

**POLICY
DIGEST
OCTOBER
2022**



**AN EXAMINATION OF THE
ZIMBABWE NATIONAL
HUMAN SETTLEMENT POLICY**



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1. INTRODUCTION

The October Policy Digest examines the Zimbabwe National Human Settlement Policy (ZNHSP) in alignment with priority six (6) of the National Development Strategy 1 which focuses on Housing Delivery. The digest analyses the implementation process of the ZNHSP and evaluates if the policy is sufficient to cater for the national housing demands.

2. UNDERSTANDING SOCIAL PROTECTION

The subject of human settlement has remained problematic in Zimbabwe as the genesis of the challenges dates back to the pre-colonial era where chiefs and kings would determine where their subjects' settle. Chiefs and kings were regarded as sacred and deserved great veneration as they were the voice of the gods. This simply means that, their word was final. Consequentially, they would allocate land to their subjects at their own discretion and those who seem not to have found favour in their eyes would be allocated to rocky areas. This generated great discontent among their subjects, although they knew they could not do anything about it.

The emergence of the colonial era around 1840 brought a radical paradigmatic shift in the human settlement subject. The period was characterised by land dispossession with the black majority being forced out of their land to rocky areas. Arable land was a privilege of the minority and this was later backed by laws. A good example is that of Land Tenure Act of 1969 and Native Pass Act of 1937 among others which prescribed areas that blacks were supposed to reside. The dispossession of blacks had grave impact on their livelihoods since agriculture was at the core of their economic activities. Therefore, from the pre-colonial era to the colonial era human settlement favoured the elite and wealthy.

In 1980, Zimbabwe attained its independence and began its national building process. Human settlement was at the core of government projects as it sought to exterminate laws and policies that promote migration discrimination. Zimbabwean policies were crafted in a way that aimed at redressing the inherited colonial human settlement imbalances. This saw the emergence of the socialist approach and system of governance in the first decade of independence. Therefore, the Housing and Buildings Act was amended culminating into the establishment of funds that acted as Special Purpose Vehicle (SPV) for development. These funds include:

1) The National Housing Fund (NHF): A facility to extend loans to local authorities for housing development. The NHF was financed directly by the government through a specific vote from Treasury.



The NHF also account for rural housing development between 1982 to 1995.

2) **The Housing and Guarantee Fund (HGF):** A facility that was established for prospective homeowners ~~Add a little bit of body text~~ institutions by providing a government guarantee. The HGF provided loan facilities for both Civil Servants and non-government employees at 100% and 90% respectively.

3) **The Central Rates Fund (CRF):** It was established to provide financial support to rural services such as growth point establishment and district service centers.

4) **The General Development Loan Fund:** The facility provided loans for development prioritizing Rural District Councils.

The government`s ambition to provide housing for citizens was further reflected by the Urban 1 (1986-1988) and Urban 2 (1988-1997) programmes which were core-financed by the government, World Bank and USAID. The Urban 1 and Urban 2 programs were tailor-made to intensify infrastructural revolution in urban and rural areas. Many local authorities` housing schemes and projects benefitted from the program.

Therefore, given the above accounts, it is safe to assert that, the transition to majority rule in 1980 saw the lifting of decades of racial restrictions to the "Right to the City". The urban population of Zimbabwe rose rapidly from 23% in 1982 to 30% by the early 1990s, to 33.35% by 2000, 34.29% by 2005 and decreased to 33.20% in 2010.¹ This was mainly due to the Operation Murambatsvina of 2005 whereby the government demolished approximately 700 000² households. The reasons for house demotions remains debatable with the government arguing that they were clearing swamps and houses that were built on undesignated land. Nevertheless, another narrative was of the view that, Murambatsvina was a vengeful operation after the ZANU PF lost urban cities in the March 2005 parliamentary elections.³ Therefore, the operation was being used as a strategy to deter people from voting opposition candidates.⁴

In addition, the demolition of houses in 2005 was not the last demolition as this was followed by a series of demolitions.⁵ The latest demolitions were Budiriro 5 (190 households demolished) and Melfort.⁶ The reason for demolition was either that people had built on wetlands or any other unauthorised area. This chaos was caused by land barons who masquerade as middle-man between local authorities and residents. It is alleged that, some of the land barons are politically connected and there are numerous underlining dynamics such as partisan politics, nepotism, favouritism, corruption and wholesome populist policies that facilitated the existence of land barons.

1. www.macrotrends.net/countries/ZWE/zimbabwe/urban-population>ZimbabweUrbanPopulation 19602022. www.macrotrends.net. Retrieved 2022-10-17.

2. Zimbabwe's Operation Murambatsvina: The Tipping Point? | Crisis Group

3. Operation Murambatsvina – ACCORD

4. Chitiyo, K. & Rupiya, M. 2005. Tracking Zimbabwe's political history: The Zimbabwe Defence Force from 1980-2005. In Rupiya, M. (ed) Evolutions and revolutions: A Contemporary History of Militaries in Southern Africa. Pretoria: Institute for Security Studies

5. 190 HOUSES DEMOLISHED IN HARARE newsdzeZimbabweNewsdzeZimbabwe

6. Melfort demolitions: Victims troop back -Newsday Zimbabwe



In an attempt to curb the housing crisis in Bulawayo, Bulawayo City Council (BCC) approved housing plans for properties worth more than US\$7 million⁷. The housing crisis in Bulawayo had become unbearable with the waiting list having surpassed 150 000. According to the Statistical Report for June 2022 by BCC's Housing and Community Services Department, a 75% increase was attained after the 272 building plan was approved worth US\$ 7 million. Although, efforts by BBC to alleviate housing crisis are welcome, it is however worrying that the Local Authority's housing schemes have been at the epicenter of corruption demanding bribery for one to get a stand at the same time, the Housing Department has been giving land barons who masquerade as development partners' preference over residents. To this end, there is need for an effective monitoring and oversight system to ensure that stands which are soon to be released by BCC will prioritize those on the waiting list first.

3. POLICY PROVISIONS HUMAN SETTLEMENTS DELIVERY

The policy states that, the processes of land identification, acquisition, planning and development for settlements will fully involve the local authorities and concerned communities. Viability of local planning authorities will rest on clear and legally enforceable land delivery and administration instruments. Every local authority will enact these in a participatory and consultative manner. The policy also put emphasis on tenure rights with the purpose of guaranteeing security in manner that promotes national growth and development.

The policy addresses spatial planning challenges by noting that, all settlements shall be planned in terms of the Regional, Town and Country Planning Act (Chapter 29:12) and other laws applicable such as the Environmental Management Act. The Regional, Town and Country Planning Act provides for the preparation, approval and implementation of the following: i) a National Physical, ii) Regional, iii) Master and Local, and iv) Layout Plans. These Plans will integrate Infrastructure, Traffic, Macro-Economic, disaster risk and other aspects necessary for sustainable settlements that apply universally acceptable standards.

In addressing rental housing challenges which are now unsustainable. The policy notes that, the rental housing market will be resuscitated and prioritized. The private sector (such as pension, insurance, provident funds and banks and building societies) will be encouraged and facilitated to venture into rental housing market. This will be achieved through the construction of blocks of flats for rental. The flats can be let to corporates for their employees or individuals who can afford.



7. <https://www.theindependent.co.zw/2022/08/05/bcc-approves-us7m-housing-plans/>

9. <https://www.brookings.edu/blog/africa-in-focus/2019/04/05/figure-of-the-week-cyclone-idais-impact-on-mozambique/#:~:text=Cyclone%20Idai%2C%20which%20made%20landfall%20in%20eastern%20Mozambique,annual%20crops%2C%20and%20killed%20more%20than%20500%20people>

SETTLEMENT FINANCING

Human settlement development is a function of a robust and innovative financing system. In the recent past, there has not been any meaningful investment in both off-site and on-site infrastructure provision by both central government and local authorities. Therefore, to redress the financing challenges the policy sets out guidelines and prescriptions listed hereunder:

- Appropriation from Treasury (General Development Loan Fund, Public Sector Investment Programme and Devolution Funds);
- Utilisation of estates accounts of local authorities to fund infrastructure development;
- Public Private Partnerships;
- Facilitation of lines of credit from regional, international development partners, bilateral and multilateral financial arrangements and;
- Attraction of Foreign Direct Investments;
- Implementation of human settlement projects in conjunction with Non-Governmental Organisations and other Community Based Organisations;
- Promotion of private sector initiatives;
- Utilisation of Insurance, Pensions and Provident Funds through the enforcement of the prescribed asset status to incorporate housing and other incentives and enhancers applicable;
- Facilitation of employer-assisted housing schemes; and
- Targeting diaspora remittances.

REGULARISATION OF INFORMAL SETTLEMENT

Informal settlements have become problematic in Zimbabwe owing to a myriad of reasons which are mainly driven and sustained by wholesome populist policies. The mushrooming of informal settlements attests to lack of inclusive housing services and housing inequalities in Zimbabwe. While those who are disadvantaged sees informal settlement as an antidote to their plight, these settlements lack basic services such as water, sewer, roads, electricity and security of tenure amongst others, exposing the inhabitants to disease outbreak. Therefore, the policy outlines that: the government must regularize informal settlements and sanitize stressed housing development projects across the country. Thus, resources have to be leveraged for emplacement of both off-site and on-site infrastructure and services. The policy also states that while the regularization process is taking place, security tenure for those affected by the process will be guaranteed. A model regularization protocol or framework is to be developed.



6 governments to ensure that all people receive social and economic protection through the development and implementation of effective policies in the areas of employment, health, maternity, child rearing, disability, old age and widowhood.

7 Which seeks to promote in member states the right to social protection

DISPLACEMENTS AND RELOCATION

Displacements have become so common in Zimbabwe and they are engraved in the history of the nation. However, as for relocations it should be noted that, calling them relocations makes the process appear more organised, sanitised and standardised yet this is not the case. The attempted operation Murambatsvina building project for the affected ones was a total failure as it failed to optimally benefit the all affected citizens. In addressing the issue, the policy proposes a compensation and relocation framework.

INSTITUTIONAL HOUSING

Institutional houses are meant to accommodate employees of a particular institution during the currency of their employment. These are not for sale to the sitting tenant. The administration of the properties will be the sole responsibility of the institution mandated with that function, save for instances where a separate arrangement has been agreed upon. Housing units developed for purposes of institutional accommodation by the state shall be retained as national stock and are not for disposal to sitting tenants. This will allow national government to retain an adequate stock of well-maintained housing to accommodate public sector officials. Long occupation should not be misconstrued as an entitlement to claim ownership upon retirement.

RURAL SETTLEMENTS

The policy notes that, there are different categories of rural settlements. They range from communal areas, resettlement areas, rural service centres, district service centres to growth points. From rural service center, there is a resemblance of an urban set-up up to the growth point level. In the communal and resettlement areas, the challenge is not about homelessness, but the quality of housing and social amenities facilities. Some of the building materials are prone to the bitter natural disasters. To this end, the policy proposes that, Rural local authorities will be expected to produce diverse model homesteads which will be accessed by citizens. The models must cater for the cultural and religious considerations, while at the same time enhance climate proofing and allow for adoption of smart energy.

SOCIAL AMENITIES

Social amenities refer to infrastructure of public good. These include water, sanitation and hygiene facilities, health and education facilities, recreational facilities, MSMEs workspaces and road network among others. These amenities are diverse by nature as same are implemented by various and varied socio-economic actors within defined local authority spaces, both urban and rural. Generally, there are better facilities in urban areas than in rural areas and there is need to bridge the gap between the two tiers.



LEGAL AND REGULATORY FRAMEWORK

The policy recognises the need for a new piece of legislation to govern human settlements development, management and review of other relevant Acts. This is because, in human settlements development arena, the war-cry has been that the subsisting housing standards are too high, restrictive and rigid thereby stifling speedy through-put delivery. Thus, the Ministry responsible for human settlements will develop standard Model Building By-Laws to be adopted and adapted by respective local authorities. These statutes will be continually reviewed and updated to keep pace with modernisation.

URBAN REGENERATION AND RENEWAL

The economic melt-down has infused infrastructure gaps across the entire nation. The suburbs such as Sakubva in Mutare, Mbare in Harare, Makokoba in Bulawayo, Chinotimba in Kariba, Mucheke in Masvingo and Mahombekombe in Kariba are no longer fit for human inhabitation. Thus there is need for regeneration and refurbishment of these suburbs and also ensure that there are not over populated.

SETTLEMENT GOVERNANCE

The policy clearly states that, settlement governance is the primary responsibility of the government either through the central government or local government. However, the policy is silent on Public Private Partnership which have become common in local authorities through land barons and other housing cooperatives. Nevertheless, the policy do state that, settlement governance must be guided by the constitution all the times.

Economic Development And Regulation Of Settlements

The policy proposes that, every settlement shall have an Economic Development Plan and Program overseen by existing or specially established local authority staff. The development plans and programs bring together urban, industrial and rural development aspects. Updated plans with clear competitive sectors shall govern settlement design or redesign and overall governance. The Economic Plan will influence local authority budgets, spatial and infrastructure plans that frame a settlement's claim to national resources.

4. Emerging Issues Backlog Stand Waiting Lists

Housing backlog and waiting list have reached alarming levels across the country with local authorities failing to meet the demand for stands. Optimum allocation of stands has been affected by a myriad of challenges which include; nepotism, corruption, wholesome populist policies, economies of affection and partisan politics. Currently, Bulawayo City Council`s waiting list is at 130 000, while Harare City Council is expected to be between 180 000- 200 000.⁸ At the same time, national housing backlog stands at two million. This points to the scale and magnitude of housing shortages in the country as well as the housing inequality.⁹



8. <https://www.chronicle.co.zw/flats-to-reduce-byo-housing-backlog/>

9. <https://www.chronicle.co.zw/govt-acts-on-national-housing-backlog-2/>

EMERGENCE OF LAND BARONS

The emergence of land barons has been the major driving force of illegal settlements and demolitions as they are purportedly to be allocating state land to people without the states consent. At the same time, land baron have been at the apex of allocating wetland stands to people something which is in contrast with the Environmental Management Act [Chapter 20:27]. Nevertheless, it is interesting to note that, majority of housing cooperative and land barons are linked to the ruling party. Some are as a result of wholesome populist policies and announcements that are made at political rallies.

WHOLESOME POPULIST POLICIES

Political interference and wholesome populist policies remains a major impediment to public infrastructure financing in local authorities. This can be evidenced by the former President RG Mugabe when he ordered 92 local authorities to write off domestic debt water bills and rates incurred between 2009 - 2013. The revenue lost by the 92 local authorities is estimated to be around US\$2 billion.¹⁰ It is critical to note that, since then local authorities have never recovered. The impact of debt cancellation has a bearing on service delivery and servicing of the stands as it robs local authorities the much needed revenue.

CORRUPTION

Corruption has remained one of the major impediments to inclusive housing and stand allocation in Zimbabwe. A key informant from Harare City Council stated that, council officials are at the apex of corruption in stand distribution. They can temper with the waiting list and parcel huge hectars to their own land development organisations. The issue of land developers has generated so much controversy on how the tendering process is done. An official from the Ministry of Local Government stated that, some of these issues are beyond council officials' paygrade. There are just given orders from above and act accordingly. The 2021 Auditor-General Report for 2021 also lament on weak land internal control mechanism in local authorities saying that majority of councils are operating without a land bank register for effective accountability of its land reserves.

ORGANISATIONAL INCAPACITY

The economic crisis in the country has undermined the organisational capacity of local authorities. Majority of local authorities are no longer able to fulfil their mandate due to financial constraints. Consequentially, local authorities are now using their land as mode of payment either for loan or any other services that they might have received. . Redcliff Municipality is a case point, the Municipality entered into an agreement with Livetouch Investments (Private) Limited for the sale of land valued at US\$847 962 in exchange of vehicles.



10. https://www.zimbabwesituation.com/news/zimsit_zanu-pfs-populist-policies-disastrous/

The vehicles involved in the transaction were four (4) Toyota Hilux, one (1) Toyota Fortuner, one (1) Backhoe loader, five (5) Nissan NP300 trucks, one (1) Grader, one (1) Skip bin loader, Toyota 18-seater bus, one (1) Toyota Quantum Ambulance and a Fire tender. However, the challenge to this arrangement is that, there is no proper value for money audits on the land and the services being provided. In most cases, there is a discrepancy between the value of what local authorities receive and what they pay.

CONFLICTING LEGAL FRAMEWORKS GOVERNING HOUSING

The housing sector is governed by a myriad of conflicting legal frameworks which include but not limited to the following: National Constitution, Zimbabwe National Human Settlements Policy of 2019, National Development Strategy 1, The National Budget, Devolution and Decentralization Policy, Civil Protection Act (Chapter 10:06), Communal Lands Act (Chapter 20:04), Disabled Persons Act (Chapter 17:01), Environmental Management Act (Chapter 20:27), Forestry Act (Chapter 19:03), Housing and Building Act (Chapter 29:07), Housing Standards Control Act (Chapter 29:08), Mines and Minerals Act (Chapter 21:05), Older Persons Act (Chapter 17:11), Transport Act, Urban Councils Act (Chapter 29:15), Water Act (Chapter 20:24), Zimbabwe National Water Authority Act (Chapter 20:25), Public Health Act (Chapter 15:09), Rural District Councils Act (Chapter 29:13) and Traditional Leaders Act Chapter 29:17). These local frameworks are also reinforced by the United Nations Sustainable Development Goals as well as Africa Agenda 2063. Thus, to correct the housing challenge, the second republic outlined its ambition in the National Development Strategy (NDS) 1 in which will be elaborated in the following section.

THE NATIONAL DEVELOPMENT STRATEGY 1 VS ACTUAL ACHIEVEMENTS

The NDS 1 recognizes the importance of housing as an essential service in attaining vision 2030. Housing is a fundamental human right. It is an integral part of the right to life since housing makes life livable by providing a key basic need, shelter. The right to decent housing has its roots in the Universal Declaration of Human Rights (UDHR), International Covenant on Economic, Social and Cultural Rights (ICESCR) and the African Charter on Human and People's Rights (ACHPR). Nevertheless, Zimbabweans have been encountering housing crisis owing to a myriad of complex and complimenting dynamics which all can fit in the following clusters legal, regulatory and land baron



NDSI KRA	KRA Variables ¹¹	Indicator/Measurement	Baseline	2021 Target	NDSI	Data Source/ Partner CSO/NGO	
Affordable, quality houses in towns and rural areas	Social (Urban and Rural Housing)	Number of housing Units Delivered	49 870 (2019)	20000		No disaggregated data on all the variables under Social (Urban and Rural Housing). However, using the information in the 2022 National Budget it is possible to have an insight into the NDSI performance in this variable. According to the 2022 National Budget National Housing Fund (revolving fund) was established to avail affordable housing loans to home seekers. However, the facility is underfunded against high demand. As a result, some of the planned housing projects have been stalled including Waneka flats, Senondo flats, Shamrock flats, Florida flats, Dombotombo Flats, Bindura flats, Mufakose flats, Seke flats, Tynwald flats and Mabelreign flats.	
		urban housing renewal projects implemented	N/A	2			
		Number of integrated housing projects	0	460			
	Land for housing delivery	Land hectarage acquired for housing	N/A	1000			No Data. However, in the government availed 13 000 hectares of land for the New City in Mt Hampden. Survey findings also shows that urban local authorities across the country are failing to get government approval of their land application.
		Number of new villagized and planned rural settlements established	N/A	8			
		Residential and ancillary stands created on approved layout plans	-	20800			
	Access to basic services	Percentage Households with access to safe drinking water (Urban/Rural)	77% & 51% respectively	79% and 53% respectively			No Data. Nevertheless, studies carried out by various institutions indicated that Zimbabwe has water crisis with urban local authorities failing to provide portable clean water ¹² .
Percentage households with access to proper sanitation /sewerage system (Urban/Rural)		43% % 34% respectively	45% and 35% respectively				
Access to social amenities in urban and rural areas	Percentage population with access to social Amenities	62%	63%		No Data. However, it has become a public secret that Zimbabwe has an infrastructural backlog with respect to social amenities. Local Authorities who are custodians of social amenities are failing to provide such services.		
Regularization of informal settlement	Percentage Households with access to basic services	0%	2%				

KEY HIGHLIGHTS

The NDS1 is still wanting with respect to priority area 6 (housing delivery) as it has failed to satisfy all the intended housing variables. Rather than increasing housing construction projects, the government has stalled various programs which include Waneka flats, Senondo flats, Shamrock flats, Florida flats, Dombotombo Flats, Bindura flats, Mufakose flats, Seke flats, Tynwald flats and Mabelreign flats. This is due to financial incapacitation. However, it is ironic that in 2020, the government only utilized 17% of the funds allocated to National Housing and Amenities while majority of Zimbabweans do not have decent accommodation. Water and sanitation remains problematic with the central government and local authorities failing to provide adequate clean and safe water. Approximately 70% of Zimbabwean urban local authorities are failing to provide portable water. At the same time there is a huge infrastructure backlog in social amenities. A testament to NDS1 implementation inefficacy.



11. These are the disaggregated variables that are pinned to an objective.

12. Zimbabwe Struggles to Provide Clean Water During Pandemic - The Zimbabwean

THE DEMOLITIONS VIS-À-VIS INTERNATIONAL HUMAN RIGHTS LAW

The subject of demolitions has generated so much controversy in Zimbabwe and beyond the borders. As such, it is imperative to give a glimpse of an examination of demolitions under the prism of international human rights law. Public international law would include non-binding as well as binding law which may both be used in the interpretation of law. Thus, international agreements and customary international law are essential in generating a framework that can be used to examine the Bill of Rights. The constitution in terms of section 46 lays out an interpretive guide on the fundamental rights and freedom prescribed in the constitution. According to section 46 (1)(c) when interpreting the Bill of Rights, a “court, tribunal, forum or body must take into account international law and all treaties and conventions to which Zimbabwe is a party”. Therefore, this means that, any interpretation of the Bill of Rights that is made outside the parameters of the international law norms is null and void. An examination of the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Universal Declaration of Human Rights, the African Charter on Human and People’s Rights (ACHPR) which Zimbabwe is a signatory to shows that demolitions are a violation of international human rights law. This is because, article 11 of the ICESCR compels member states to progressively realise people’s right to an adequate standard of living for themselves and their families, including adequate housing and the continuous improvement of living conditions. It can therefore be deduced that, adequate housing is a constituent element of the right to an adequate standard of living and that, conversely, where there is no adequate housing and adequate standards of living are unattainable. Nevertheless, it would be unjust to argue that this section was exhaustive as there is so much controversy surrounding this matter. It is a subject that requires attention on its own as the main purpose of analysis.



TENURE STATUS

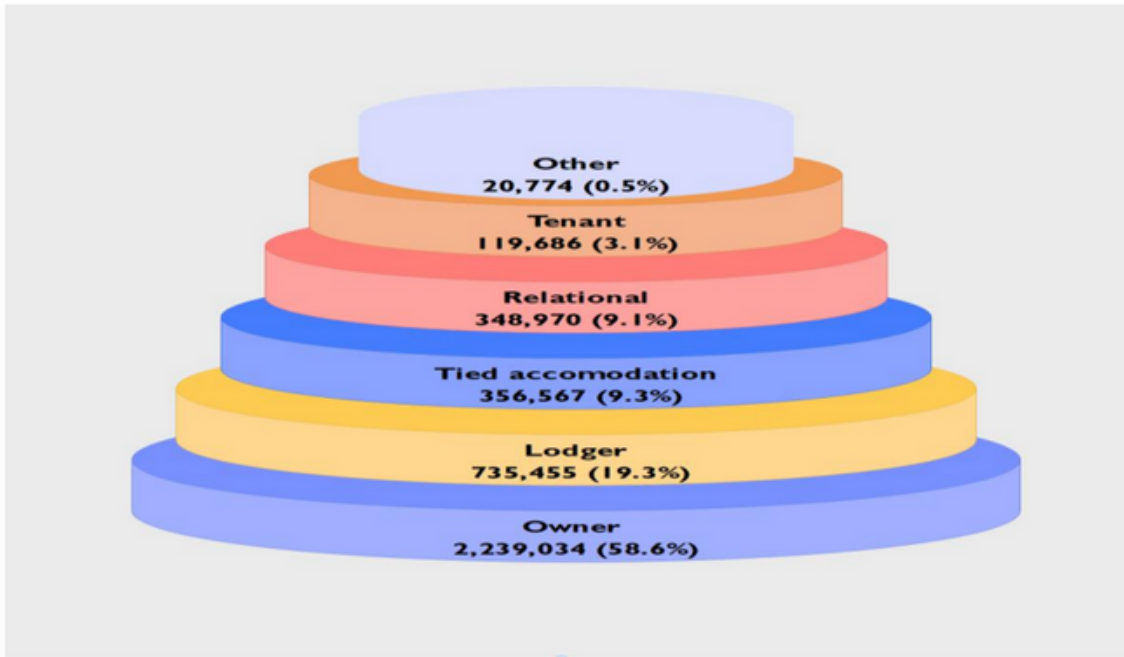
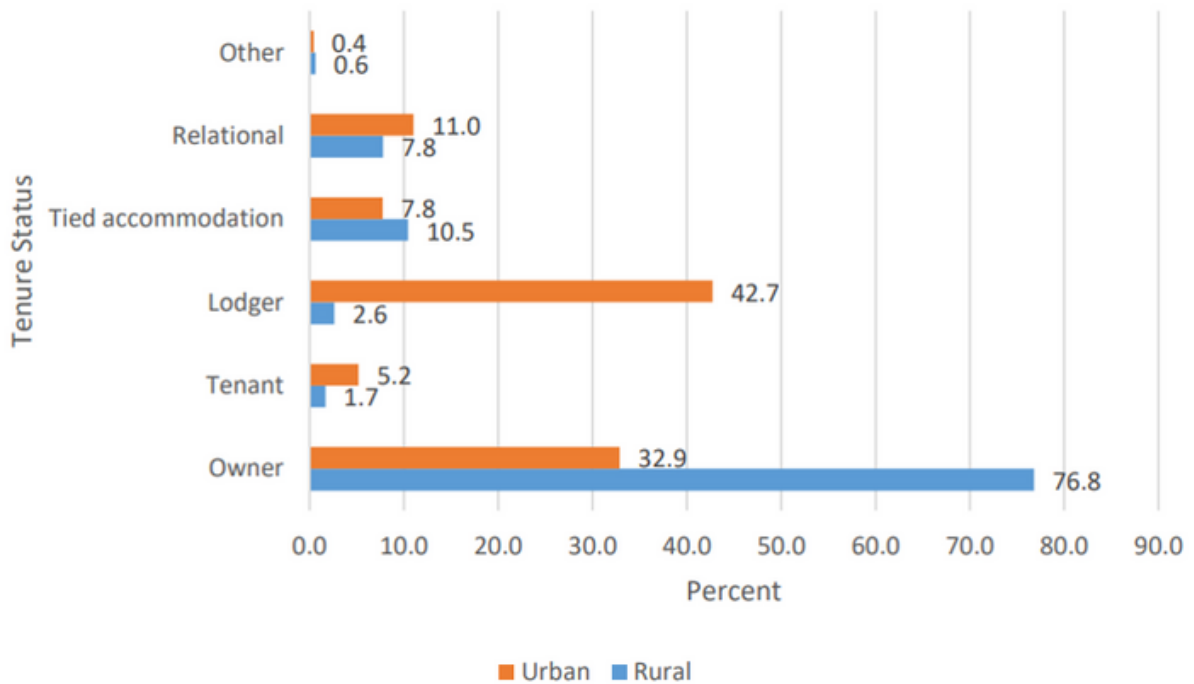


Figure 1: Household Tenure Status

Source: ZIMSTATS 2022 Population and Housing Census



Source: ZIMSTATS 2022 Population and Housing Census



5. RECOMMENDATIONS

- The Ministry of Finance and Economic Development and the ministry of Local government Rural and Urban Development should prioritise National Housing Fund (revolving fund) by allocating adequate resources as it is essential in addressing the housing challenges. The revolving fund will play a critical role in establishing affordable housing loans to home seekers. Reinvesting in the National Housing Fund will culminate in the resuscitation of Waneka flats, Senondo flats, Shamrock flats, Florida flats, Dombotombo Flats, Bindura flats, Mufakose flats, Seke flats, Tynwald flats and Mabelreign flats.
- The National Prosecuting Authority must declare war on land barons. Land barons must be arrested and face the full wrath of the law.
- The parliament must ensure that, the national housing policy and other legal frameworks governing housing in Zimbabwe supersede wholesome populist policies.
- The central government through the ministry of local government must ensure that local authorities request for land extension is approved timely. This will help the local authority ease housing demand within its jurisdiction
- The office of the president and cabinet should declare water a national disaster just like they did with roads. This will enable the entire government to give water challenges high priority.
- Local authorities should revitalize their recreational facilities and urban suburbs such as Mbare, Mucheke, Sakubva and Makokoba

6. CONCLUSION

The realisation of the vision 2030 remains utopian if the government does not walk the talk. There is a huge discrepancy between what is written in the Zimbabwe National Human Settlement Policy, National Development Strategy 1 and what is being done by the government. An implementation mismatch coupled with lack of political will and the proliferation of corruption and economies of affection. Currently, the government has successfully-failed to meet the prescribed NDS1 targets culminating in the review of the proposed 300 000 houses by 2025 to 250 houses. The housing inequality in the country continues to grow with the urban population at the apex of tenants as reflected in the tenure section above. However, there is still room for improvement only if the government addresses the challenges raised in this digest under the section emerging issues.

