

THINK GLOBALLY, ACT LOCALLY?

THE REVERSE OSMOSIS OF HOUSING RIGHTS IN TRANSITIONAL DEMOCRACIES

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ABSTRACT

This paper interrogates the scaling down of global rhetoric (sustainable development, human rights, good governance and democracy) into local realities in Zimbabwe, taking housing rights as a point of departure. It argues that until recently in Zimbabwe (as in most developing countries) housing has not been viewed as a basic human right. Yet the country is a signatory to several international conventions that define housing as a basic human entitlement. Questions regarding this phenomenon abound. Why do results from international conventions fail to scale down into local practices? Are national governments enemies of the people? Are pressure groups toothless dogs or are the watch dogs dancing with the tyranny? Is it because of selection pressure or political expediency? Are there local vices or maladies? What follows is a discussion that will provoke the reader to start questioning current motives of governments in 'transitional democracies' regarding denial of basic human freedoms, particularly the right to adequate housing. It consolidates that existing positions in housing policies and other institutional frameworks in Zimbabwe have largely ignored the needs, and housing rights not only of the poorest sectors of society, but of women more specifically. Neither does the lack of discussion on the status of slum dwellers in Zimbabwe lend to formulation of rights-sensitive housing policies or mechanisms of intervention oriented towards global concepts. The paper is a review paper, whose outlook is largely exploratory, though it builds upon imperial data constructs, it is meant to be a critique than an imperial adventure and being more provocative than thorough.

Keywords: Housing Rights, Transitional Democracies, Urban Transformation, Zimbabwe, Africa

INTRODUCTION

The 'think globally, act locally' philosophy has dominated urban policy discourse in recent years. The philosophy harnesses ideas generated at international forums and translates them into local practice (Kondo, 2004). Concepts such as democracy, human rights, good governance and sustainable development have also come under the spotlight (United Nations, 2008a). Several United Nations conventions have been widely quoted as selection pressure points from which national governments have to respond to in the administration of their local institutions. On a year-on-year basis member states submit their reports to international conventions to reflect opportunities, capacities and constraints in the localisation of globally defined ideals, development patterns and processes. However, Zimbabwe like most developing countries is lagging behind in embracing some of these concepts. Local practices and policies in the country hardly reflect parity to globally defined practices. There is discord in translating global norms and concepts (such as sustainable development, human rights, democracy, and good governance) into the realities of the local people and existing institutions (UN-Habitat, 2005a).

In most cases, it is difficult to decipher these internationally agreed norms and ideals into the country's legislative framework. There are often repellant reactions in the form of denial, resistance and relativism as regards local receptivity of globally defined conventions (Bracking, 2005; Chirisa & Munzwa, 2008; Chirisa, 2009a; Mtomba, 2011). This has been necessitated by socio-economic and political realities on the ground which includes entrenched bureaucratic tendencies and practices, and purported governance and democratic deficits on the part of the government as perceived by western governments (Maphosa; Kujinga & Chingarande, 2008). The overall effect is not only, policy vacillations and inconsistencies but also rolling back of the state (Masunungure & Chimankire, 2008). Taking human rights as a point of departure, the right to adequate housing is a concept faced with a big challenge. For instance, it does not reflect in existing laws and practices. As such, housing and access to decent housing with dignity by the urban poor in Zimbabwe has trailed behind demand.

The result has been the mass production of slums, urban landlessness, residence in backyard shacks, squatter settlements, hostel slums and insecurity of tenure amid frequent evictions and a departure from the inclusive city concept (cf. Chirisa, 2009a). In consequence, community-based initiatives have suffered numerous bottlenecks with increasing urban informality (manifesting in slum like conditions of living for the majority of urban residents) (Chirisa, 2007; 2009a, 2009b; Dube, 2010). While this is a common developing world phenomenon, particularly in Latin America, Africa and Asia, it constitutes human rights abuse.

CONCEPTUAL FRAMEWORK

The issue of housing in Zimbabwe when conceptualised in the framework of housing rights raises many concerns. The observation that undergirds this study is that global concepts that come in the form of norms, ideals and or principles (these include but not limited to: Sustainable Development, Human Rights, Good Governance, Democracy) are to inform local practices.

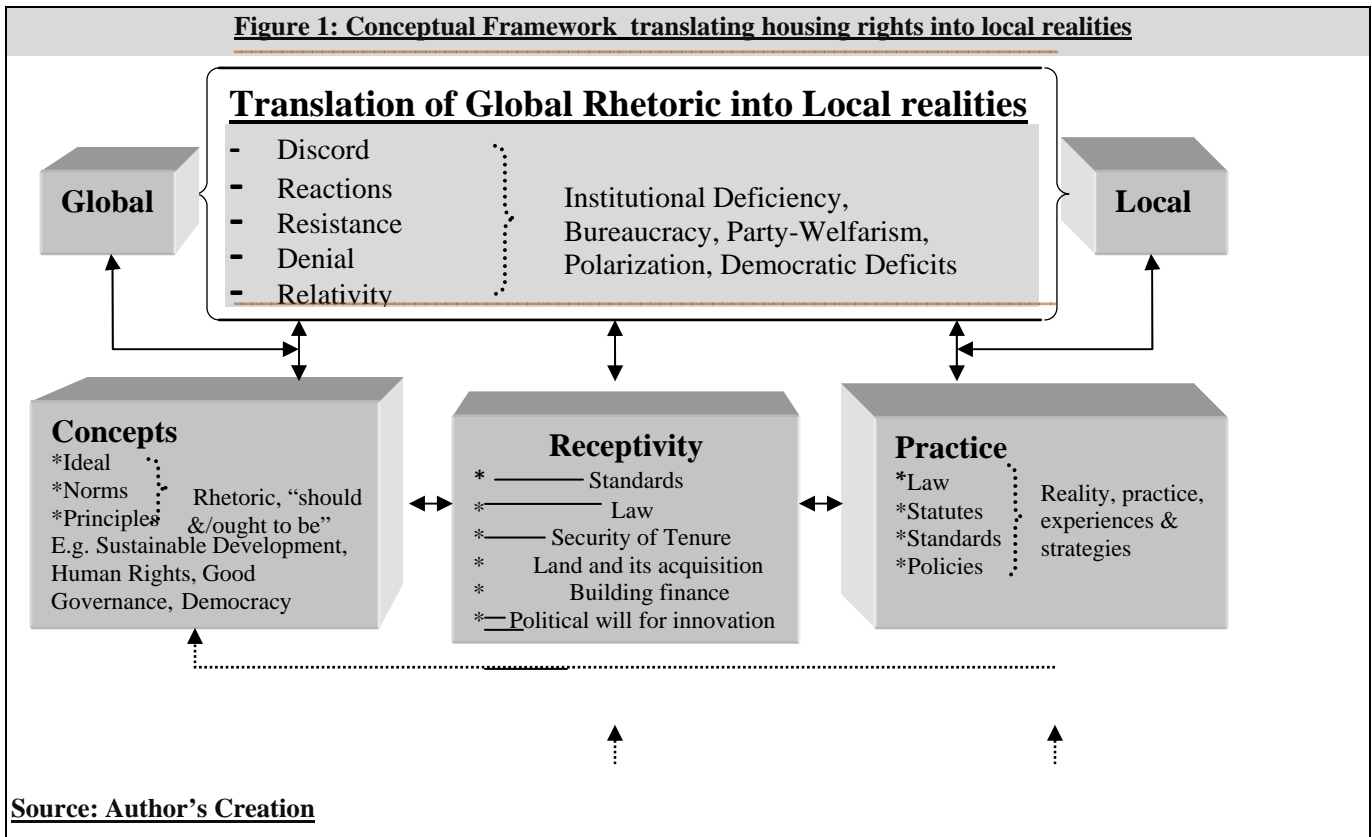


Figure 1 shows that local practices in the form of institutions, that is, legal statutes, laws, standards and policies and these receive input through a process referred to as translation. The former, that is, global rhetoric, is of the “should and or ought to be”, while the latter constitute, what is: reality, practice, experiences and strategies in local environments. However, all this is subject to the process of translation (see figure 1). Translating global concepts into local realities, though desirable is often riddled with negative factors and these include: discord, reactions, resistance, denial and relativity (Chirisa & Munzwa, 2008; Chirisa, 2009a; Mtomba, 2011). What this implies is that national governments often pay a lip service to global conventions.

In consequence, global concepts such as international human rights instruments have not been integrated in Zimbabwean law and as the case in many transitional democracies (Africa Community Publishing and Development Trust (ACPDT), 2009). The underlying fact in that in Zimbabwe housing rights is a concept faced with big challenge. The meaning of it with respect to local realities is not only tokenistic and fuzzy but quite incongruent with existing laws and practices. As such, access to adequate housing by the urban poor in Zimbabwe has trailed behind demand. The general populace have no access to housing, because there are systemic challenges along the way. They are lied to and are often made to accept common suffrage as a way of life.

HOUSING AND HOUSING RIGHTS_THE THEORY

It is a recurring theme in the housing literature that housing encompasses shelter and the processes by which it is realised, to related infrastructure and services (Schlyter, Larson & Mapetla, 1998; Mafafo, 2003; Mapetla, 2003). Housing has been extensively defined as more than a roof over one's head (Larson & Schlyter, 1993; Schlyter, Larson & Mapetla, 1998; SINA, 2000; Mapetla, 2003; Chaeruka, 2009). As an operational definition, this paper uses the term housing to refer shelter, together with the spaces it defines, the economic or production space inside or outside; the social space where families interact and the reproductive space as well, hence the need for privacy offered by walls and a roof. It is on the basis of this centrality of housing to the well being of man that the housing is linked to basic human rights.

Housing rights, like housing, have wider applications. Mitchell (2003) writing on the right to the city, social justice and the fight for public space, notes that housing rights go beyond the right to a roof over one's head. At the broader scope, housing rights are an element of human rights (UN-Habitat, 2002). Housing rights involve more than the right of access to shelter to include the right to adequate services and related infrastructure and to participate in the governance of one's place of living (United Nations Centre for Human Settlements (UNCHS), 1999; UN-Habitat & OHCHR, 2002; UN-Habitat, 2009). Housing rights imply legal privileges for man that derives the element such as: security of tenure; right to property, right to shelter, as well as; the right to basic services; adequacy in housing provision; user rights (usufruct) and the ability to subvert those with monopolistic power (UN-Habitat & OHCHR, 2002). However, in Zimbabwe there has been a vague impression on housing rights as they lack a legal claim for justiciability. Housing envisaged in the context of human rights invokes more questions, for instance: What are housing rights in light of the Zimbabwean law? When can one have those rights? What are they in terms of town planning practice? Howbeit, one of the main characteristics of a democratic country is striving to protect citizen rights. Embodied in this bracket of citizen rights and of particular concern in this paper is the right to adequate housing.

HOUSING RIGHTS IN HISTORY

The right to adequate housing is linked to the promulgation of the 1948 Universal Declaration of Human Rights (United Nations, 2008a; Kothari, 2008). In 1966 the International Covenant on Economic, Social and Cultural Rights (ICESCR) spelt out the need to pay particular attention and protection to the right to housing (Loewenstern & Moyo, 2003). The first United Nations Conference on Human Settlements of 1976 in Vancouver, Canada, recognised the role of 'self-help housing' in addressing housing rights. This was in accordance with the need to accommodate the growing urban population especially the urban poor (UN Habitat-OHCHR, 2005). The 1979 Convention on Elimination of All Forms of Discrimination against Women (CEDAW), stressed on the equality in rights between men and women, by ensuring equality of both sexes in the enjoyment of housing rights among other entitlements, while obliging states to take appropriate measures to modify and eliminate prejudices and other practices based on the idea of inferiority of women and superiority of men (Loewenstern & Moyo, 2003).

In 1981, the African Charter on Human and People's Rights established a system of rights that function within the institutional framework of the then Organization of African Unity (now Africa Union) to critically contextualize housing

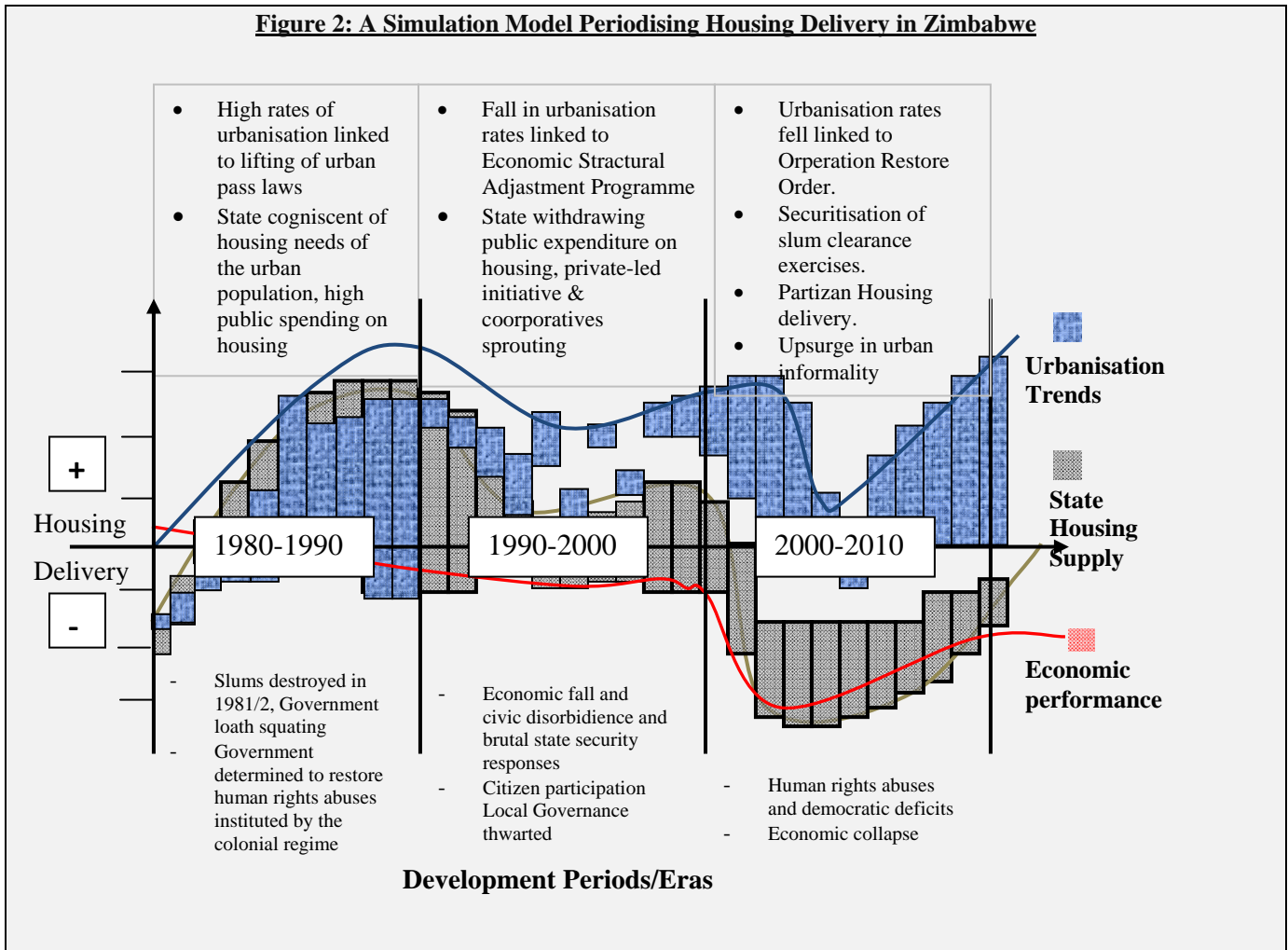
rights defined as the right to freedom of residence; property, though not limited to the right to access public services (ibid, 2003). It recognizes the elimination of every form of discrimination against women and the protection of the rights of women and children as stipulated in the CEDAW and the Convention on Rights of the Child. Furthermore, the 1989 Convention on Rights of the Child (CRC) draws attention to the link between children's housing conditions to their emotional and social development (Kothari, 2008). In addition, the United Nations Conference on Environment and Development (UNCED) of 1992 alternatively introduced the concept of Sustainable Development into planning through the Agenda 21 frameworks that promote liveable, productive and inclusive cities, towns and villages (UN-Habitat, 2009). Its thrust is local level engagement between the local authority and its citizens, in order, to promote the attainment of the right to participate in the governance of one's place of living (Mitchell, 2003; UN Millennium Project, 2005; United Nations, 2008b).

The outcomes of various international conferences, beginning with the United Nations Conference on Human Settlements (Istanbul, 1996) recognized housing as a basic human need (Kothari, 2008; Chaeruka 2009). While the Millennium Development Goals (MDGs) (2000) commits governments to addressing housing rights. The MDG corresponding to the housing being Goal number seven that addresses the environment. It manifests in the global norm of developing cities without slums. Hence, the adoption of specific targets on slums: drinking water and sanitation in the MDGs (United Nations, 2008b). This goal commits all nations to improve access to safe and provision of adequate sanitation to low-income urban dwellers. Additionally, the 2002 World Summit on Sustainable Development, promulgated the Johannesburg Plan of Action, which commits nations to halve by 2015, the proportion of people who do not have access to basic sanitation. International Law regards forced eviction as a human rights violation (Loewenstern and Moyo, 2003). Governments are urged first to consider feasible alternatives and second to adhere to good practice guidelines if eviction is necessary. According to UN-Habitat (2009) this law recognizes people's rights to security of tenure and housing. It specifies that people affected should be: consulted before the decision to evict is taken; given adequate notice of when eviction will occur; provided information on the purpose for which land is required; provided with legal right to appeal and legal aid where appropriate; and provided with various rights if evicted, equitable compensation for lost assets, livelihoods and incomes. It is in the context of the outcomes of these international conventions that the progress in translating globally defined ideals pertaining to housing rights in Zimbabwe has to be assessed. What follows is critique of the country's responsiveness to global norms and attempts made towards institutionalizing housing rights in the Zimbabwean legislative frameworks and practices.

HOUSING DELIVERY IN ZIMBABWE_A SNAPSHOT

Housing in Zimbabwe cannot be fully understood without an understanding of the operational environment within which it evolved. This implies that housing delivery in Zimbabwe can best be understood based on what has been happening in general terms and within the broad socio-economic dynamics within which the country evolved, since attaining political independence in 1980. Hence, a critique to national receptivity of housing rights in Zimbabwe can be traced firstly through such broad facets whose scope can fully be appreciated if we periodise the economic development of the country. Secondly it can also be traced through general planning responses, noting whether they were responsive to housing rights or not. Figure 2, shows a brief synopsis of the housing development trajectory in Zimbabwe, within three broad economic periods.

Figure 2: A Simulation Model Periodising Housing Delivery in Zimbabwe



Source: Author's own creation (2012)

Without losing sight of the country's colonial past, the analysis cosmetically draws focus on the last three decades (1980-2010). Three broad economic periods can be periodised as: 1980 to 1990; 1990 to 2000 and 2000 to 2010 (see figure 2). However, of interest in Zimbabwe is to identify what has been controlling and shaping the housing delivery and how adequate housing concerns has been addressed in the country's urban settlements. The first period 1980-1990 witnessed high rates of urbanisation linked to lifting of urban pass laws (a colonial creation meant to regulate black population's entry into urban areas). The state then being cogniscent of housing needs of the then growing urban population invested heavily in housing (see figure 2). Government determined to restore human rights abuses instituted by the then outsted colonial regime made the 1980s to be remembered today for the high public spending on housing. However, slums were destroyed in Harare in 1981/2 (Chirambahuyo Squater Settlement) (Butcher, 1986; Patel & Adam, 1981).

The period 1990-2000 witnessed a fall in urbanisation rates linked to Economic Structural Adjustment Programme. Inconsequence, the state withdrew public expenditure on housing, private-led initiatives and corporatives sprouted. This was also a period of economic fall and civic disorbidence met with brutal state security responses and citizen participation local

governance thwarted. The post 2000 period on the other hand saw urbanisation rates falling around 2005-6 and this scenario is linked to Operation Restore Order (a notorious government led clearance of urban filth that sparked international outcry). This period saw the emergence and securitisation of slum clearance exercises. Partizan housing delivery and upsurge in urban informality as well as human rights abuses and democratic deficits nursed by economic collapse characterise this era. As a prelude to the brief look into the operational environment it must be noted that housing delivery in the country has to be looked into in light of the three economic periods here defined (see figure 2). It must also be acknowledged that housing delivery during each era was subject to the forces of the time and any attempt to analyze the housing system and human rights systems in Zimbabwe has to acknowledge that fact.

ZIMBABWEAN RESPONSES TO THE EMERGING HOUSING RIGHTS FACTOR

The preceding section provides an important analytical framework from which to build a case to critique the extent to which the Zimbabwean government and its decentralised institutions has embraced global ideals in their practices, policies and statutes. From the outset it should be understood with a reasonable degree of rationality that national responses to global concepts in Zimbabwe are subject to the many forces at play across the defined economic periods (see figure 2). What follows here under is an attempt to decipher national responses to globally defined ideals within the housing rights framework.

UN-Habitat (2008) notes that in recent years, international covenants on human rights and national human rights law have come to have significance upon local practice and experiences. But the question is how far true this is for transitional democracies? By the way a transitional democracy is a country that is relatively democratic but shows incomplete signs of democratic consolidations. They fall midway between an established democracy and non-democracy. It should also be understood that there is a reciprocal relationship that exists between democracy and human rights as is for housing rights. Hence, the reflective mention of the concept of democracy through out the paper.

However, in Zimbabwe what has manifested over the years is a visible disjuncture between state policies and global concepts. Both the local and central governments have shown an inability to embrace emerging concepts even at rhetoric level. The global rhetoric versus local receptivity dichotomy in Zimbabwe can thus be seen from the repellant reactions as manifesting in denial, discord, resistance and relativism. This has been necessitated by socio-economic to political realities on the ground which includes the 1990s to post 2000 economic crisis; governance and democratic deficits on the part of both local and central governments and entrenched bureaucratic tendencies and practices.

LEGAL INSTRUMENTS AND HOUSING RIGHTS

The major question is to what extent do housing rights reflect in legal instruments that promote law and order in modern day Zimbabwe? At legislative level, Zimbabwe has a highly standardized planning legal framework in the form of planning Acts (the Regional Town and Country Planning Act of 1996, the Urban Councils Act, the Model Building By-Laws e.t.c) and statutory instruments, which stipulates planning regulations, building standards and codes. These codes are aimed at ensuring that construction meets a minimum standard of disaster resilience. It can also not be denied that these standards have to a

large extent contributed to the celebrated urban quality that characterizes Zimbabwean cities today. However, in all the aforesaid legislative documents, the meaning of housing rights is not clear except in the Regional Town and Country Planning Act and the supreme law of the land under the Bill of Rights (cf. Government of Zimbabwe, 2005). These preceding legal instruments mention property rights but become silent as regards housing rights. Not only do they fail to define such rights but also legitimate the limitation of such rights by refusing them a legal claim. In most cases, as in the preceding, it is difficult to decipher these internationally agreed ideals and norms in the local legislative framework. This fuzziness reflects some form of underwriting in the Zimbabwean experience as regards translating global norms into local realities. Yet the fact that Zimbabwe is a signatory to the United Nations (UN) General Assembly implies that as a state party to this effect based on free consent it is bounded by UN principles.

The current planning legislation in Zimbabwe has over the years been criticized for rigidity and inflexibility amid its failure to respond to changing human needs (Chirisa and Munzwa, 2008). The Zimbabwe Institute for Regional and Urban Planners (ZIRUP) is on record for blasting the planning legislation recommending a review of town planning laws and regulations, saying the current legal regime stifles growth in housing, where the backlog is currently estimated at over 500 000 in Harare alone (NewZimSituation, 2010:4). In consequence, the ZIRUP 2010 conference ran under the theme 'Planning Legislation Procedures and Best Practices' after noting the major bottlenecks emanating from the Zimbabwean planning legislation. In addition, the present planning legislation and procedures especially the focus on development control rather than development facilitation have become inappropriate and need to be revised, in order to achieve timely housing delivery. Restrictive by-laws that control urban development makes it near impossible for a poor person to acquire housing in urban Zimbabwe. Restrictions in this case come in the form of waiting list restrictions, use of historical data to measure housing demand as well as high standards for land and housing development

STIFLING OR PROMOTING COMMUNITY INITIATIVES

Figure 2 notes that in the 1990s the withdrawal of public housing investment led to the emergence of community based initiatives in the form of cooperatives. However, the lack of recognition of the right to adequate housing has been a stifling factor. Community-based initiatives have suffered numerous bottlenecks, in their quest to access land for housing as well as related services and infrastructure. What is obtaining on the ground in majority of the cooperative housing schemes especially in Harare, Zimbabwe's Capital is that there is an absolute lack of both physical and social infrastructure facilities.

Plate 1 shows how community based initiatives have been struggling to mentor and nurture settlements with access to basic services and infrastructure. As of late 2011 Kadungure Housing Consortium (located in the urban fringes of Harare North) depicted in plate 1 is characterised by inadequate servicing. Mafico (2003) writing on housing notes that housing is more than a roof over one's head, its not a stand, but includes access to related infrastructure and services that promote habitability and human sustenance. But the case of community based initiatives in Zimbabwe raises more questions than answers. How is everyday life in these settlements with no roads, running water, electricity worse still sewer lines? With an aota of common sense the realities in local practices in Zimbabwe, where the poor are left to their own peril and to forage and live as savages is quite a de-humanising experience. Looking for human rights in this case is a search for rights in unfamiliar places.

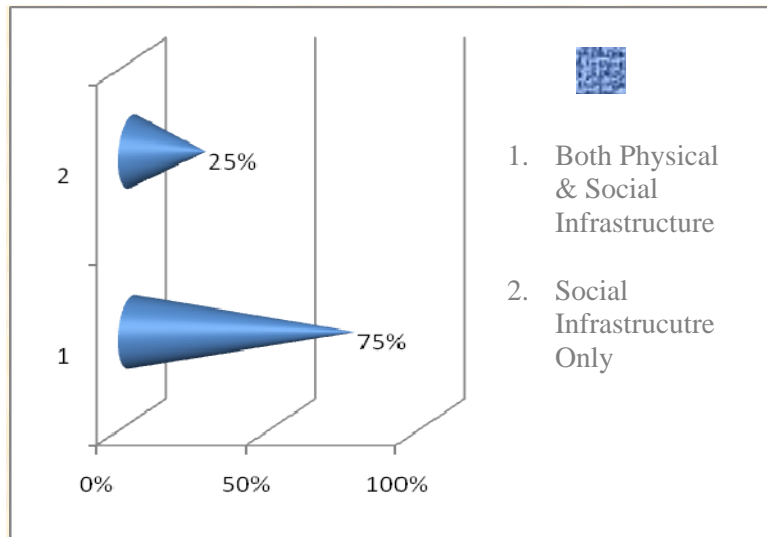
Plate 1: Spouting Group Initiaves/Housing Schemes Lacking Basic Infrastructure



Source: Research findings (2011)

The scenario depicted in plate 1 is true for majority of cooperative housing schemes in Harare and can even be generalised with a degree of certainty even for the whole of Zimbabwe. It is a complex dilemma for the urban poor to finance and bring to life liveable communities. Communities that make human life forms flourish remain but a dream in contemporary Zimbabwe. What follows in figure 3 is an imperic presentation of results from a base line survey of 200 households purposively sampled seventeen housing cooperatives. Figure 3 puts in imperical terms what plate 1 pictorise. But the message generally is that the issue of infrastructure is a pressing one to self help housing. The first United Nations Conference on Human Settlements of 1976 in Vancouver, Canada, recognised the role of ‘self-help housing’ in addressing housing rights. This was in accordance with the need to accommodate the growing urban population especially the urban poor (UN Habitat & OHCHR, 2005). But the question is, with over forty years since the Vancouver convention this is what the urban poor in Zimbabwe are still getting. Global rhetoric versus local receptivity and its challenges in translating housing rights into local realities is the cause of concern that is indeed true for the developing world’s poor.

Figure 3: Access to Basic Infrastructure in Selected Housing Cooperative Schemes in Harare



	Infrastructure present	Frequency	Percent
1.	Basic Social	50	25
2.	Both Physical and Social	150	75
	Total	200	100

Source: Research findings (2011)

It emerged that out seventeen housing cooperatives 75 percent had no access to both physical and social infrastructure. While the remaining 25 percent social infrastructure. The later also means that 25 percent had only access to physical infrastructure. Social infrastructure as used in this paper relates to schools, churches, shopping centres and community halls. Meanwhile physical infrastructure includes roads; water, power and sewer lines.

However, the then Ministry of Local Government Public Works and Urban Development (Now Ministry of Local Government Rural and Urban Development, though this portifolio has been housed under the Ministry of National Housing and Cooperative Development) in its National Housing Policy for Zimbabwe (2000) recognises the level of household infrastructural services as a measure of housing quality in terms of convenience, health and general amenity (Government of Zimbabwe (GoZ), 2000).While this is a positive standard towards addressing housing issues, its does not come nearer to addressing housing as a human right. The aforesaid policy document also acknowledges constraints and bottlenecks to efficient housing delivery, which are in current legislation. These include long and complex bureaucratic procedures and processes that have outlived their usefulness and hamper rather than assist the delivery of housing.

“HOPE-TURNED-UPSIDE-DOWN”

UN-Habitat (2005) observed that the land regulatory framework in Zimbabwe is not flexible enough to allow speedy delivery of land for housing. In the same way, Mafico (1989) suggests that while planning and housing standards are meant to promote better quality living environments through the provision of better health and safety standards, these standards in most developing countries tend to achieve the exact opposite. The urban poor are denied access to urban housing and left to fend for themselves as individuals or as communities. Hence, the violation of their housing rights, which produces what Chirisa and Munzwa (2008: 28) refer to as “hope-turned-upside-down” and the hurling and impoverishing of the poor into a prison of embarrassment and uncertainty. For instance Tashinga Housing Co-operative in Harare’ Dzivarasekwa high density suburb failed to grab an opportunity that came by windfall (cf. Chirisa and Munzwa, 2008). Had housing rights been clearly grounded in local practice, spiced by democracy and the tenets of good governance with the future in perspective prevailed, Tashinga Housing Co-operative could have been an outstanding landmark in the history of not only housing co-operatives but of the urban poor’s initiatives in the developing world. However, weak institutions amid failure to integrate global concepts into local frameworks have militates against the housing rights of the urban poor in Zimbabwe.

In their analysis of planning and housing standards for low-income housing in Zimbabwe, Chirisa and Munzwa (ibid) argue that, the housing standards have become an end in themselves, as they have remained static against the ever-changing socio-cultural and economic conditions of the country (See figure 2). Hence local realities in the form of laws, regulations, standards, statutes and policies have been militating against local reception of housing rights into Zimbabwean institutional, structural and legal frameworks. Meanwhile, UNISDR sets out that building codes should be understood fully and accepted by professional interest groups and updated regularly in light of developments in knowledge. However, the current dissatisfaction of ZIRUP with Zimbabwean planning law is quite revealing of the challenges in Zimbabwe as regards translating global norms into local practice.

YES TO FORMALITY AND NO INFORMALITY

Since 1980 the government policy has been to ‘remove urban squatters and accommodate them in properly planned residential areas’ (Patel, 1988: 211). Conversely, Zimbabwe’s development paradigm has been that of a record of developing downwards all developments defined as illegal. In 1981 an informal settlement at Chirambahuyo (15 km from Harare) and in 1983 Russelldene was developed downwards again (Butcher, 1986; Patel & Adam, 1981). This has been linked to the lifting of urban colonial urban pass laws in 1980 due to the advent of political independence. Yet housing demand outstripped supply leading to squatting as early as 1981 (cf. figure 2). In 2005 the Zimbabwean government embarked on a nationwide cleanup campaign (the Operation Restore Order/ Operation Murambatsvina), which sought to rid of all illegal developments from the country’s urban centres (Tibaijuka, 2005; Toriro, 2008). A weekly newspaper, the Independent, of May 21 to 27, 2010 carried a headline, “Victims of Operation Murambatsvina still live in limbo,” (an indeterminate state). Of late an informal settlement near Borrowdale Race

Course in Harare was stormed (The Legal Monitor, 30 August 2010). Gumbo (2010) has described the Zimbabwean government’s response to squatting as a “backdoor” attempt to carry out a “cities without slums” campaign as spelt out in the Millennium Development Goals. Yet, the housing right is the right of every woman, man, youth and child to a secure home, and community in which to live in peace and dignity. The current policy position on informal settlements in the country indicates that the Zimbabwean government does not tolerate squatting and subletting.

Despite Zimbabwe being a signatory to the UN-Habitat Agenda, which provides for the goals of sustainable urbanization, by and large the country’s experiences reflect a non-translation of global concepts into tangible artifacts and services on the ground. Its response to housing and the broader divide of urban informality has been through eviction and demolition. This is in direct contrast to the global norm of the need to embrace regularization and upgrading programmes (UN-Habitat, 2009). Attempts to contend against informality, has seen the Zimbabwean government acting in ultra vires to the fundamental housing rights of the urban poor. Formalisation processes have often destroyed livelihoods and shelter and have exacerbated exclusion, marginalization and poverty in Zimbabwean cities. In addition, difficulties in translating global ideals into local realities, has been necessitated by the weak institutional capacity to plan, which resulted in chaotic, undisciplined and inefficient developments; dysfunctional land management and land administration systems; invasion of land by the poor; homeless and large-scale destruction of buildings and infrastructure that have been constructed outside formal channels amid ambiguity and gaps in the regulatory framework.

Table shows results from 200 housing units from a selected low income self help housing initiatives in Harare. 26.5 percent of the housing units had modern structures built after three years of settling in the housing schemes. However, the majority 73.5 percent built informal structure and are still residing therein.

Table 1: Type of structure self help initiatives are bringing to life

Unit of Analysis		Frequency	Percent
Type of structure built	Modern	53	26.5
	Informal	147	73.5
Total		200	100.0

Source: Research Findings (2011)

The question of informality is a complex one, which requires complex solutions too. How can governments embrace this organic evolution of urban housing? It’s organic because its arising out of local initiative, it’s about internal stimuli. Now how can development control agents reinforce this creativity? This is the direction nation states ought to go when responding to the growing informality in developing world cities. Yet informality in Zimbabwe has been regarded as both undesirable and illegal, above all in need of eradication and or planning control, leading to ineffective government responses such as elimination and neglect. In essence, responses at the

local government level reflect that the informal is something that hasn't had any planning blessing. Hence, achieving global norms, particularly urban related MDGs, social inclusion and local identity remains tokenistic in the Zimbabwean sense.

Since independence, the state has generally adhered to housing policies that have made it both difficult and expensive for low-income urban residents to comply with legal housing requirements. However, in comparison to most other sub-Saharan African countries, in Zimbabwe the extent of illegal, freestanding urban housing areas has remained relatively limited, forcing many to house themselves in illegal backyard shacks within the plots of formal townships (Potts, 2006). These shacks were, to some extent, increasingly tolerated during the 1990s and early 2000s as poverty increased. Huge growth in informal employment has also accompanied the country's urban economic crisis. In mid-2005 the Zimbabwean government embarked on a far-reaching and unprecedented campaign within its towns; Operation Murambatsvina ('Restore Order') was designed to eradicate 'illegal' housing and informal jobs, which directly affected hundreds of thousands of poor urban residents (Tibaijuka, 2005). According to the government this drastic policy was necessary to eradicate illegal housing and activities from the cities although such justifications obscure far deeper economic and political causes.

URBAN POVERTY AND ADEQUATE HOUSING

Until recently urban areas in the developing world has been faced with hordes of challenges. Leading the matrix are the challenges of urban poverty, urban food insecurity and informality. Informality has been explored in the preceding section, but the food and poverty question requires probing. The economic melt down that the country underwent during the last decade of independence was a prime recipe for current prime pressing urban issues (see Figure 2). In the post 2000 period majority of the urban residents were laid-off from formal employment as industries scaled down in response to unfavourable operational environment. Effects of this era were felt the most by the urban poor. Yet the government then and even now has failed to provide safety nets to sustain large numbers of households affected by evictions including those living below the poverty datum line. In essence, Zimbabwe has no clear policy dealing with people of low to zero income; worse still the social security [through the National Social Security Authority (NASSA)] does not recognize them. In particular, the Finance Minister whilst he mentions the amount to the Ministry of Local Government, he makes no mention to the housing benefits as is with the British budget, neither are there Unemployment Benefits (UB). This article questions government programmes with reference to trends in incomes, employment and housing and shifts, both apparent and real, in government policy towards these. The injustice of enforcing urban 'order' when the symptoms of poverty tackled have been forced upon the urban poor, and not chosen by them.

SERVICE PROVISION FULFILLS THE RIGHT TO ADEQUATE HOUSING

Protecting and maintaining critical infrastructure and services such as electricity, water and sanitation, telecommunications, transportation systems and health services has also been a major challenge in urban Zimbabwe. This has been a wide spread government infringement on housing rights for almost all citizens. Pointers reflect

dysfunctional institutional capacity to ensure reliable provision of housing needs for the population. This reflects aspects of relativity which has been a travesty to the translation of global concepts that upholds the development of responsive, livable and sustainable human habitats. Notwithstanding the effect of internal and external factors and economic variables that both the local and central governments are not in control of, erratic water supplies; power outages and deterioration of basic services (health, uncollected garbage, bursting sewer and water lines) and pothole infested roads reflects an institutionalized violation of the fundamental elements of not only. Housing rights, but human rights in general. Poor service provision in Zimbabwean cities threatens not only the health of the urban man but also his constitutional right to life (cf. Government of Zimbabwe, 2005).

Plate 2: Open water systems and children health?

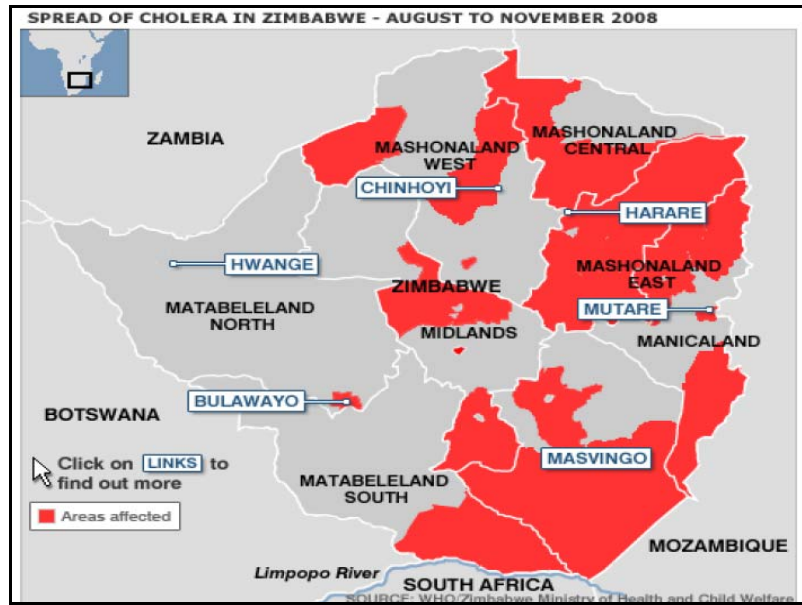


The right to adequate housing in Zimbabwe has often been tempered with. The environment is not conducive for child development; especially in high density suburbs where sewer bursts are the order of the day (see plate 2). Chitungwiza town's experience is the case in point. Yet these are forms of discrimination against women and the protection of the rights of women and children that are stipulated in the CEDAW and the Convention on Rights of the Child. The 1989 Convention on Rights of the Child (CRC) drew attention to the link between children's housing conditions to their emotional and social development (Kothari, 2008).

Source: Research findings (2011).

Drinking water supply is one big urban challenge in Zimbabwe, especially in Harare. Many new settlements have no access to piped water, and resort to deep wells, yet the sewer provision in many of them are septic tanks. The question is where are we going with human life? Imagine drinking your own waste, it's disgusting and inhumane. While for existing settlements they erratic water supply is a way of life. As regards access to drinking water supply and sanitation services as constituents of the right to adequate housing, the current outages in Zimbabwe present impediments to the realization of the right to housing. In line with the foregoing, Harare was hit by a water related cholera outbreak, which claimed above four thousand lives in the country in 2008, with Budiriro the capital's high density suburb being the hot spot (Mpofu, 2011).

Figure 4: Distribution of the 2008 Cholera Outbreak in Zimbabwe's urban settlements



Source: World health Organisation and the Ministry of Health and Child welfare Zimbabwe (2008)

Figure 4 shows the 2008 nationwide cholera outbreak in Zimbabwe, had an urban related spread effect. This scenario can be linked to poor sanitary conditions obtaining in the country and sustained housing rights abuses. Questions abound as to the drivers to this, but in this paper the point of departure is non transferability of global ideals into local practices, policies and institutions. International conventions are a source of best practices and why has Zimbabwe not been tapping from them. This only points to repellent reactions, ignorance, relativism and multiple governance deficits on the aprt of state institutions as well as local government tiers.

THE NATIONAL HOUSING POLICY

The current housing policy in Zimbabwe is based on the fundamental understanding that housing is a basic need (Chaeruka, 2009). This position reflects the notion of the “right to home-ownership”, which is articulated in the Zimbabwe National Housing Policy (ZNHP), through its now defunct vision of housing for all by 2000. However, very little reference is made to home-ownership as the answer to tenurial insecurity and housing shortages. Furthermore, with barely a decade past the year 2000 increasing housing shortage and squatting plus evictions questions the ZNHP’s practical relevancy and receptivity to global ideals. Many people in peri-urban settlements still do not enjoy.

Putting the ZNHP to task, the objective of providing access to “low-income households” does not take cognisance of variations in the types of households. Nor does it spell out what a household is. It fails to differentiate between informal and formal wage earners in making reference to “low income households”. This fussyness points to the housing finance question. Housing finance is one of the most acute areas of need for most of the urban poor to

facilitate the realization of their housing rights. The difficulties of accessing housing finance are arising from institutional systems of operation that marginalize the poor in terms of accessing financial resources. To cultivate this dire scenario the Development, Building Society and Commercial Banks provide mortgages to middle and upper income segments of the society. Hence, the existing set of institutions leaves the large low-income sector of society unserved, because of the manner in which the mortgage loan systems operate. Moreso, for these institutions to give housing credit they require collateral that low income dwellers do not have. Yet building finance is a critical factor in localising housing rights of the urban poor.

DOMESTICATING HOUSING RIGHTS IN LOCAL REALITIES

In Zimbabwe, land grabbing is a key feature. However, despite the fuzziness in their justiciability land rights are widely discussed and only the debate on housing rights and the need for a secure place to live is limited to a small circle. There is no legal basis for housing rights within Zimbabwean law, yet they are an important component of human rights. The UN Committee on Economic, Social and Cultural Rights adopted General Comment No.4 in 1991, which identified legal security of tenure; availability of services, materials, facilities, and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy as seven core components of the right to adequate housing (UN-Habitat, 2009). Of these seven components, the government of Zimbabwe, at a minimum needs to provide legal security of tenure-to protect people from land grabbing, arbitrary forced eviction and promote availability of services, facilities, and infrastructure.

The question of domestic applicability and justiciability of housing rights remains outstanding in local frameworks in Zimbabwe. This has rendered many people and families with limited and low-incomes more vulnerable to sub-standard living conditions, evictions and homelessness. The government has at the moment failed to address these issues and its current stance (which encourage drawing precedence to Land Reform Programme) on land grabbing has somewhat legitimised the limitation of land rights.

DISCUSSION

In this paper housing rights have been variously defined as relating to user and occupational rights, tenurial security, access to a roof over head and complimentary services. While few of these are applicable the situation in Zimbabwe subscribe to the non-existence of such rights. The existing legislation legitimates the limitation of such rights. In Zimbabwe rights belong to the state and the public are the duty bearer. The government dominates the ownership and use of urban land. Yet millions of poor people struggle to access land for housing thus they end up settling in environmentally sensitive areas. The prime land doesn't belong to them, it isn't legal and it isn't secure. Accessing needs has only become possible through illegal practices in the form of public land invasion, property subdivision, and acquisition for private purposes of spaces intended for public uses. The urban poor have thus been mired in patronage politics, which distributes access to plots along partisan lines. Hence they have become a people claiming a "political right" into urban land.

However, housing issues in the country have been informed by local priorities in line with local resources and the availability of aid from the UN; World Bank and USAID and to a certain extent pressure and influence from outside. Furthermore, Housing rights and housing provision has to be understood and tackled in the context of Zimbabwe's Settlement Hierarchy, that is, city; municipality; town council/local board; district service center and village. The level of a settlement has a bearing on some of the procedures that are followed in processing housing issues, for instance accessing loans, land acquisition procedure and management structures.

Following the detailed examination of the Zimbabwean story four obstacles to the localization of housing rights can be noted. These fall under four basic categories - legal-technical, socio-economic, cultural and political. The culture of bureaucracy is a major limitation to access to housing in Zimbabwe. Procedures such as going through the housing waiting list whose subsequent wait never ends defeats the poor's dream to own a residential stand. This often elevates the stand euphoria among many urban dwellers. At society level prejudices and practices based on the idea of inferiority of women and superiority of men are derailing elevation of women based on the principle of equality than equity.

The legal soft ware in the country linked to weak institutional capacity, lack of political will as well as political orientation presents structural limitations. From the administrative perspective certain decisions are better adopted at political level. However, global norms have also remained rhetoric in the making; they are spoken of without implementation in mind. Not only that, but the issue is two way in that, they just precipitate without transfers in expertise and technology. Howbeit, these equally contribute to the repellant reactions. Finally, the economic condition of Zimbabwe especially the post 2000 hyper inflationary period amid debt burden, economic embargoes and underfunding from international financial institutions rendered meaningful responses to emerging concepts obsolete.

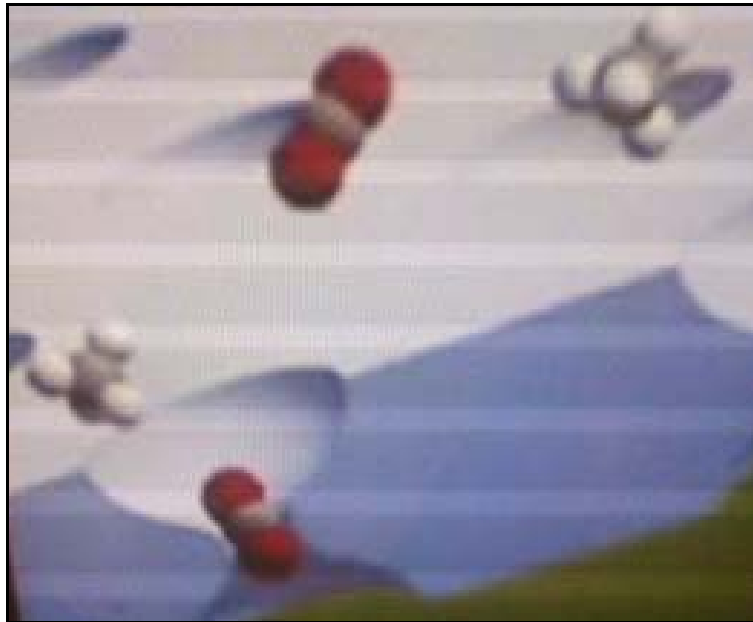
TOWARDS A SUSTAINABLE APPROACH TO LOCALISING GLOBAL RHETORIC

What has emerged in this paper is that translating global ideals into local realities is a big challenge. However, where certainties crumble so does arrogance. Hence, what now comes is somewhat a form of rebellion to mediocrity. How should nations filter global rhetoric? What will be the membrane to sift from global to local? The think globally, Act locally philosophy and the reverse osmosis of housing rights in transitional democracies has dozens of explanations to global shifting of power. The major consolidation is that the problem is with the reverse osmosis coupled with the structural nature of transitional democracies is linked to non transferability of housing rights from global to local realities.

Amid all these concerns a sustainable solution lies in nature. How does nature filter water? Nature does not filter water through reverse osmosis man is the only one who made that pit fall. This is because when recovering fresh water from salty water the process of reverse osmosis is applied. Water is pushed in reverse osmosis for desalination against a membrane to seive out the salt and with that of course the pours clog regulary. To de-clog more pressure is

applied and it stops. But a sustainable solution lies in nature and its life forms. What life does is that there are a set of pores found in life and these are called aquaporins. Figure 3 shows a pictorial view of aquaporins.

Plate 3: Aquaporins and global rhetoric sifting



Source: Benyus (2002)

Aquaporins are a water glass shaped pores that excludes water molecules through, pour water molecules, through leaving everything else behind toward and thus forward osmosis (Benyus, 2002). Forward osmosis is about pulling water through than pushing against, as is with reverse osmosis. Nature has important lessons to draw from. Benyus is famous for seeking solutions to global problems from nature and like her this author has gone crazier. There is an urgent need to develop a global structural medium with which to encourage forward osmosis of global ideals so as to inform local practice without applying any force. There is need for developing institutions in nation states tasked with the mandate of aquaporins to sift or pull emerging and globalised best practices, adapt and inform local institutions.

The study recommends a four-step process for effectively responding to global concepts at a local scale. First recognizing the positive role played by effective translation of global ideals into local realities. Secondly, adopting revisions to policies and regulations to facilitate and enable than control development and to clearly define human rights particularly housing rights of citizens. Thirdly, strengthening institutions that translate concepts since what are needed are strong institutions and not strong leaders. Fourthly, the Zimbabwean government should provide safety nets to sustain large numbers of households below the poverty datum line especially addressing housing rights through paying unemployment benefits amid direct involvement of the NASSA. There is also a need to ascertain

whether current global social policy prescriptions, under the rubric of ‘good governance’ and ‘human rights’, are compatible with housing rights principles and obligations of the State.

The right to adequate housing needs to be put into law and policy and through budgetary commitment. Data of not only housing rights, but the broader perspective of human rights should be incorporated into the Central Statistical Office programmes, so as to promote rights based approaches to programming and development. The local scan of housing rights in the country revealed that the government of Zimbabwe, both local and central does not incorporate the human rights perspective in statistical data. As such, even basic indicators on the number of homeless people are unavailable, let alone data at a disaggregated level.

The challenge for Zimbabwe, Civic Organisations, Academics, Nation States and the UN system wide organs now is to focus more attention on how to lubricate the translation of emerging concepts into local practices. This paper therefore looks forward to incite more debate and work in that direction.

CONCLUSION

This paper has examined the Zimbabwean story of housing rights putting into perspective the challenges associated with their translation into local realities. The overall assessment of this study reveals that there is a severe and growing housing and land rights crisis in Zimbabwe. In view of the issues raised in this paper and in addition to the recommendations proffered, they have also been gaps in national legislation and institutional establishments. Meanwhile, the state of implementation of the right to housing, in Zimbabwean practice and legislation remains tokenistic and fuzzy. Hence, translation of global concepts into local realities in Zimbabwe is quite checkered by relativity, ignorance, discord and resistance amid denial at both local and central government. Be that as it may, it has emerged that the historical issues surrounding housing past policies, schemes, problems, solutions and lessons learnt continue to shape current housing discussions in Zimbabwe.

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