
NSS7	M	Committee Member	Stars Housing Consortium	27.9.2019
NSS8	M	Chairman	Back to Canaan Housing Coop	24.9.2019
NSS9	M	Committee Member	Tembwe Housing Cooperative	26.6.2019 & 18.12.2020
NSS10	M	Legal practitioner	Law firm	22.9.2019
NSS11	M	Director	Zim Habitat/ Divine Homes	27.9.2019
NSS12	M	Programme Manager	CHRA	24.9.2019
NSS13	M	Chairman	Veldfire Housing Cooperative	23.9.2019
NSS14	M	Chairman	Current Housing Consortium	20.9.2019
NSS15	M	Director	Harare Residents Trust	25.9.2019
NSS16	M	Chairman	Harare Metropolitan Resident Forum	25.6.2019
NSS17	F	Former Secretary	Epworth Residents Development Association	7.01.2020
NSS18	F	Chairperson	Hannah Housing Cooperative	20.9.2019
NSS19	M	Spokesperson	Combined Epworth Residents Trust	7.01.2020

**Appendix Q: Profile of evictees, date of interviews and places of interviews**

Participants	Gender/Sex	Interview Date	Place of interview	Residential area demolition occurred
V1	M	17.9.19	Arlington	Arlington
V2	M	17.9.19	Arlington	Arlington
V3	F	17.9.19	Arlington	Arlington
V4	M	17.9.19	Arlington	Arlington
V5	M	18.9.2019	Arlington	Arlington
V6	F	18.9.2019	Epworth	Epworth
V7	M	18.9.2019	Epworth	Epworth
V8	F	07.01.2020	Epworth	Epworth
V09	M	20.9.2019	Arlington	Arlington
V10	M	20.9.2019	Arlington	Arlington
V11	M	28.09.2019	Budiriro 4	Budiriro (Tembwe HC)
V12	M	28.09.2019	Budiriro	Budiriro (Tembwe HC)
V13	M	28.09.2019	Budiriro	Budiriro (Tembwe HC)
V14	M	28.09.2019	Budiriro	Budiriro
V15	M	28.09.2019	Budiriro	Budiriro
V16	M	28.09.2019	Budiriro	Budiriro
V17	F	30.01.2020	Washington High School	Budiriro

**Appendix R: Profile of participants who witnessed (W) demolitions**

<b>Respondent</b>	<b>Gender/Sex</b>	<b>Interview Date</b>	<b>Place</b>	<b>Place demolition were witnessed</b>
W1	M	17.9.2019	Arlington	Arlington
W2	M	20.11.2019	Budiriro	Budiriro
W3	F	20.11.2019	Budiriro	Budiriro
W4	F	20.11.2019	Budiriro	Budiriro
W5	M	22.12.2019	Budiriro	Budiriro
W6	M	22.12.2019	Budiriro	Budiriro
W7	M	07.1.2020	Epworth	Epworth
W8	F	07.01.2020	Epworth	Epworth
W9	F	20.10.2019	Budiriro	Budiriro
W10	M	20.11.2019	Budiriro	Budiriro
W11	F	20.11.2019	Budiriro	Budiriro
W12	M	20.11.2019	Budiriro	Budiriro
W13	M	18.10.2019	Budiriro	Budiriro
W14	M	29.10.2019	Budiriro	Budiriro
W15	F	29.10.2019	Budiriro	Budiriro
W16	M	29.10.2019	Budiriro	Budiriro
W17	M	18.10.2019	Budiriro	Budiriro
W18	M	28.12.2019	Budiriro	Budiriro
W19	M	01.10.2019	Budiriro	Budiriro
W20	M	18.12.2019	Budiriro	Budiriro
W21	M	18.12.2019	Budiriro	Budiriro
W22	M	18.12.2019	Budiriro	Budiriro
W23	M	18.12.2019	Budiriro	Budiriro
W24	F	18.12.2019	Budiriro	Budiriro
W25	M	18.12.2019	Budiriro	Budiriro
W26	F	18.12.2019	Budiriro	Budiriro
W27	F	18.12.2019	Budiriro	Budiriro
W28	F	18.12.2019	Budiriro	Budiriro
W29	F	18.12.2019	Budiriro	Budiriro
W30	M	28.12.2019	Budiriro	Budiriro
W31	M	24.09.2019	Tynwald	Tynwald

**Appendix S: Group Interview participants**

Participant	Gender	Date	Place of interview
GM1	M	21.09.2019	Tynwald
GM2	M	21.09.2019	Tynwald
GM3	M	21.09.2019	Tynwald
GM4	M	21.09.2019	Tynwald
GM5	M	21.09.2019	Tynwald
GM6	M	21.09.2019	Tynwald
GM7	M	21.09.2019	Tynwald
GM8	M	21.09.2019	Tynwald
GM9	M	21.09.2019	Tynwald
GM10	F	21.09.2019	Tynwald
GM11	F	21.09.2019	Tynwald
GM12	F	21.09.2019	Tynwald
GM13	F	21.09.2019	Tynwald
GM14	M	21.09.2019	Tynwald
GM15	M	21.09.2019	Tynwald
GM16	M	21.09.2019	Tynwald
GM17	M	21.09.2019	Tynwald
GM18	M	21.09.2019	Tynwald
GM19	F	21.09.2019	Tynwald
GM20	F	21.09.2019	Tynwald
GM21	F	21.09.2019	Tynwald
GM22	F	21.09.2019	Tynwald
GM23	F	21.09.2019	Tynwald
GM24	F	21.09.2019	Tynwald
GM25	F	21.09.2019	Tynwald

## Appendix T: Questions for group interview participants



I am Kowanai Mhlanga, a PhD student in the Geography Department at the University of the Free State, Qwa Qwa Campus. I am conducting an academic research on the political economy of urban settlement demolitions in Zimbabwe, focusing on Harare Metropolitan Province since 2013. The main purpose is to establish how and why there was resumption and escalation of demolitions in Harare Metropolitan Province from 2013-2018. All the information will be treated as highly and STRICTLY CONFIDENTIAL. The University also undertakes to ensure that all the information provided will be used for academic analytical purposes only and that the study findings will be used for the betterment of society and the state. I therefore have a few questions that I wish to ask concerning the aforesaid demolitions. I also have a consent document as shown below.

### Section A: Demographic Profile; Mark all the applications with an X where necessary

1. Age: Younger than 18-23  24-29yrs  30-35  36-41  42-47   
48- 53  Above 53
2. Gender: Male  Female
3. Marital status: Married  Single  Divorced  Widowe  Never married
4. Family size: 0-3  4-6  7-10  more than 10
5. Place of origin: Rural home  Urban home  Commercial farms  other town  other
6. Occupation: self-employed  formally employed  unemployed  Seasonally employed
7. Where? Council  Government  Other  and specify.....

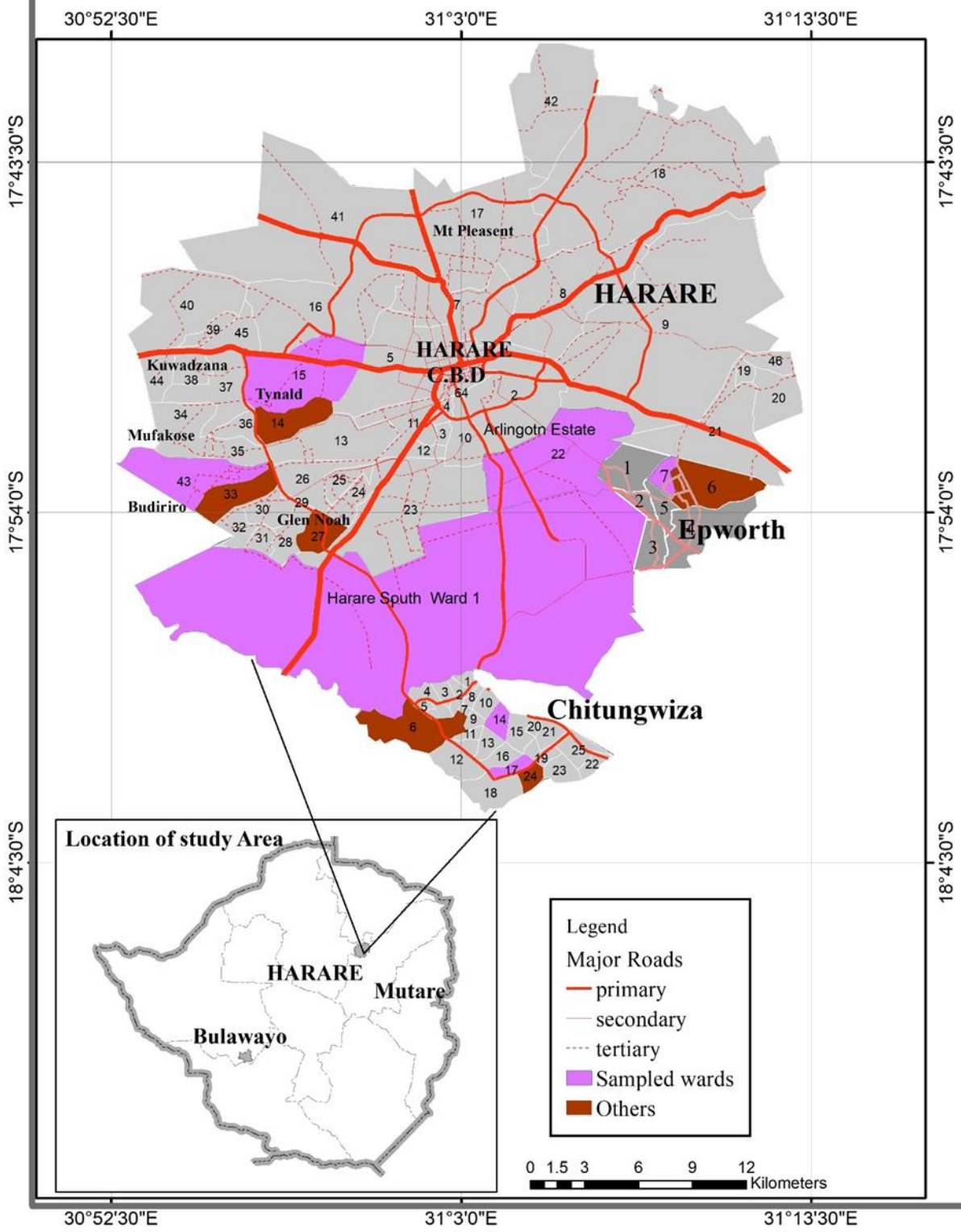
### Section B: Key questions asked

- 8 (a). Were you allocated this space where you have experienced demolitions
- b). Who allocated you and when did you settle?
- c). What has been your source of water? \_\_\_\_\_
- d). What type of ablution facilities have you been using? \_\_\_\_\_
- e). In your opinion what caused the demolition or eviction?
- f). Were you present when demolitions occurred ?Yes  No

**Appendix U:** Profile of the demolitions that occurred in Harare Metropolitan Province from 2013-2020

<b>Local Authority</b>	<b>Residential Suburb</b>	<b>Ward</b>	<b>Year of demolitions</b>
Chitungwiza Municipality	Zengeza 4	14	2014
	Nyatsime	6	2014
	Seke Extension	16	2014
Epworth Local Board	Domboramwari	7	2014;2017
	Over Spill	6	2014
City of Harare	Glen Norah	27	2015
	Budiriro High Glen	43	2015;2018
	Budiriro 4	43	2015;2020
	Aspindale (Kambuzuma)	14	2015
	Arlington	1	2016
	Eye Stone	1	2017
	Tynwald South	15	2019
	Warren Park	15	2015

**Appendix V:** Geographic distribution of demolitions in Harare Metropolitan Province since 2013



**Appendix W: Plagiarism report**

POLITICAL ECONOMY OF URBAN SETTLEMENT DEMOLITIONS  
AND STATE POWER IN ZIMBABWE: A CASE STUDY OF HARARE  
METROPOLITAN PROVINCE SINCE 2013

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ORIGINALITY REPORT

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## Appendix X: Language Editing Report

