HOUSING AND LAND RIGHTS NETWORK
Habitat International Coalition

ZIMBABWE PEOPLE'S LAND RIGHTS MOVEMENT

JOINT URGENT ACTION APPEAL:
Stop Rural Forced Evictions in Zimbabwe
Case ZIM-FE 12022019

On 8 January 2019, 1,000 families from Mzaro Farm in Masvingo West were served eviction orders signed by the Ministry of Lands, Agriculture, Water, Climate and Rural Resettlement. The deadline for eviction was set for seven days later, on 15 January 2019. However, as of 4 February 2019 the inhabitants remain on their land.

The order cited violation of section 3 of the Gazetted Lands (Consequential Provisions) Act Chapter 20:28, claiming that residents are occupying land without lawful authority. Masvingo Provincial Affairs Minister Cde Ezra Chadzamira blamed village leaders and land officials who illegally parceled out state lands to residents in return for kickbacks, urging those who paid for land to report those people to the police as it is unlawful to sell land in Zimbabwe.

Residents have lived at Mzaro Farm since 2000, having occupied the land at the height of the country's land reform program, and have built permanent structures on the land. Some villagers insist that they already have regularized their residency with the Ministry and pay taxes. The government has not offered compensation or alternative location for resettlement.

The land in question is in the catchment area of the Mutirikwi Dam. Chadzamira has stated that the primary target for eviction are those who settled illegally around major dams, in order to prevent further siltation of the reservoirs, which the government blames on overpopulation and uncontrolled land settlement.[1] According to a village leader, some community members settled at Mzaro Farm prior to the dam's construction as part of a land concession, which allowed them to settle where they currently reside, at a prescribed distance from the catchment area.

In a similar incident in Chiredzi District, the Ministry of Lands along with the local District Administrator plan to resettle over 10,000 people in Feversham, Arda Magudu, Mutirikwi Section, Wasara Wasara, Chegwite, and properties in the Save Valley Conservancy (Lavanga, Masapasi, Angus and Mukazi). The planned operation will target for eviction those who do not hold offer letters and otherwise settled

[1] "Mutirikwi illegal settlers face eviction," *The Herald* (22 January 2019), at: https://www.herald.co.zw/mutirikwi-illegal-settlers-face-eviction/.

without government authorization.[2] The evictions are cited as required because the settlement contravenes Section 3 of the Gazetted Lands Act Chapter 20:28 directive through the Ministry of Lands, Agriculture, Water, Climate and Rural Resettlement. Minister Chadzamira confirmed that more than 2000 families are facing eviction. [3]

Angus is a Dutch-owned property. The Dutch ambassador to Zimbabwe has indicated that no further Dutch investments would be made in the country as long as the Zimbabwean inhabits remain on the land, thus, pressuring the Zimbabwe government to remove the residents. The 2000 land reform has caused numerous multilateral and diplomatic problems beyond national borders.[4]

Residents at Mzaro Farms were the first to be served eviction notices in Masvingo Province, where several thousand residents now face eviction. In Mwenzei District, Zimbabwe Bio Energy (ZBE) is threatening to evict 2,713 households from lands on Naunetsi Ranch, which they received as compensation in 2014 after their relocation due to construction of the Tokwe-Mukosi Dam in Masvingo. The eviction would clear land for an ethanol plant to be built by ZBE, owners of the Ranch.[5] Currently, the company is fencing all its property, including lands used by residents for grazing, and is preventing residents from using dip tanks and accessing other water sources. The community now relies on 35 boreholes that pump only saline (non-potable) water.[6]

Recent evictions have also occurred in Bindura district in Mashonaland Central Province, where scores of farmers have been removed from their residencies on Claverhill North farm have been living in a makeshift squatter tent for three months. The farm, which had previously belonged to Kingsway Community Church, had recently been taken over by new owners.[7]

In yet another recent case, members of a community of 1,000 families who were evicted from Marange diamond field in the Mutare district of Manicaland Province and relocated to Ardu Transau in Odzi (32 km west of Mutare town) beginning in 2010 have experienced threats of attack by unidentified persons whom the victims believe are agents of Central Intelligence Organisation, the state security apparatus. On relocation, the families were promised compensation of homes and agricultural land, which they did not receive. The community is currently taking the government to court over their eviction and entitlements[8] based on Zimbabwe's Rural Land Occupiers (Protection from Eviction) Act of June 2001,[9]

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[2] "10 000 illegal settlers face eviction in Chiredzi," *The Mirror* (10 January 2019) , at: http://www.masvingomirror.com/2019/01/10-000-illegal-settlers-face-eviction.html?m=1

[3] "Over 2 000 Families In Chiredzi Face Eviction After Settling Illegally On State Land," *Pindula News* (29 January 2019), at: https://news.pindula.co.zw/2019/01/29/over-2-000-families-in-chiredzi-face-eviction-after-settling-illegally-on-state-land/.

[4] See FARM SEIZURES CONTINUE: SADC RULING AND BIPPAS PROVIDE NO PROTECTION, email from Zimbabwe Harare to Australia Canberra | Central Intelligence Agency | Defense Intelligence Agency | Ethiopia Addis Ababa | Germany Berlin | Ghana Accra | Joint Analysis Center Molesworth | Kenya Nairobi | National Security Council | Secretary of State | Senegal Dakar | Southern African Development Community | Uganda Kampala | United Nations (Geneva) | United States European Command, 30 January 2009, at: https://wikileaks.org/plusd/cables/09HARARE72_a.html.

[5] "Chingwizi victims to be relocated again," *The Zimbabwean* (6 March 2015), at: https://reliefweb.int/report/zimbabwe/chingwizi-victims-be-relocated-again.

[6] "Chingwizi villagers face further eviction," *Newsday* (28 January 2019), at: https://www.newsday.co.zw/2019/01/chingwizi-villagers-face-further-eviction/.

[7] "Evicted farmers live in the open," *Zimbabwe Broadcasting Corporation* (4 February 2019), at: http://www.zbc.co.zw/evicted-farmers-live-in-the-open/.

[8] "Arda Transau families drag govt into court," *dailynews* (24 January 2019), at: https://www.dailynews.co.zw/articles/2019/01/24/arda-transau-families-drag-govt-to-court.

[9] Rural Land Occupiers (Protection from Eviction) Act (5 June 2001), at: http://www.veritaszim.net/node/210.

which was replaced by both the Land Acquisition Act[10] and the former Constitution's section 16B,[11] as referred to in the new 2013 Constitution, and the present Constitutions provisions in sections 72 (Rights to agricultural land) and 74 (Freedom from arbitrary eviction). The Marange-Ardu Transau community believes the intimidation they are experiencing to be related to the case.



[10] Land Acquisition Act of 26 February 2018 (Chapter 20:10), at: https://zimlii.org/zw/legislation/act/2017/12.

[11] Constitution of Zimbabwe as amended at the 14 September 2005 (up to and including Amendment No. 17), at: https://wipolex.wipo.int/en/text.jsp?file_id=214484.

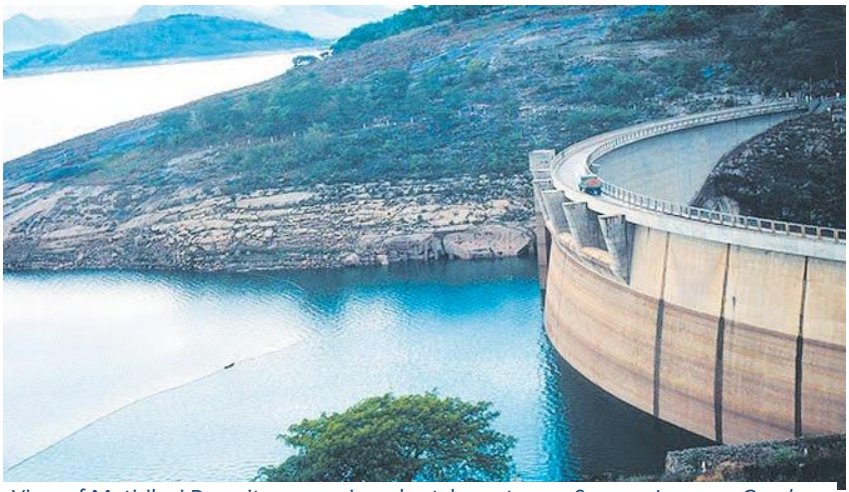
State Obligations

Since 2000, according to the Habitat International Coalition - Housing and Land Rights Violation Database more than 736,000 people have been forcibly evicted in Zimbabwe. However, this is an incomplete figure without consistent and thorough local monitoring. Forced evictions in Zimbabwe have primarily targeted marginalized people who have lived for years without access to secure land and housing tenure and without adequate amenities such as clean water, sanitation, health services or education. The already executed and still-planned evictions and demolitions, with their grave human and material consequences, are violating the human rights to adequate housing, property, decent work, adequate food, family life, equal protection under the law, personal security, fair trial, decent work, education and health, not to be deprived arbitrarily of the right to use and occupy agricultural land, among others. All these rights are guaranteed and enshrined in Zimbabwe's 2013 Constitution, as well as in international and regional human rights treaties that the Republic of Zimbabwe has ratified

However, farmers participating in the "fast track" land reform and ex-commercial farm workers face multiple challenges in living a decent and dignified life due to the continued neglect and deficit in meeting essential human needs, including adequate housing. Those without a fixed or permanent place to live, like those subject to eviction, are limited in participating in the political, social and economic life of the country as they move around looking for a better place to stay.[12]

Forced Eviction

The forced evictions and threatened eviction of inhabitants of the above-named communities contravene these norms and obligations of Zimbabwe to respect, protect and fulfill them. These rights are essential to realize the human right to adequate housing enshrined in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Zimbabwe ratified in 1991. Zimbabwe has not yet, as its treaty obligations require, incorporated the right to adequate housing into its Constitution or domestic law. However, Section 74 of the Constitution provides 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." Freedom from arbitrary eviction is, therefore, a right under the Constitution.



View of Mutirikwi Dam, its reservoir and catchment area. Source: *Increase Gumbo.*

The Constitution also has national objectives that guide the state and all institutions in making policies and laws to contribute to establishing, enhancing and promoting a sustainable, just, free, and

[12] Yolanda Chitsanzara, "Ex Commercial Farm Workers and the Challenge of Political Participation," *Organizing for Zimbabwe* (undated), at: http://www.o4z.org.zw/index.php?option=com_content&view=article&id=1239:ex-commercial-farm-workers-and-the-challenge-of-political-participation&catid=15:politics.

democratic society. Section 28 enshrines the national objective on shelter, calling on "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."

Having ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 13 August 1991, the Republic of Zimbabwe is treaty bound to conduct itself according to Human Rights Standards. Thus, by conducting and threatening these evictions, Zimbabwe may be violating articles 6, 7, 10, 11, 12 and 13 of the Covenant, including the duties specified in the General Comments Nos. 4 & 7 on the human right to adequate housing and on forced evictions.

In Zimbabwe, disputes involving land ownership may be resolved either by a court or through various other means of dispute resolution. However, human rights defenders claim and witness, as in these cases, that in many cases government officials reportedly ignore implementing judgments or already-issued certificates of tenure and instead act on the orders of those with influence. Notably, the state failed to obey court orders as the violent and destructive forced evictions at Arnold Farm, Mazowe, were carried out despite an August 2014 High Court order protecting the Arnold Farm residents from arbitrary eviction under Section 74 of the Constitution of Zimbabwe. Such practices not only constitute a gross violation of the human right to adequate housing,[13] but also violate the right to a fair hearing by a competent, independent and impartial tribunal established by law, as prescribed in Article 14 of the International Covenant on Civil and Political Rights (ICCPR), also ratified by Zimbabwe also in 1991. The right to a fair hearing has been interpreted, in light of the principle of legality, as to require that a final binding decision by a court or tribunal must be enforced and cannot be ignored. Moreover, the ICESCR has recommended, in its General Comment 7, the provision "of legal aid to person who are in need of it to seek redress from the courts" among the procedural protection that should be applied to evictions.

The African Charter does not explicitly mention the right not to be forcibly evicted. However, the African Commission on Human and Peoples' Rights (The African Commission), the body set up to oversee the implementation of the African Charter, has issued a resolution on the right to adequate housing and protection from forced evictions that asked countries to put an end to all forms of forced evictions.[14]

Following international standards, eviction should be undertaken only as a last resort and in accordance with the following eight principles: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts. Furthermore, evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its

[13] Commission on Human Rights, "forced eviction," resolution 1993/77, 10 March 1993, at: http://www.hlrn.org/img/documents/ECN4199377%20en.pdf; and "Prohibition of forced evictions," resolution 2004/28, 16 April 2004, para. 1, at: http://www.hlrn.org/img/documents/E-CN_4-RES-2004-28.pdf.

[14] African Commission on Human and Peoples' Rights, 231: Resolution on the right to adequate housing and protection from forced evictions, 22 October 2012, at: http://www.achpr.org/sessions/52nd/resolutions/231/.

available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.[15]

As a state party to ICESCR, Zimbabwe has not reported on its implementation of the Covenant since 1995, and is currently 21 years delinquent in submitting its periodic report. In its initial review of Zimbabwe, CESCR observed that

> the situation in relation to the right to housing remains clearly inadequate. The Committee is particularly concerned about the precarious situation of persons living in illegal structures or unauthorized housing (para. 107 of the report). Persons should not be subjected to forced eviction unless this is done under conditions compatible with the Covenant.[16]

In order for Zimbabwe to meet its obligations under the Covenant, the Committee recommended that Zimbabwe's government take

> appropriate measures…in order more effectively to guarantee the right to housing and, in particular, to ensure that no forced evictions are carried out without alternative housing being offered, in accordance with the Committee's General Comment No. 4 (1991).[17]

Demolitions

The demolition of properties is also covered in section 32 of Zimbabwe's Regional, Town and Country Planning Act. That law requires the authorities to issue an enforcement order giving all persons likely to be affected by such demolitions at least one month notice of the intended demolitions. Where a local planning authority seeks to take any administrative action affecting the rights, interests or legitimate expectations of any person that authority must act lawfully, reasonably and in a fair manner.



Zimbabwe farmers asserting their claim to farm land. Source: *Newsday.*

Demolition of properties is also covered in section 32 of the Regional, Town and Country Planning Act. That law requires the authorities to issue an enforcement order giving all persons likely to be impacted by such demolitions at least one month notice of the intended demolitions

Use of Force

Other uses of force remain a concern for those subject to evictions and demolitions in Zimbabwe. In all circumstances, police and other law enforcement officials should base their conduct on international human rights law and standards, including the United Nations Code of Conduct for Law Enforcement

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[15] UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, paras. 15–16, contained in document E/1998/22, annex IV, at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f6430&Lang=en.

[16] Concluding observations of the Committee on Economic, Social and Cultural Rights: Zimbabwe, E/C.12/1/Add.12, 20 May 1997, para. 13, at: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f1%2fAdd.12&Lang=en.

[17] *Ibid*., para. 21.

Officials (the Code of Conduct) and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (The Basic Principles). Both place strict limitations on the use of force. Principle 4 of the Basic Principles states: "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result." The force used to carry out the evictions, including teargas spray, firearms and the ill-treatment of men, women and children, clearly contravene Principle 4.

Displaced farmers have repeatedly charged Zimbabwean police of harassment.[18]



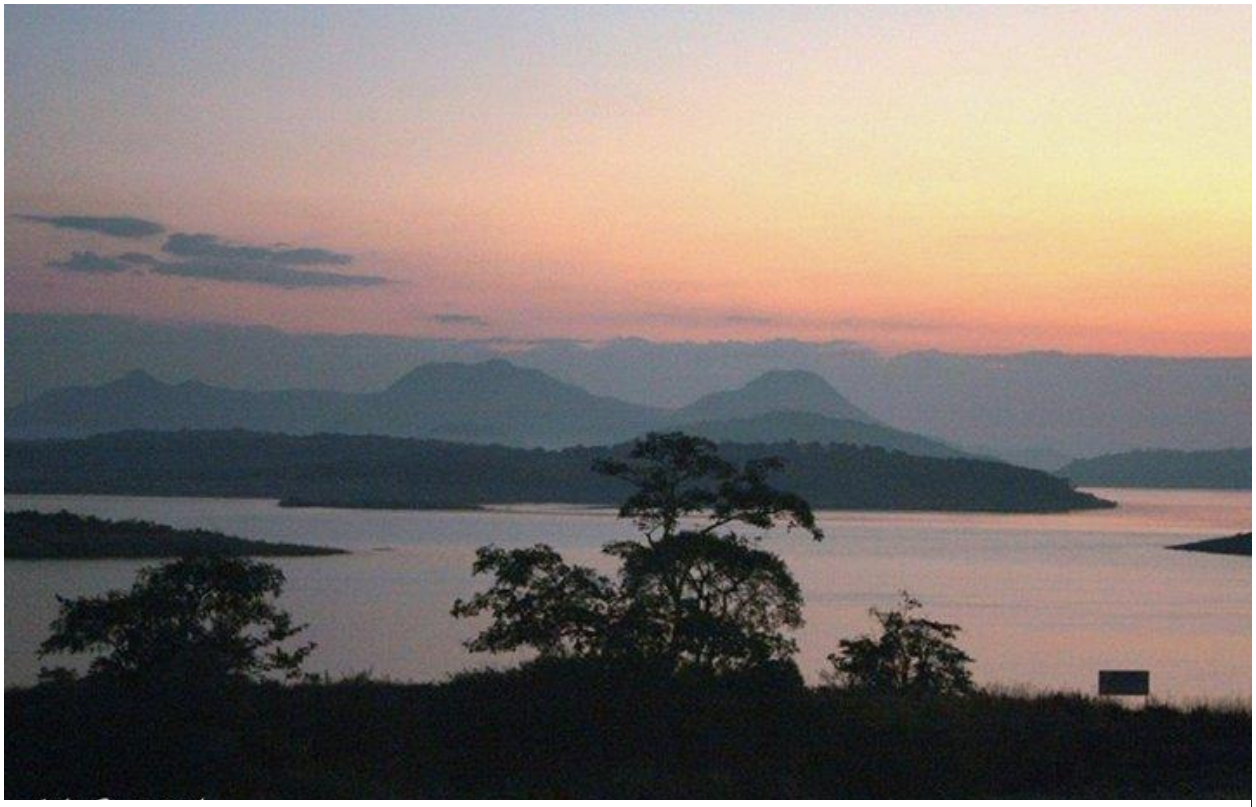
Zimbabwean police on patrol over 20,000 people displaced as a result of the flooded Tokwe-Mukosi Dam at the Chingwizi transit camp before they were forcibly moved to Naunetsi Ranch, Masvingo province. Source: Human Rights Watch.

Netherlands Extraterritorial Obligations

The Dutch owners of Angus claim their land under a Bilateral Investment Promotion and Protection (BIPPA) treaty that President Mugabe ratified in 1996. Since then, a group of 40 Dutch farmers won a €25 million ($32.74 million) claim against Zimbabwe in 2009 before the Washington-based International Centre for Settlement of Investment Disputes after their farms were confiscated during the chaotic Zimbabwe land reform of 2000.[19] This time, the forced eviction of Zimbabwean inhabitants with acquired rights to the land may constitute a violation not only of Zimbabwe's domestic Human Rights Treaty obligations, but also The Netherlands extraterritorial obligations under ICESCR, prohibiting forced evictions by legal or moral persons of Netherlands nationality anywhere.

[18] "Displaced Zimbabwe Villagers Taking Police to Court, *VOA* (6 September 2014), at: https://www.voazimbabwe.com/a/zimbabwe-villagers-sue-police-chingwizi/2440911.html.

[19] "Zimbabwe stops foreign-owned farm seizures, cites lawsuits," *Reuters* (4 January 2013), at: https://uk.reuters.com/article/uk-zimbabwe-farms-idUKBRE9030DB20130104.



Lake Mutirikwi. Photo: Arthur Harmsworth.

Civil Society Calls for Solutions

Since 2000, the HLRN Violation Database has recorded 18 housing and land rights violation cases of various dimensions, affecting more than 736,000 people.[20] (See annex.) However, this record remains incomplete without consistent and thorough local monitoring.

In this context, and in light of these current cases, the Zimbabwe People's Land Rights Movement (ZPLRM) is demanding that the authorities:

1. Immediately rescind eviction orders and cease processes of evictions and land rights violations,
2. Enact a post land reform policy that guarantees security of tenure and
3. Ensure the irreversibility of the land reform program.

More specifically, No. 1 operationalizes the principle that no evictions take place without a prior impact assessment of the legal and material issues involved and values at stake.

No. 2 calls for an orderly pursuit of social justice through respect for the spectrum of tenure types and corresponding claims. The resulting policy would eliminate corruption and apply social-justice and due-diligence principles to adjudicate disputes.

No. 3 safeguards from dominating concentrations of land ownership and protecting the superior right to the land of the indigenous majority

[20] HLRN Violation Database search of cases from 2000 to the present, at: http://www.hlrn.org/welcome_violation.php#test123.

Specific Recommendations for Zimbabwe Central and Local Government Authorities

Within these principles, ZPLRM calls upon:

- President Emmerson Mnangagwa to be true to his words whereby he emphasized the irreversibility of the land reform and ensured that government would work on policy that promotes and protects the beneficiaries of the land reform and also put an end to the continued violations of section 74 of the Constitution of Zimbabwe.
- Minister of Provincial Affairs for Masvingo Mr. Ezra Chadzamira to put an immediate stop to apparent political and capital-driven land rights violations taking place in his province.
- The Land Commission to conduct and publish a thorough and transparent land audit in areas of land disputes, including areas where the state and its organs seek the removal of inhabitants under any pretext, and to take urgent measures to resolve land eviction cases given that security of tenure is key to resolving most cases and thus should be looked into as a priority, and to do so applying the human rights approach and Zimbabwe's corresponding state obligations in adjudicating land disputes.
- All state institutions to adhere to the dictates of the Constitution and value human rights, in particular adequate housing, continuous improvement of living conditions and land rights of the poor and vulnerable.
- All state institutions to seek accountability and liability of those (officials and others) engaged in corrupt land deals.
- All relevant organs of the state to ensure the conditions for legal evictions (General Comment No. 7) are met before initiating any eviction process.
- The relevant organs of the state to conduct an impact assessment in advance of any evictions or resettlement, as well as currently displaced persons, in order to ensure reparations for those affected.
- Each province to conduct and publish a thorough and transparent land audit in areas of land disputes, including areas where the state and its organs seek the removal of inhabitants under any pretext.
- All relevant organs of the state to apply the UN Basic Guidelines and Principles for Development-based Evictions and Displacements[21] at all stages of displacement processes.

Specific Recommendations for The Netherlands

- Avoid any action or threat of action contravening The Netherlands' extraterritorial ICESCR treaty obligations, in particular, those arising from Article 11 of the Covenant.

What You Can Do!

Please write to the authorities of Zimbabwe, respectfully supporting the recommendations of HIC-HLRN and ZPLRM to respect human rights, as they are required by virtue of the state's obligations under Human Rights Treaties, general international law and their own constitution.

You can send the sample letters to the authorities automatically via the "Support" option in the Urgent Action System on the HLRN website: http://www.hlrn.org/cases.php. Please note that you also can copy, paste and edit the sample letters below and send them from your own email as follows:

[21] UN Basic Guidelines and Principles for Development-based Evictions and Displacements, A/HRC/4/18, 18 May 2007, at: https://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf.

Please copy (CC:) us on your communications with the authorities, and contact us for more information at: hlrn@hlrn.org and zimlandrightsinfo@gmail.com

Address your letter to the following authorities:

[sample letters]

Mr. Emmerson Dambudzo Mnangagwa
President of the Republic of Zimbabwe
Munhumutapa Building
Corner of Sam Nujoma and Samora Machel
Harare

Dear Mr. President:

We are writing to you with grave concern for thousands of residents in Masvingo Province who are facing the threat of imminent eviction from their residences and lands, and scores of people in Bindura district in Mashonaland Central Province who have recently been evicted from their homes. We are also deeply troubled by the reported treatment of a community in Mutare district of Manicaland Province who are currently seeking redress for evictions they have been subjected to.

On 8 January 2019, 1,000 families from Mzaro Farm in Masvingo West were served eviction orders signed by the Ministry of Lands, Agriculture, Water, Climate and Rural Resettlement. The orders cited violation of section 3 of the Gazetted Lands (Consequential Provisions) Act Chapter 20:28, claiming that residents are occupying land without lawful authority.

Masvingo Provincial Affairs Minister Cde Ezra Chadzamira has been cited as stating that the primary targets for eviction are those who settled illegally around major dams. However, some residents have lived at Mzaro Farm since prior to the construction of the Mutirikwi Dam as part of a land concession allowing them to settle there, while others occupied the land during the land reform in 2000. Community members have built permanent structures on the land, and some insist they have regularized their residency with the Ministry and pay taxes. The government has not offered compensation or alternative location for resettlement.

In Chiredzi District, the Ministry of Lands, along with the local District Administrator, plan to resettle over 10,000 people in Feversham, Arda Magudu, Mutirikwi Section, Wasara Wasara, Chegwite, and properties in the Save Valley Conservancy (Lavanga, Masapasi, Angus and Mukazi), also citing Section 3 of the Gazetted Lands Act Chapter 20:28. Minister Chadzamira has confirmed that more than 2000 families are facing eviction.

In Mwenzei District, Zimbabwe Bio Energy (ZBE) is threatening to evict 2,713 households from lands on Naunetsi Ranch that they received as compensation in 2014 after their relocation due to construction of the Tokwe-Mukosi Dam in Masvingo. Currently the company is fencing all its property, including lands used by residents for grazing, and is preventing residents from using dip tanks and accessing other water sources. The community now relies on 35 boreholes that pump only saline (non-potable) water.

Recent evictions have occurred also in Bindura district in Mashonaland Central Province, where scores of farmers have been removed from their residencies on Claverhill North farm and have been living in a makeshift squatter tent for three months.

In yet another recent case, members of a community of 1,000 families who were evicted from Marange diamond field in Manicaland Province and relocated to Ardu Transau in Odzi beginning in 2010 have experienced threats of attack by unidentified persons. The community is currently taking the government to court over their eviction and entitlements and believes this intimidation to be related to the case.

We are convinced that an urgent solution is required to prevent the violation of the human rights of these communities. According to international human rights law, the Government of Zimbabwe has the obligation to respect, protect, and fulfil the human rights of its citizens. Evictions and demolitions, with their grave human and material consequences, may violate the human rights to adequate housing, property, decent work, adequate food, family life, equal protection under the law, personal security, fair trial, decent work, education and health, as well as the Zimbabwean's constitutional right not to be deprived arbitrarily of the right to use and occupy agricultural land, among others.

Having ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 13 August 1991, the Republic of Zimbabwe is treaty bound to conduct itself according to Human Rights Standards. Thus, by conducting and threatening these evictions, Zimbabwe may be violating articles 6, 7, 10, 11, 12 and 13 of the Covenant, including the duties specified in the General Comments Nos. 4 & 7 on the human right to adequate housing and on forced evictions.

Following minimum international norms, eviction should be undertaken only as a last resort and in accordance with the following eight principles: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

Furthermore, evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party to ICESCR must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available. Failure to adhere to these norms constitutes a "gross violation" of human rights, in particular adequate housing.

Zimbabwe's own 2013 Constitution grants citizens the right to freedom from arbitrary objection: "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" (Section 74). The Zimbabwean Constitution also enshrines the national objective on shelter: "all institutions and agencies of government at every level

must take reasonable legislative and other measures, within limits of the resources available to them, to enable every person to have access to adequate shelter" (Section 28).

Zimbabwe's Regional, Town and Country Planning Act also requires the authorities to issue an enforcement order giving all persons likely to be affected by demolition of property at least one month notice of the intended demolitions (Section 32).

The African Commission on Human and Peoples' Rights has furthermore issued a resolution on the right to adequate housing and protection from forced evictions that asked countries to put an end to all forms of forced evictions.

Since 2000, the Habitat International Coalition - Housing and Land Rights Violation Database has recorded 18 major housing and land rights violation cases in Zimbabwe of various dimensions, affecting more than 736,000 people. In this context, and in light of these current cases and Zimbabwe's human rights obligations, HIC Joins the Zimbabwe People's Land Rights Movement (ZPLRM) is calling on Zimbabwe's authorities to:

1. Immediately rescind eviction orders and cease processes of evictions and land rights violations,
2. Enact a post land reform policy that guarantees security of tenure, and
3. Ensure the irreversibility of the land reform program.

Within these principles, we join Zimbabwe People's Land Rights Movement and Habitat International Coalition's Housing and Land Rights Network in calling upon you, Mr. President, to be true to your words in emphasizing the irreversibility of the land reform and ensuring that government work on policy that promotes and protects the beneficiaries of the land reform and also put an end to the continued violations of section 74 of the Constitution of Zimbabwe.

We look forward to hearing of your efforts, Mr. President, to ensure that state institutions adhere to the dictates of the Constitution and value human rights, in particular adequate housing, continuous improvement of living conditions and land rights of the poor and vulnerable.

We also encourage your intervention to see to it that all state institutions seek accountability and liability of those (officials and others) engaged in corrupt land deals and that all relevant organs of the state ensure that the conditions for legal evictions (General Comment No. 7) are met before initiating any eviction process. This would begin with an impact assessment in advance of any evictions or resettlement, as well as currently displaced persons, in order to ensure reparations for those affected.

We also urge that the Land Commission cooperate with the provinces to conduct and publish a thorough and transparent land audit in areas of land disputes, including areas where the state and its organs seek the removal of inhabitants under any pretext. In doing so, we recommend that all relevant organs of the state apply the UN Basic Guidelines and Principles for Development-based Evictions and Displacements.

We thank you for your attention on this urgent matter and kindly request you to keep us informed about the actions taken by your good offices.

Sincerely,

[your signature]
[your organization]

Email: info@opc.gov.zw
Tel: +263 24 2707091/7

Chief Air Marshall (Retired) Hon. Perrance Shiri
Minister of Lands and Rural Resettlement
Block 2, Makombe Building
Private Bag, 7779 Causeway
Harare

Your Excellency:

We are writing to you with grave concern for thousands of residents in Masvingo Province who are facing the threat of imminent eviction from their residences and lands, and scores of people in Bindura district in Mashonaland Central Province who have recently been evicted from their homes. We are also deeply troubled by the reported treatment of a community in Mutare district of Manicaland Province who are currently seeking redress for evictions they have been subjected to.

On 8 January 2019, 1,000 families from Mzaro Farm in Masvingo West were served eviction orders signed by you, Your Excellency. The orders cited violation of section 3 of the Gazetted Lands (Consequential Provisions) Act Chapter 20:28, claiming that residents are occupying land without lawful authority.

Masvingo Provincial Affairs Minister Cde Ezra Chadzamira has been cited as stating that the primary targets for eviction are those who settled illegally around major dams. However, some residents have lived at Mzaro Farm since prior to the construction of the Mutirikwi Dam as part of a land concession allowing them to settle there, while others occupied the land during the land reform in 2000. Community members have built permanent structures on the land, and some insist they have regularized their residency with the Ministry and pay taxes. The government has not offered compensation or alternative location for resettlement.

In Chiredzi District, the Ministry of Lands, along with the local District Administrator, plan to resettle over 10,000 people in Feversham, Arda Magudu, Mutirikwi Section, Wasara Wasara, Chegwite, and properties in the Save Valley Conservancy (Lavanga, Masapasi, Angus and Mukazi), also citing Section 3 of the Gazetted Lands Act Chapter 20:28. Minister Chadzamira has confirmed that more than 2000 families are facing eviction.

In Mwenzei District, Zimbabwe Bio Energy (ZBE) is threatening to evict 2,713 households from lands on Naunetsi Ranch that they received as compensation in 2014 after their relocation due to construction of the Tokwe-Mukosi Dam in Masvingo. Currently the company is fencing all its property, including lands used by residents for grazing, and is preventing residents from using dip tanks and accessing other water sources. The community now relies on 35 boreholes that pump only saline (non-potable) water.

Recent evictions have occurred also in Bindura district in Mashonaland Central Province, where scores of farmers have been removed from their residencies on Claverhill North farm have been living in a makeshift squatter tent for three months.

In yet another recent case, members of a community of 1,000 families who were evicted from Marange diamond field and relocated to Ardu Transau in Odzi beginning in 2010 have experienced threats of attack by unidentified persons. The community is currently taking the government to court over their eviction and entitlements and believes this intimidation to be related to the case.

We are convinced that an urgent solution is required to prevent the violation of the human rights of these communities. According to international human rights law, the Government of Zimbabwe has the obligation to respect, protect, and fulfil the human rights of its citizens. Evictions and demolitions, with their grave human and material consequences, may violate the human rights to adequate housing, property, decent work, adequate food, family life, equal protection under the law, personal security, fair trial, decent work, education and health, as well as the Zimbabwean's constitutional right not to be deprived arbitrarily of the right to use and occupy agricultural land, among others.

Having ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 13 August 1991, the Republic of Zimbabwe is treaty bound to conduct itself according to Human Rights Standards. Thus, by conducting and threatening these evictions, Zimbabwe may be violating articles 6, 7, 10, 11, 12 and 13 of the Covenant, including the duties specified in the General Comments Nos. 4 & 7 on the human right to adequate housing and on forced evictions.

Following minimum international norms, eviction should be undertaken only as a last resort and in accordance with the following eight principles: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

Furthermore, evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party to ICESCR must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available. Failure to adhere to these norms constitutes a "gross violation" of human rights, in particular adequate housing.

Zimbabwe's own 2013 Constitution grants citizens the right to freedom from arbitrary objection: "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" (Section 74). The Zimbabwean Constitution also enshrines the national objective on shelter: "all institutions and agencies of government at every level must take reasonable legislative and other measures, within limits of the resources available to them, to enable every person to have access to adequate shelter" (Section 28).

Zimbabwe's Regional, Town and Country Planning Act also requires the authorities to issue an enforcement order giving all persons likely to be affected by demolition of property at least one month notice of the intended demolitions (Section 32).

The African Commission on Human and Peoples' Rights has furthermore issued a resolution on the right to adequate housing and protection from forced evictions that asked countries to put an end to all forms of forced evictions.

Since 2000, the Habitat International Coalition (HIC) - Housing and Land Rights Violation Database has recorded 18 major housing and land rights violation cases in Zimbabwe of various dimensions, affecting more than 736,000 people. In this context, and in light of these current cases and Zimbabwe's human rights obligations, HIC Joins the Zimbabwe People's Land Rights Movement (ZPLRM) is calling on Zimbabwe's authorities to:

4. Immediately rescind eviction orders and cease processes of evictions and land rights violations,
5. Enact a post land reform policy that guarantees security of tenure, and
6. Ensure the irreversibility of the land reform program.

Within these principles, we join Zimbabwe People's Land Rights Movement and Habitat International Coalition's Housing and Land Rights Network in calling Your Excellency to put an immediate stop to apparent political and capital-driven land rights violations taking place in Zimbabwe.

We also encourage your intervention to see to it that the Ministry of Lands seeks accountability and liability of those (officials and others) engaged in corrupt land deals and ensure that the conditions for legal evictions (General Comment No. 7) are met before initiating any eviction process. This would begin with an impact assessment in advance of any evictions or resettlement, as well as currently displaced persons, in order to ensure reparations for those affected.

We also urge that a thorough and transparent land audit is conducted and published in areas of land disputes, including areas where the state and its organs seek the removal of inhabitants under any pretext. In doing so, we recommend that all relevant organs of the state apply the UN Basic Guidelines and Principles for Development-based Evictions and Displacements.

We look forward to hearing of your efforts, Your Excellency, to ensure that the Ministry of Lands adheres to the dictates of the Constitution and value human rights, in particular adequate housing, continuous improvement of living conditions and land rights of the poor and vulnerable.

We thank you for your attention on this urgent matter and kindly request you to keep us informed about the actions taken by your good offices.

Sincerely,

[your signature]
[your organization]

Email: info@opc.gov.zw
Tel: +263 24 2707091/7

H.E. July Moyo
Minister of Local Government, Public Works, and National Housing
Ministry of Local Government, Public Works, and National Housing
Makombe Building
Cnr Herbert Chitepo Ave. and Leopold Takawira Ave.
Harare

Your Excellency:

We are writing to you with grave concern for thousands of residents in Masvingo Province who are facing the threat of imminent eviction from their residences and lands, and scores of people in Bindura district in Mashonaland Central Province who have recently been evicted from their homes. We are also deeply troubled by the reported treatment of a community in Mutare district of Manicaland Province who are currently seeking redress for evictions they have been subjected to.

On 8 January 2019, 1,000 families from Mzaro Farm in Masvingo West were served eviction orders signed by you, Your Excellency. The orders cited violation of section 3 of the Gazetted Lands (Consequential Provisions) Act Chapter 20:28, claiming that residents are occupying land without lawful authority.

Masvingo Provincial Affairs Minister Cde Ezra Chadzamira has been cited as stating that the primary targets for eviction are those who settled illegally around major dams. However, some residents have lived at Mzaro Farm since prior to the construction of the Mutirikwi Dam as part of a land concession allowing them to settle there, while others occupied the land during the land reform in 2000. Community members have built permanent structures on the land, and some insist they have regularized their residency with the Ministry and pay taxes. The government has not offered compensation or alternative location for resettlement.

In Chiredzi District, the Ministry of Lands, along with the local District Administrator, plan to resettle over 10,000 people in Feversham, Arda Magudu, Mutirikwi Section, Wasara Wasara, Chegwite, and properties in the Save Valley Conservancy (Lavanga, Masapasi, Angus and Mukazi), also citing Section 3 of the Gazetted Lands Act Chapter 20:28. Minister Chadzamira has confirmed that more than 2000 families are facing eviction.

In Mwenzei District, Zimbabwe Bio Energy (ZBE) is threatening to evict 2,713 households from lands on Naunetsi Ranch that they received as compensation in 2014 after their relocation due to construction of the Tokwe-Mukosi Dam in Masvingo. Currently the company is fencing all its property, including lands used by residents for grazing, and is preventing residents from using dip tanks and accessing other water sources. The community now relies on 35 boreholes that pump only saline (non-potable) water.

Recent evictions have occurred also in Bindura district in Mashonaland Central Province, where scores of farmers have been removed from their residencies on Claverhill North farm have been living in a makeshift squatter tent for three months.

In yet another recent case, members of a community of 1,000 families who were evicted from Marange diamond field and relocated to Ardu Transau in Odzi beginning in 2010 have experienced threats of attack by unidentified persons. The community is currently taking the government to court over their eviction and entitlements and believes this intimidation to be related to the case.

We are convinced that an urgent solution is required to prevent the violation of the human rights of these communities. According to international human rights law, the Government of Zimbabwe has the obligation to respect, protect, and fulfil the human rights of its citizens. Evictions and demolitions, with their grave human and material consequences, may violate the human rights to adequate housing, property, decent work, adequate food, family life, equal protection under the law, personal security, fair trial, decent work, education and health, as well as the Zimbabwean's constitutional right not to be deprived arbitrarily of the right to use and occupy agricultural land, among others.

Having ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 13 August 1991, the Republic of Zimbabwe is treaty bound to conduct itself according to Human Rights Standards. Thus, by conducting and threatening these evictions, Zimbabwe may be violating articles 6, 7, 10, 11, 12 and 13 of the Covenant, including the duties specified in the General Comments Nos. 4 & 7 on the human right to adequate housing and on forced evictions.

Following minimum international norms, eviction should be undertaken only as a last resort and in accordance with the following eight principles: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

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The African Commission on Human and Peoples' Rights has furthermore issued a resolution on the right to adequate housing and protection from forced evictions that asked countries to put an end to all forms of forced evictions.

Since 2000, the Habitat International Coalition (HIC) - Housing and Land Rights Violation Database has recorded 18 major housing and land rights violation cases in Zimbabwe of various dimensions, affecting more than 736,000 people. In this context, and in light of these current cases and Zimbabwe's human rights obligations, HIC Joins the Zimbabwe People's Land Rights Movement (ZPLRM) is calling on Zimbabwe's authorities to:

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We also urge that a thorough and transparent land audit is conducted and published in areas of land disputes, including areas where the state and its organs seek the removal of inhabitants under any pretext. In doing so, we recommend that all relevant organs of the state apply the UN Basic Guidelines and Principles for Development-based Evictions and Displacements.

We look forward to hearing of your efforts, Your Excellency, to ensure that the Ministry of Lands adheres to the dictates of the Constitution and value human rights, in particular adequate housing, continuous improvement of living conditions and land rights of the poor and vulnerable.

We thank you for your attention on this urgent matter and kindly request you to keep us informed about the actions taken by your good offices.

Sincerely,

[your signature]
[your organization]

Email: info@opc.gov.zw
Tel: +263 (0)242 791-470

Honourable Ezra Chadzamira
Minister of State for Masvingo Provincial Affairs
Benjamin Burombo Building
Cnr Robert Mugabe and Simon Mazorodze
Masvingo

Your Excellency:

We are writing to you with grave concern for thousands of residents in Masvingo Province who are facing the threat of imminent eviction from their residences and lands.

On 8 January 2019, 1,000 families from Mzaro Farm in Masvingo West were served eviction orders signed by the Ministry of Lands, Agriculture, Water, Climate and Rural Resettlement. The orders cited violation of section 3 of the Gazetted Lands (Consequential Provisions) Act Chapter 20:28, claiming that residents are occupying land without lawful authority.

Your Excellency, you have been cited as stating that the primary targets for eviction are those who settled illegally around major dams. However, some residents have lived at Mzaro Farm since prior to the construction of the Mutirikwi Dam as part of a land concession allowing them to settle there, while others occupied the land during the land reform in 2000. Community members have built permanent structures on the land, and some insist they have regularized their residency with the Ministry and pay taxes. The government has not offered compensation or alternative location for resettlement.

In Chiredzi District, the Ministry of Lands, along with the local District Administrator, plan to resettle over 10,000 people in Feversham, Arda Magudu, Mutirikwi Section, Wasara Wasara, Chegwite, and properties in the Save Valley Conservancy (Lavanga, Masapasi, Angus and Mukazi), also citing Section 3 of the Gazetted Lands Act Chapter 20:28. Your Excellency, you have confirmed that more than 2000 families are facing eviction.

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We are convinced that an urgent solution is required to prevent the violation of the human rights of these communities. According to international human rights law, the Government of Zimbabwe has the obligation to respect, protect, and fulfil the human rights of its citizens. Evictions and demolitions, with their grave human and material consequences, may violate the human rights to adequate housing, property, decent work, adequate food, family life, equal protection under the law, personal security, fair trial, decent work, education and health, as well as the Zimbabwean's constitutional right not to be deprived arbitrarily of the right to use and occupy agricultural land, among others.

Having ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 13 August 1991, the Republic of Zimbabwe is treaty bound to conduct itself according to Human Rights Standards.

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Since 2000, the Habitat International Coalition (HIC) - Housing and Land Rights Violation Database has recorded 18 major housing and land rights violation cases in Zimbabwe of various dimensions, affecting more than 736,000 people. In this context, and in light of these current cases and Zimbabwe's human rights obligations, HIC Joins the Zimbabwe People's Land Rights Movement (ZPLRM) is calling on Zimbabwe's authorities to:

1. Immediately rescind eviction orders and cease processes of evictions and land rights violations,
2. Enact a post land reform policy that guarantees security of tenure, and
3. Ensure the irreversibility of the land reform program.

Within these principles, we join ZPLRM and HIC's Housing and Land Rights network in calling on Your Excellency to put an immediate stop to apparent political and capital-driven land rights violations taking place in Masvingo Province.

We also encourage your intervention to see to it that all provincial institutions seek accountability and liability of those (officials and others) engaged in corrupt land deals and that all relevant organs of Masvingo Province ensure that the conditions for legal evictions (General Comment No. 7) are met before initiating any eviction process. This would begin with an impact assessment in advance of any evictions or resettlement, as well as currently displaced persons, in order to ensure reparations for those affected.

We also urge that Masvingo Province cooperate with the Land Commission in conducting and publishing a thorough and transparent land audit in areas of land disputes, including areas where the state and its organs seek the removal of inhabitants under any pretext. In doing so, we recommend that all relevant organs of the state apply the UN Basic Guidelines and Principles for Development-based Evictions and Displacements.

We look forward to hearing of your efforts, Your Excellency, to ensure that Masvingo provincial institutions adhere to the dictates of the Constitution and value human rights, in particular adequate housing, continuous improvement of living conditions and land rights of the poor and vulnerable.

We thank you for your attention on this urgent matter and kindly request you to keep us informed about the actions taken by your good offices.

Sincerely,

[your signature]
[your organization]

Email: info@opc.gov.zw
Tel: +263 (0)39 263-353

H.E. Ms. Ellen Gwaradzimba
Minister of State for Manicaland Provincial Affairs
Ministry for Manicaland Provincial Affairs
Government Complex Building
Robert Mugabe Highway
Mutare

Your Excellency:

We are writing to you with deep concern over the reported treatment of a community in Mutare district of Manicaland Province that is currently seeking redress for evictions they have been subjected to.

Members of a community of 1,000 families who were evicted from Marange diamond field and relocated to Ardu Transau in Odzi beginning in 2010 have experienced threats of attack by unidentified persons whom the victims believe are agents of the Central Intelligence Organisation. On relocation, the families were promised compensation of homes and agricultural land, which they did not receive. The community is currently taking the government to court over their eviction and entitlements based on Zimbabwe's Rural Land Occupiers (Protection from Eviction) Act of June 2001, which was replaced by both the Land Acquisition Act and the former Constitution's section 16B, as referred to in the new 2013 Constitution, and the present Constitutions provisions in sections 72 (Rights to agricultural land) and 74 (Freedom from arbitrary eviction). They believe the intimidation they are experiencing to be related to the case.

In all circumstances, police and other law enforcement officials should base their conduct on international human rights law and standards, including the United Nations Code of Conduct for Law Enforcement Officials (the Code of Conduct) and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (The Basic Principles). Both place strict limitations on the use of force. Principle 4 of the Basic Principles states: "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result." The force used to carry out the evictions, including teargas spray, firearms and the ill-treatment of men, women and children, clearly contravene Principle 4.

We are convinced that an urgent solution is required to prevent the violation of the human rights of these communities. According to international human rights law, the Government of Zimbabwe has the obligation to respect, protect, and fulfil the human rights of its citizens. Evictions and demolitions, with their grave human and material consequences, may violate the human rights to adequate housing, property, decent work, adequate food, family life, equal protection under the law, personal security, fair trial, decent work, education and health, as well as the Zimbabwean's constitutional right not to be deprived arbitrarily of the right to use and occupy agricultural land, among others.

Having ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 13 August 1991, the Republic of Zimbabwe is treaty bound to conduct itself according to Human Rights Standards. Thus, by conducting these evictions, Zimbabwe may have violated articles 6, 7, 10, 11, 12 and 13 of the Covenant, including the duties specified in the General Comments Nos. 4 & 7 on the human right to adequate housing and on forced evictions.

Following minimum international norms, eviction should be undertaken only as a last resort and in accordance with the following eight principles: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

Furthermore, evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party to ICESCR must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available. Failure to adhere to these norms constitutes a "gross violation" of human rights, in particular adequate housing.

Zimbabwe's own 2013 Constitution grants citizens the right to freedom from arbitrary objection: "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" (Section 74). The Zimbabwean Constitution also enshrines the national objective on shelter: "all institutions and agencies of government at every level must take reasonable legislative and other measures, within limits of the resources available to them, to enable every person to have access to adequate shelter" (Section 28).

Zimbabwe's Regional, Town and Country Planning Act also requires the authorities to issue an enforcement order giving all persons likely to be affected by demolition of property at least one month notice of the intended demolitions (Section 32).

The African Commission on Human and Peoples' Rights has furthermore issued a resolution on the right to adequate housing and protection from forced evictions that asked countries to put an end to all forms of forced evictions.

Since 2000, the Habitat International Coalition (HIC) - Housing and Land Rights Violation Database has recorded 18 major housing and land rights violation cases in Zimbabwe of various dimensions, affecting more than 736,000 people. In this context, and in light of these current cases and Zimbabwe's human rights obligations, HIC Joins the Zimbabwe People's Land Rights Movement (ZPLRM) is calling on Zimbabwe's authorities to:

1. Immediately rescind eviction orders and cease processes of evictions and land rights violations,
2. Enact a post land reform policy that guarantees security of tenure, and
3. Ensure the irreversibility of the land reform program.

Within these principles, we join ZPLRM in calling Your Excellency to put an immediate stop to apparent political and capital-driven land rights violations taking place in Manicaland Province.

We also encourage your intervention to see to it that all provincial institutions seek accountability and liability of those (officials and others) engaged in corrupt land deals and that all relevant organs Manicaland Province ensure that the conditions for legal evictions (General Comment No. 7) are met before initiating any eviction process. This would begin with an impact assessment in advance of any evictions or resettlement, as well as currently displaced persons, in order to ensure reparations for those affected.

We also urge that Manicaland Province cooperate with the Land Commission in conducting and publishing a thorough and transparent land audit in areas of land disputes, including areas where the state and its organs seek the removal of inhabitants under any pretext. In doing so, we recommend that all relevant organs of the state apply the UN Basic Guidelines and Principles for Development-based Evictions and Displacements.

We look forward to hearing of your efforts, Your Excellency, to ensure that Manicaland provincial institutions adhere to the dictates of the Constitution and value human rights, in particular adequate housing, continuous improvement of living conditions and land rights of the poor and vulnerable.

We thank you for your attention on this urgent matter and kindly request you to keep us informed about the actions taken by your good offices.

Sincerely,

[your signature]
[your organization]

Email: info@opc.gov.zw; feedback@psc.gov.zw
Tel: +263 (0)20 206-229 / 68176 / 62514 / 62321
Fax: +263 (0)20 206-2523

H.E. Monica Mavhunga
Minister of State for Mashonaland Central Provincial Affairs
Mashonaland Central Province
Kavaka Building
92/93 2nd Street
P.O Box 10
Bindura

Your Excellency:

We are writing to you with grave concern for scores of people in Mashonaland Central Province who have recently been evicted from their homes.

Recent evictions have occurred in Bindura district, where scores of farmers have been removed from their residencies on Claverhill North farm and have been living in a makeshift squatter tent for three months. The farm, which had previously belonged to Kingsway Community Church, had recently been taken over by new owners.

We are convinced that an urgent solution is required to prevent the violation of the human rights of this community. According to international human rights law, the Government of Zimbabwe has the obligation to respect, protect, and fulfil the human rights of its citizens. Evictions and demolitions, with their grave human and material consequences, may violate the human rights to adequate housing, property, decent work, adequate food, family life, equal protection under the law, personal security, fair trial, decent work, education and health, as well as the Zimbabwean's constitutional right not to be deprived arbitrarily of the right to use and occupy agricultural land, among others.

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

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Zimbabwe’s Regional, Town and Country Planning Act also requires the authorities to issue an enforcement order giving all persons likely to be affected by demolition of property at least one month notice of the intended demolitions (Section 32).

The African Commission on Human and Peoples’ Rights has furthermore issued a resolution on the right to adequate housing and protection from forced evictions that asked countries to put an end to all forms of forced evictions.

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1. Immediately rescind eviction orders and cease processes of evictions and land rights violations,
2. Enact a post land reform policy that guarantees security of tenure, and
3. Ensure the irreversibility of the land reform program.

Within these principles, we join ZPLRM in calling on Your Excellency to put an immediate stop to apparent political and capital-driven land rights violations taking place in Mashonaland Central Province.

We also encourage your intervention to see to it that all provincial institutions seek accountability and liability of those (officials and others) engaged in corrupt land deals and that all relevant organs of the Mashonaland Central Province ensure that the conditions for legal evictions (General Comment No. 7) are met before initiating any eviction process. This would begin with an impact assessment in advance of any evictions or resettlement, as well as currently displaced persons, in order to ensure reparations for those affected.

We also urge that Mashonaland Central Province cooperate with the Land Commission in conducting and publishing a thorough and transparent land audit in areas of land disputes, including areas where the state and its organs seek the removal of inhabitants under any pretext. In doing so, we recommend that all relevant organs of the state apply the UN Basic Guidelines and Principles for Development-based Evictions and Displacements.

We look forward to hearing of your efforts, Your Excellency, to ensure that Mashonaland Central Province institutions adhere to the dictates of the Constitution and value human rights, in particular adequate housing, continuous improvement of living conditions and land rights of the poor and vulnerable.

We thank you for your attention on this urgent matter and kindly request you to keep us informed about the actions taken by your good offices.

Sincerely,

[your signature]
[your organization]

Email: info@opc.gov.zw
Tel: +263 (0)271 6971 / 6001
Fax: +263 (0)271 7017 / 6510 / 621

Commissioner Tendai Bare
Zimbabwe Land Commission
Suite 2, Block No.1
Borrowdale Road
Celestial Park
Harare

Your Excellency:

We are writing to you with grave concern for thousands of residents in Masvingo Province who are facing the threat of imminent eviction from their residences and lands, and scores of people in Bindura district in Mashonaland Central Province who have recently been evicted from their homes. We are also deeply troubled by the reported treatment of a community in Mutare district of Manicaland Province who are currently seeking redress for evictions they have been subjected to.

On 8 January 2019, 1,000 families from Mzaro Farm in Masvingo West were served eviction orders signed by the Ministry of Lands, Agriculture, Water, Climate and Rural Resettlement. The orders cited violation of section 3 of the Gazetted Lands (Consequential Provisions) Act Chapter 20:28, claiming that residents are occupying land without lawful authority.

Masvingo Provincial Affairs Minister Cde Ezra Chadzamira has been cited as stating that the primary targets for eviction are those who settled illegally around major dams. However, some residents have lived at Mzaro Farm since prior to the construction of the Mutirikwi Dam as part of a land concession allowing them to settle there, while others occupied the land during the land reform in 2000. Community members have built permanent structures on the land, and some insist they have regularized their residency with the Ministry and pay taxes. The government has not offered compensation or alternative location for resettlement.

In Chiredzi District, the Ministry of Lands, along with the local District Administrator, plan to resettle over 10,000 people in Feversham, Arda Magudu, Mutirikwi Section, Wasara Wasara, Chegwite, and properties in the Save Valley Conservancy (Lavanga, Masapasi, Angus and Mukazi), also citing Section 3 of the Gazetted Lands Act Chapter 20:28. Minister Chadzamira confirmed that more than 2000 families are facing eviction.

In Mwenzei District, Zimbabwe Bio Energy (ZBE) is threatening to evict 2,713 households from lands on Naunetsi Ranch that they received as compensation in 2014 after their relocation due to construction of the Tokwe-Mukosi Dam in Masvingo. Currently the company is fencing all its property, including lands used by residents for grazing, and is preventing residents from using dip tanks and accessing other water sources. The community now relies on 35 boreholes that pump only saline (non-potable) water.

Recent evictions have occurred also in Bindura district in Mashonaland Central Province, where scores of farmers who have been removed from their residencies on Claverhill North farm have been living in a makeshift squatter tent for three months.

In yet another recent case, members of a community of 1,000 families who were evicted from Marange diamond field in Manicaland Province and relocated to Ardu Transau in Odzi beginning in 2010 have experienced threats of attack by unidentified persons. The community is currently taking the

government to court over their eviction and entitlements and believes this intimidation to be related to the case.

We are convinced that an urgent solution is required to prevent the violation of the human rights of these communities. According to international human rights law, the Government of Zimbabwe has the obligation to respect, protect, and fulfil the human rights of its citizens. Evictions and demolitions, with their grave human and material consequences, may violate the human rights to adequate housing, property, decent work, adequate food, family life, equal protection under the law, personal security, fair trial, decent work, education and health, as well as the Zimbabwean's constitutional right not to be deprived arbitrarily of the right to use and occupy agricultural land, among others.

Having ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 13 August 1991, the Republic of Zimbabwe is treaty bound to conduct itself according to Human Rights Standards. Thus, by conducting and threatening these evictions, Zimbabwe may be violating articles 6, 7, 10, 11, 12 and 13 of the Covenant, including the duties specified in the General Comments Nos. 4 & 7 on the human right to adequate housing and on forced evictions.

Following minimum international norms, eviction should be undertaken only as a last resort and in accordance with the following eight principles: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

Furthermore, evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party to ICESCR must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available. Failure to adhere to these norms constitutes a "gross violation" of human rights, in particular adequate housing.

Zimbabwe's own 2013 Constitution grants citizens the right to freedom from arbitrary objection: "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" (Section 74). The Zimbabwean Constitution also enshrines the national objective on shelter: "all institutions and agencies of government at every level must take reasonable legislative and other measures, within limits of the resources available to them, to enable every person to have access to adequate shelter" (Section 28).

Zimbabwe's Regional, Town and Country Planning Act also requires the authorities to issue an enforcement order giving all persons likely to be affected by demolition of property at least one month notice of the intended demolitions (Section 32).

The African Commission on Human and Peoples' Rights has furthermore issued a resolution on the right to adequate housing and protection from forced evictions that asked countries to put an end to all forms of forced evictions.

Since 2000, the Habitat International Coalition (HIC) - Housing and Land Rights Violation Database has recorded 18 major housing and land rights violation cases in Zimbabwe of various dimensions, affecting more than 736,000 people. In this context, and in light of these current cases and Zimbabwe's human rights obligations, HIC Joins the Zimbabwe People's Land Rights Movement (ZPLRM) is calling on Zimbabwe's authorities to:

1. Immediately rescind eviction orders and cease processes of evictions and land rights violations,
2. Enact a post land reform policy that guarantees security of tenure, and
3. Ensure the irreversibility of the land reform program.

Within these principles, we join ZPLRM in calling on the Land Commission to apply the human rights approach, applying Zimbabwe's corresponding state obligations, in adjudicating land disputes. We ask the Commission to urgently take measures to resolve land eviction cases. Security of tenure is key to resolving most cases and thus should be looked into as a priority.

We also urge the Land Commission to conduct and publish a thorough and transparent land audit in areas of land disputes, including areas where the state and its organs seek the removal of inhabitants under any pretext. In doing so, we recommend that all relevant organs of the state apply the UN Basic Guidelines and Principles for Development-based Evictions and Displacements.

We also encourage your intervention to see to it that all state institutions, including the Land Commission, seek accountability and liability of those (officials and others) engaged in corrupt land deals and that all relevant organs of the state ensure that the conditions for legal evictions (General Comment No. 7) are met before initiating any eviction process. This would begin with an impact assessment in advance of any evictions or resettlement, as well as currently displaced persons, in order to ensure reparations for those affected.

We look forward to hearing of your efforts, Your Excellency, to ensure that the Land Commission adheres to the dictates of the Constitution and value human rights, in particular adequate housing, continuous improvement of living conditions and land rights of the poor and vulnerable.

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Sincerely,

[your signature]
[your organization]

Email: baretrw@yahoo.co.uk
Tel: +263 (0)271 6971 / 6001
Fax: +263 (0)271 7017 / 6510 / 621

Secretary Danisile Sibanda Hikwa
Zimbabwe Land Commission
Suite 2, Block No.1
Borrowdale Road
Celestial Park
Harare

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We thank you for your attention on this urgent matter and kindly request you to keep us informed about the actions taken by your good offices.

Sincerely,

[your signature]
[your organization]

Email: dhikwa@africaonline.co.zw

H.E. Barbara van Hellemond
Ambassador of The Netherlands to Zimbabwe
The Netherlands Embassy in Harare
2 Arden Road
Newlands
Harare

Your Excellency:

We are writing to you with grave concern for thousands of residents in Masvingo Province who are facing the threat of imminent eviction from their residences and lands.

In Chiredzi District, the Ministry of Lands, Agriculture, Water, Climate and Rural Resettlement, along with the local District Administrator, plan to resettle over 10,000 people in Feversham, Arda Magudu, Mutirikwi Section, Wasara Wasara, Chegwite, and properties in the Save Valley Conservancy (Lavanga, Masapasi, Angus and Mukazi), citing Section 3 of the Gazetted Lands Act Chapter 20:28. Masvingo Provincial Affairs Minister Cde Ezra Chadzamira has confirmed that more than 2000 families are facing eviction.

Angus is a Dutch-owned property; the Dutch ambassador to Zimbabwe has indicated that no further Dutch investments would be made in the country as long as the Zimbabwean inhabits remain on the land. We realize that this exerts further pressure on the Zimbabwean government to remove the residents.

The Dutch owners of Angus claim their land under a Bilateral Investment Promotion and Protection (BIPPA) treaty that President Mugabe ratified in 1996. Since then, a group of 40 Dutch farmers won a €25 million ($32.74 million) claim against Zimbabwe in 2009 before the Washington-based International Centre for Settlement of Investment Disputes after their farms were confiscated during the chaotic Zimbabwe land reform of 2000. This time, the forced eviction of Zimbabwean inhabitants with acquired rights to the land may constitute a violation not only of Zimbabwe's domestic Human Rights Treaty obligations, but also The Netherlands extraterritorial obligations under ICESCR, prohibiting forced evictions by legal or moral persons of Netherlands nationality anywhere.

Following minimum international norms, eviction should be undertaken only as a last resort and in accordance with the following eight principles: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

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We are convinced that an urgent solution is required to prevent the violation of the human rights of these communities. We join ZPLRM in urging Your Excellency to avoid any action or threat of action that would contravene The Netherlands' extraterritorial ICESCR treaty obligations, in particular, those arising from Article 11 of the Covenant.

We thank you for your attention on this urgent matter and kindly request you to keep us informed about the actions taken by your good offices.

Sincerely,

[your signature]
[your organization]

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Annex I: Violation Database Entries

Housing and Land Rights Violation Database

Search results for all type of violation

between 01 Jan 2000 and 03 Feb 2019

Title	Begin	Victims	Details	Development	Type of violation
Budiriro and Aspindale	09/12/2015	1,250			Forced eviction Demolition/destruction
Caledonia Demol	12/09/2015	18,500			Forced eviction Demolition/destruction Dispossession/confiscation
Banana Groove Farm	23/06/2014	300			Forced eviction Demolition/destruction Dispossession/confiscation
Manzou Farm, Mazowe	19/03/2014	4.500		1 - 2	Forced eviction Demolition/destruction Dispossession/confiscation
Tokwe-Mukorsi Displaced	29/01/2014	20,000	1		Forced eviction Dispossession/confiscation
Wincrest Farm, Masvingo	01/01/2012	5,000			Forced eviction Demolition/destruction
Stolen Farms Stolen again	13/06/2011	5,600			Dispossession/confiscation
Nyazura HHs Attacked	01/03/2011	20			Forced eviction Demolition/destruction
Marange to Arda Transau	15/06/2009	5.000			
Mugabe Supporters Seize Farms	10/02/2009	700			Forced eviction Demolition/destruction Dispossession/confiscation
New wave of displacements	29/03/2008	15.000	1		Forced eviction Demolition/destruction
Politically Motivated Property Destruction	11/01/2008	9	1		Demolition/destruction
47 Families Face Eviction	01/01/2008	235	1		Forced eviction Dispossession/confiscation
Harare: 15 Tenants Evicted	07/02/2007	15	1		Forced eviction
Operation Murambatsvina	18/05/2005	570.000	1 , 2 , 5	1 - 2	Forced eviction Demolition/destruction Dispossession/confiscation
Opposition Supporters Homes Burnt to the Ground	14/04/2002	11	1		Forced eviction Demolition/destruction Dispossession/confiscation
Opposition face eviction & property damage	10/04/2002	4	1		Forced eviction Demolition/destruction
Mass Farm Evictions in Zimbabwe	09/04/2002	45.000	1		Forced eviction Demolition/destruction Dispossession/confiscation
Dispossession and Confiscation at Leopardvlei Farm	09/04/2002	45.000	1		Forced eviction Dispossession/confiscation
Stolen Farms Stolen again	02/06/2000	5.600	1		Dispossession/confiscation

Affected persons : 736,144 **Record Count :** 18