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Zimbabwe: Background

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Summary

Zimbabwe's prospects appeared promising in 1980, as it gained independence after a long liberation war. However, rising inflation and unemployment bred discontent in the 1990s and led in 1999 to the formation of the opposition Movement for Democratic Change (MDC). The MDC surprised many with its initial success, campaigning against a 2000 referendum that would have legalized the president's continued rule, made government officials immune from prosecution, and allowed the uncompensated seizure of white-owned land for redistribution to black farmers. The referendum failed, and the MDC won nearly half the seats in the 2000 parliamentary election. President Robert Mugabe's ruling party subsequently took numerous actions to bolster its power that were deemed undemocratic by many in the international community.

President Mugabe's government was seen as increasingly autocratic and repressive by its critics, and its human rights record was poor. The government suppressed freedom of speech and assembly, and many contend that the ruling party restricted access to food, already scarce, in opposition areas. The MDC, divided over how to respond, split into two factions in 2005, hampering its ability to challenge the ruling party. Reports of political violence rose sharply after Zimbabwe's March 2008 elections, when, for the first time since independence, Mugabe's party lost its majority in the National Assembly. Mugabe's re-election as president in the June runoff was viewed as illegitimate by the United States and the United Nations Secretary-General, among others. In September 2008, after several weeks of negotiations, Mugabe and MDC leader Morgan Tsvangirai signed a power-sharing arrangement aimed at resolving the political standoff. As part of the deal, Tsvangirai became prime minister of a new coalition government in February 2009, and cabinet positions were divided among the parties.

Zimbabwe's economic output had decreased dramatically in the decade prior to the signing of the power-sharing agreement in 2008. At that time, many considered the economy to be in a state of collapse, with official inflation having risen above 200,000,000%. Although the economy has since stabilized, unemployment remains over 90%. An adult HIV prevalence rate of almost 14% has contributed to a sharp drop in life expectancy, and a nationwide cholera outbreak from late 2008 through early 2009 resulted in almost 100,000 infections and over 4,300 deaths. The number of Zimbabweans requiring food aid has declined significantly since 2008, but chronic malnutrition rates remain high and localized food insecurity persists. The deterioration of economic and humanitarian conditions over the past decade led many to emigrate to neighboring countries, which has created a substantial burden on the region. Zimbabwe appears to be making a gradual shift from humanitarian crisis toward recovery, but much of the population remains highly vulnerable. Political uncertainty continues to threaten the country's economic outlook.

Robert Mugabe has historically enjoyed considerable popularity in Africa as a former liberation leader, but some African leaders have viewed his policies as increasingly damaging to the continent and have urged democratic reforms in recent years. Following controversial elections in 2000 and citing abuses of human rights and the rule of law, the United States and some other former allies of the government became vocal critics. The United States has enforced targeted sanctions against top Zimbabwe officials and associates since 2002. This report provides background on events leading up to and surrounding the country's most recent elections, in March and June 2008. For further discussion of Zimbabwe's power sharing agreement, its transitional government, and other more recent developments, please see CRS Report RL34509, *Zimbabwe: The Transitional Government and Implications for U.S. Policy*, by Lauren Ploch.

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Overview

On September 15, 2008, Robert Mugabe, president of Zimbabwe for more than two decades, and opposition leader Morgan Tsvangirai signed a power-sharing arrangement to resolve a political standoff stemming from flawed elections earlier in the year. The Global Political Agreement (GPA) laid the foundations for a transitional government and outlined a time frame for the drafting and adoption of a new constitution. As part of the deal, which was not implemented until February 2009 under pressure from regional powers and the international community, Tsvangirai became prime minister of a new coalition government. Cabinet positions have been divided among the parties. Many observers remain skeptical that the parties will be able to work together to implement the remaining political reforms deemed necessary by international donors. The coalition government has faced considerable challenges in prioritizing development needs, attracting donor funding, and making the reforms necessary for the country's economic recovery. For further discussion of the coalition government and other current events, please see CRS Report RL34509, *Zimbabwe: The Transitional Government and Implications for U.S. Policy*, by Lauren Ploch.

Background

After years of economic sanctions by the international community and a decades-long civil war that resulted in more than 30,000 dead, the white minority rule government of Southern Rhodesia concluded a series of agreements with the black majority in 1979 that resulted in the establishment of the government of the Republic of Zimbabwe. Among the greatest challenges facing the new government was the demand by the majority for greater equity in land distribution. At independence, the white minority, who composed less than 5% of the population, owned the vast majority of arable land. Many observers at that time considered the country's white-owned commercial farms crucial to the country's economy, although there was a general recognition that land reform was necessary. Britain initially funded a "willing buyer, willing seller" program to redistribute commercial farmland, offering to compensate amenable white farmers.

Dissatisfaction with the pace of land reform grew and led in the 1990s to spontaneous and often violent farm invasions. At the same time, the country's labor movement and a segment of its urban middle class were becoming increasingly critical of the government's economic performance. Facing rising political and economic challenges, the government of Zimbabwe began to implement aggressive land expropriation policies, leading Britain and other donors to begin withdrawing financial support for resettlement.

In 2000, the government held a referendum to approve changes to the constitution that would allow land seizures without compensation, a responsibility that in its view lay with Britain. The referendum was rejected by 55% of voters and was seen as a victory for a new opposition party, the Movement for Democratic Change (MDC). Within days of the vote war veterans and ruling party supporters moved onto an estimated 1,000 white-owned farms, and, months later, the president invoked emergency powers to take land without compensation. During this time there were numerous attacks against white farmers and their employees, as well as against supporters of the MDC; more than 30 people were killed.

From 2000 onward, the country's problems deepened. Substantial political violence and human rights violations have accompanied elections. The broad scale of such abuses in the wake of the 2008 elections brought international condemnation, but little consensus on how best to stop the violence. Reports of government-orchestrated human rights abuses continued for months afterward. Zimbabwe's political difficulties were accompanied by a sharp decline in living

standards, with more than 80% of the population living on less than $1 per day by 2009.[1] Once touted as a potential "breadbasket of Africa," a significant portion of Zimbabwe's population became periodically dependent on food aid. An estimated 13.7% of adults are infected by the HIV/AIDS virus, and life expectancy fell from an estimated 56 years in 1990 to 44 in 2008. *Foreign Policy* magazine ranked Zimbabwe second in its index of failed states, behind Somalia, in 2009.[2] Its ranking "improved" to that of fourth in the 2010 index and sixth in 2011, but the classification suggests considerable room for progress. Observers are concerned that the difficulties confronting Zimbabwe have affected neighboring countries and deterred investors from the country and the wider region.

Political Situation

Zimbabwe has been ruled since independence by the Zimbabwe African National Union - Patriotic Front (ZANU-PF), which has come under increasing scrutiny from human rights activists, both at home and abroad, in the past decade. Although ZANU-PF now technically shares power in the coalition government, the party still controls the presidency and key security ministries. Critics have cited high levels of corruption, political violence, and strictly enforced laws restricting basic freedoms. The party contends that its detractors have engaged in a "propaganda war" backed by Britain and the United States, using democracy and human rights as a cover to push for regime change.[3] Many domestic and international observers have judged elections since 2000 to be "far from free and fair." The country's main opposition party, the MDC, split over tactical issues in 2005; Morgan Tsvangirai's faction remains dominant. ZANU-PF has also suffered internal competition, and some observers suggest that opposition to President Mugabe's continued rule has grown within the party.

[1] Oxfam International, "Humanitarian Crisis in Zimbabwe," January 2009.

[2] The Washington-based *Foreign Policy* magazine uses economic, social, political, and military indicators to rank countries by their "vulnerability to violent internal conflict and social dysfunction."

[3] See, e.g., "Imperialists Can't Preach Human Rights," *The Herald* (Harare), January 19, 2007.

Figure 1. Zimbabwe at a Glance

Population: 12.08 million
Approximate size: Slightly larger than Montana
Population growth rate: 4.31%
Life expectancy at birth: 49.64 years
Ethnic groups: African 98% (Shona 82%, Ndebele 14%, other 2%), Mixed and Asian 1%, White less than 1%
Languages: English (official), Shona, Sindebele and a number of tribal dialects.

Literacy: Total Population: 90.7%; Male: 94.2%; Female: 87.2% (2003)
GDP real growth rate: 9% (2010 estimate); 6% (2011 projected)
GDP per capita: $500 (2010)
HIV prevalence rate: 13.7% (adults, aged 15-49; 2009)
Unemployment: 95% (2009)

Source: CIA, *The World Factbook*; UNAIDS.

Note: Figures are for 2011 unless otherwise indicated.

Internal ZANU-PF Struggles

In view of President Mugabe's advanced age, the issue of presidential succession continues to be a matter of intense interest to observers. Some analysts have expressed concern that Zimbabwe could experience a violent succession struggle or a possible military coup in the event of his death. Under the constitution, the president may designate one of his two vice presidents to serve as acting president until the next election should he leave office, but Mugabe has never done so. One of the vice presidential posts was vacant prior to ZANU-PF's 2004 party conference, setting off a power struggle that transformed the political scene by revealing internal party divisions. Mugabe, who will turn 90 in 2014, appears to be in no rush to relinquish his post, although some rumors suggest his health is deteriorating.

Prior to the 2004 party conference, Emmerson Mnangagwa, then speaker of the parliament and a political veteran long touted as Mugabe's heir, campaigned actively for the position of ZANU-PF's second vice president. His selection to that position would likely have assured his appointment as vice president of the country, but Mnangagwa was caught off guard when Mugabe

decided that the country should have a woman in the post.[4] Mugabe's choice for the position, Joice Mujuru, was inevitably elected by the party to serve as Zimbabwe's second vice president, alongside Vice President Joseph Msika. Mujuru, a veteran of the liberation war and a women's movement leader, had been serving as Minister of Water Resources and Infrastructure.

According to reports, neither the Mnangagwa nor Mujuru camps initially supported Mugabe's proposal in 2007 to extend his term, which was set to expire after the 2008 elections, to 2010. Once a strong Mugabe ally, retired General Solomon "Rex" Mujuru, Joice's husband, was vocal in his disapproval and is rumored to have been pivotal in blocking the proposal at the national conference. Some have suggested that Mujuru covertly backed another ZANU-PF official, Simba Makoni, over his wife as a potential successor to Mugabe. Makoni, a technocrat, was considered by some to be a compromise candidate, untainted by the corruption scandals that have plagued others. Mugabe's own choice for a successor is unknown. Mnangagwa appears to have reconciled with Mugabe, leading the party's 2008 election efforts and taking a central role in guiding the country's security forces. He leads the Ministry of Defense in the transitional government.

The outcome of any succession struggle within ZANU-PF may be affected by the country's ethnic and clan divisions. Mugabe and other key party officials are from the Zezuru clan of the Shona people, who are dominant in a wide area around the capital, Harare. Solomon Mujuru, who like his wife is Zezuru, was a close advisor to Mugabe and was once regarded as a king-maker. His death in August 2011 in a house fire has been viewed with suspicion by many in Zimbabwe. Emmerson Mnangagwa is seen as a representative of the large Karanga clan, which reportedly feels that its turn to control the reins of power has come. Mnangagwa's viability as a presidential contender has been hampered by accusations that he led the purge of alleged regime opponents in provinces of Matabeleland in the 1980s, which is believed to have resulted in the deaths of 20,000 Ndebele civilians. The events of the 1980s help to explain why Zimbabwe's second-largest city, Bulawayo, has long been regarded as a center of opposition to the government, although Mugabe has sought to gain support by elevating Ndebele to party and government posts.

Vice President Joseph Msika died in August 2009 at age 86. According to some reports, Mnangagwa lobbied, but failed, in the following months to have Joice Mujuru replaced as vice president with a candidate of his own as the party reconsidered its leadership slate. In December 2009, delegates at ZANU-PF's party congress re-elected Mujuru as vice president and chose then-party national chairman John Nkomo to replace Msika. Both Msika and Nkomo are Ndebele.

The Movement for Democratic Change (MDC)

The MDC party emerged out of the Zimbabwe labor movement. As poverty deepened in Zimbabwe in the late 1990s, and allegations of corruption against regime leaders became more frequent, the Zimbabwe Congress of Trade Unions (ZCTU) organized a number of strikes and protests. In September 1999, the MDC was formed on this trade union base with support from many in Zimbabwe's churches and in urban areas. In February 2000, MDC members elected the ZCTU secretary general, Morgan Tsvangirai, born in 1952, as MDC president.

The MDC proved formidable in the 2000 referendum and in the 2000 parliamentary election; some contend their success may have prompted a range of repressive actions against the party and its supporters. Among the retaliatory measures alleged, several leaders of the MDC, including

[4] Mnangagwa's power was reduced following the events of 2004, as was that of a number of his backers, including former minister of information Jonathan Moyo, who was fired in early 2005 for his sharp-tongued defenses of the regime and for fights with others in leadership. Moyo left the party and ran as an independent in 2005. He retained his seat in the 2008 elections and has since rejoined ZANU-PF.

Tsvangirai himself, were arrested and charged with treason two weeks before the MDC leader first ran against Mugabe, in the 2002 presidential elections.

Treason Charges

In October 2004, Morgan Tsvangirai was acquitted of a treason charge based on a video recorded in Canada, which the government claimed showed him calling for the "elimination" of Mugabe. The judge stated that the evidence had been unconvincing, with the witnesses produced by the state "suspect" and the video unreliable. In August 2005, the government dropped a second treason charge, which had been based on claims that Tsvangirai urged violence to bring down the government in 2004. Treason charges have been leveled at other senior MDC officials, including current Finance Minister Tendai Biti and former Member of Parliament Roy Bennett.

Division in the Opposition

In late 2004, the MDC became increasingly divided in its strategy to challenge ZANU-PF dominance. MDC officials initially decided that the party would not participate in the 2005 parliamentary race unless the government took steps to assure free and fair elections. Several members argued that this would deprive the MDC of any influence in parliament and hand control of parliament to Mugabe on a "silver platter." Tsvangirai supported a boycott, arguing that the elections should be postponed until substantial reforms could be implemented. The party ultimately participated "under protest," but did not do as well as in previous polls.

As the subsequent 2005 Senate elections approached, the MDC was again divided on whether to participate. Supported by some civil society groups who suggested the elections were "meaningless" and "a waste of time and resources," Tsvangirai argued that participating would legitimize previous "rigged" elections, and vowed instead to lead the opposition through mass action. He was opposed by a group led by the MDC's secretary-general, Welshman Ncube and MDC vice president Gibson Sibanda. In October, the party's national council voted 33-31 to participate in the election, but Tsvangirai overruled the vote and, reportedly in violation of the MDC constitution, expelled 26 senior officials from the party. Only the Ncube faction fielded candidates in the Senate race; they gained only seven seats.

Both factions held party conferences in 2006; Tsvangirai was confirmed the leader of one faction, while Ncube ceded control of the "pro-senate" faction to Arthur Mutambara, a noted student leader in the 1980s. The factions attacked each other in the press, and there were allegations that the Tsvangirai faction was behind a violent assault on Member of Parliament (MP) Trudy Stevenson and several other Mutambara supporters. Stevenson identified the youths who attacked her as known followers of Tsvangirai, who denied the charges and denounced the beatings.

The 2005 Elections

Zimbabwe's 2005 legislative elections were controversial, with the opposition disputing the results and alleging government efforts to deny a fair race. ZANU-PF retained control of the 150-member parliament, taking 108 seats (of these, 30 are appointed by the president rather than elected). The MDC won 41 seats, and one seat went to an independent. The MDC's representation in parliament had declined from its first elections, in 2000, when it won 57 seats. Some observers argue that the MDC did not do as well because it had delayed a decision to participate and left little time to campaign. Violence against MDC voters in past elections, the alleged use of food distributions by the ruling party to secure votes, and a general climate of intimidation may have also discouraged MDC support. Government supporters suggested that voters simply lost faith in MDC promises. Opposition access to the state-run media was severely limited.[5] The MDC was rarely covered on television or in the *Herald*, the government newspaper, and the stories that did appear were typically disparaging.

[5] Reporters Without Borders, "No Letup in Abusive Media Tactics Three Weeks Before Legislative Elections," March 8, 2005.

Although most observers agree that the level of political violence surrounding the 2005 elections was significantly less than in the preceding two elections, many argue the election was not "free and fair." Critics suggest that state harassment of civil society and the political opposition, combined with limitations on press and other political freedoms, left little need for violent repression. Nevertheless, the Zimbabwe Human Rights NGO Forum, a coalition of local human rights organizations, reported more than 300 assaults in the pre-election period.[6]

Many analysts argue that the Zimbabwean political system is undemocratic because elections have been administered by institutions and under laws that many consider biased in favor of ZANU-PF. In response to democratic protocols established by the Southern African Development Community (SADC), the government passed the Zimbabwe Electoral Commission (ZEC) Act and the Electoral Act prior to the 2005 elections. However, the new "independent" ZEC, appointed by the president, was only established two months before the election, leaving many of the preparations to the old commission, which many considered discredited by its past performance. According to the U.S.-based democracy advocacy group Freedom House, "despite some improvements, the Electoral Act granted the ZEC powers to employ security forces, retained biased residency requirements for voters, denied most expatriates the right to vote, and created an Electoral Court staffed by a deeply compromised judiciary."[7]

The government employed other legal tactics seen by critics as designed to intimidate the opposition and produce a political landscape favorable to ZANU-PF. The 2004 gerrymandering of constituencies, which the government attributed to population shifts arising from its land reform program, resulted in the redistricting of three urban seats held by the MDC into three new rural constituencies, which ZANU-PF candidates won in 2005. The International Council of Barristers and Advocates reported on extensive efforts by ZANU-PF to gain control over the legal system, suggesting the ruling party had interfered in judicial appointments and forced the removal of impartial judges "through a combination of psychological and physical intimidation and threats of violence."[8]

Many domestic election observers were critical of the 2005 elections, citing a lack of transparency surrounding voter registration, intimidation, "politicization of food distribution," and a lack of media access by the opposition. Observers contended that their access to the vote counting process was restricted at many polling stations, and that in some cases the total voter tally did not coincide with the total number of votes cast for the candidates.[9] Groups reported the use of restrictive legislation against opposition supporters. One report concluded, "Zimbabwean authorities have failed, on most accounts, to ensure a free and fair electoral process."[10] The MDC challenged the results of numerous 2005 races in court, but none of the results were overturned.

The Mugabe government placed limits on foreign observers for the election. No U.S. observers were invited, and Russia was the only European country asked to send a team. Leading the SADC delegation, then-South African Deputy President Mlambo-Ngcuka congratulated Zimbabwe on "the holding of a peaceful, credible, well managed and transparent election."[11] The head of South Africa's parliamentary observer mission was quoted saying that the delegation had "unanimously agreed that the elections were credible, legitimate, free and fair."[12] Both statements received criticism in the international press. The SADC Parliamentary Forum, which consists of legislators from the region and had issued a report critical of the 2002 election, was not invited to observe the vote. Western governments condemned the elections. Based on reports from domestic observers and U.S. Embassy staff, then-U.S. Secretary of State Condoleezza Rice issued an official statement, noting that "the electoral playing field was heavily tilted in the government's favor. The independent press was muzzled; freedom of assembly was constrained; food was used as a weapon to sway hungry voters; and millions of Zimbabweans who have been forced by the nation's economic collapse to emigrate were disenfranchised."[13] U.N. Secretary-General Kofi Annan

[6] Zimbabwe Human Rights NGO Forum, *Political Violence Report,* March 2005.

[7] Freedom House, "Country Report: Zimbabwe," *Freedom in the World 2006*. A 2006 Zimbabwean Supreme Court decision, ruling against the the chief justice, the attorney-general, and the justice minister, found that the appointment of commissioners to the electoral court was unconstitutional and violated the principle of separation of powers.

[8] International Council of Barristers and Advocates, *The State of Justice in Zimbabwe*, December 2004.

[9] Zimbabwe Election Support Network (ZESN), *Report on Zimbabwe's 2005 General Election,* April 2005. ZESN, a coalition of 35 human rights and civic groups, deployed 260 long-term observers and 6000 observers on election day.

[10] The report of Zimbabwe Lawyers for Human Rights (ZLHR) is available at http://www.zlhr.org.zw.

[11] "Zimbabwe's Enabler; South Africa Falls Short as Monitor of Democracy*," Washington Post*, April 4, 2005.

[12] "The Real Fraud in Zimbabwe," *Washington Times*, April 6, 2005.

[13] The statement of Secretary Rice was made on April 1, 2005.

commended the election's lack of violence but noted concern that "the electoral process has not countered the sense of disadvantage felt by opposition political parties who consider the conditions were unfair."[14]

Opposition Defiance Against a Ban on Protests and Rallies

In February 2007, the Zimbabwe government announced a three-month ban on political rallies and public demonstrations in Harare "due to the volatile situation in the country."[15] The MDC appealed to the High Court to lift the ban, which coincided with an increase in public activity by the opposition and civic groups. On February 18, despite a High Court decision allowing Morgan Tsvangirai to launch his presidential campaign at a rally in Harare, police reportedly used batons and water cannons to break up the event. A rally planned by the Mutambara faction in Bulawayo was similarly dispersed, and numerous opposition supporters were arrested. The ban was announced three days later, and police subsequently arrested several hundred civic activists.

On March 11, 2007, police broke up a prayer meeting attended by both Tsvangirai and Mutambara, arresting an estimated 50 members of the opposition and civil society, including both MDC leaders. Police shot and killed one opposition supporter after MDC youth reportedly began throwing stones at police. The following day, police arrested an estimated 240 opposition supporters during a demonstration protesting the March 11 crackdown. Media and human rights reports suggest that Tsvangirai was severely beaten while in custody, and he appeared in court days later showing signs of head trauma.[16] Other opposition and civic leaders also reportedly sustained injuries after their arrest. The protestors were released into the custody of their lawyers on March 14 after prosecutors reportedly failed to appear at their court hearing. The Zimbabwean government contended that the MDC incited violence and was responsible for attacks on several civilian targets and a Harare police station.[17]

The March 2007 incident spurred international media attention and drew considerable criticism from many world leaders. U.S. Secretary of State Condoleezza Rice issued a strong statement, saying, "The world community again has been shown that the regime of Robert Mugabe is ruthless and repressive and creates only suffering for the people of Zimbabwe."[18] U.N. Secretary-General Ban Ki-moon also condemned the "reported beating of those leaders in police custody" and criticized the ban, noting that "such actions violate the basic democratic right of citizens to engage in peaceful assembly."[19] Several of Zimbabwe's neighbors, including South Africa and Zambia, issued statements of concern regarding the incident, and Ghanaian President John Kufuor, then chairman of the AU, called the event "very embarrassing."[20]

[14] Secretary-General Annan's statement is available at http://www.un.org/News/ossg/.

[15] "Rally Ban a Fatal Govt Assault on Social Contract," *Zimbabwe Independent*, March 2, 2007. The ban was lifted on June 29, 2007.

[16] "Zimbabwe Opposition Leader Taken to Hospital From Court," CNN, March 13, 2007, and "Mugabe Foes Vow to Intensify Action," *Washington Post*, March 13, 2007.

[17] "Zimbabwean Police 'Fire-Bombed,'" BBC, March 15, 2007.

[18] Statement of U.S. Secretary of State Condoleezza Rice, "Call for Immediate Release of Zimbabwean Opposition Leaders," March 13, 2007.

[19] Statement issued by the Spokesman of the U.N. Secretary General, March 12, 2007.

[20] "Zimbabwe Leader Faces Growing Condemnation," Associated Press, March 15, 2007.

Restrictions on Political Freedoms

Legislative actions by Zimbabwe's parliament, led by ZANU-PF until the 2008 elections, contributed to concerns about human rights in Zimbabwe. Laws that critics contend have been used to quiet dissent and influence political developments include the following:

- **The Access to Information and Protection of Privacy Act (AIPPA).** This 2002 act requires that all media services be licensed, and that all journalists, including foreign correspondents, be officially accredited. The government, citing AIPPA, closed *The Daily News*, at the time the only remaining independent daily, in 2003 (it began printing again in March 2011). The Media Institute of Southern Africa (MISA) has called AIPPA "one of the most effective legal instruments of state control over the media and civil society communication anywhere in the world."[21] ZANU-PF counters that AIPPA encourages responsible journalism. The African Commission on Human and People's Rights (ACHPR) ruled in 2009 that two sections of AIPPA should be repealed.
- **The Public Order and Security Act (POSA), the Criminal Law (Codification and Reform) Act ("Criminal Law Code"), and the Miscellaneous Offences Act (MOA).** POSA, also enacted in 2002, prohibits statements deemed to be "abusive, indecent, obscene, or false" about the president or considered to "undermin(e) public confidence" in the security forces, and prohibits false statements prejudicial to the state.[22] The measure has been used in the arrest of thousands of political opponents and to break up public meetings and rallies. Zimbabweans overheard criticizing the president in public have also been jailed. The MOA criminalized "conduct likely to cause a breach of the peace," and was often used with POSA against activists. Police and "persons assisting the police" may use "all necessary force" to stop unlawful gatherings.[23] In 2006 many offences under POSA and MOA were transferred to a new Criminal Law Code.
- **The Private Voluntary Organizations (PVO) Act.** Critics suggest that the government has used the 2002 PVO Act to limit the activities of domestic NGOs, who are required to register with the government. A "probe team" of intelligence officers has wide powers to investigate groups and demand documents related to activities and funding. The ACHPR has recommended that it be repealed.

In 2005, ZANU-PF won over two-thirds of the seats in the House of Assembly, giving it the power to amend the constitution. The parliament then passed several controversial constitutional amendments which some analysts contend breach international human rights standards. The 2005 Constitution of Zimbabwe Amendment Act (No.17) allowed the government to limit the right to freedom of movement when it is in "the public interest" or in "the economic interests of the State" and restricts the right to leave Zimbabwe. Journalists, MDC officials, and union leaders had their passports revoked under the act, with the government charging that they planned to lobby abroad for sanctions or military intervention against the country.[24] The act also prevents land owners from challenging the acquisition of agricultural land by the state. It paved the way for passage of Gazetted Land Act in late 2006, making it illegal for former farm owners to occupy

[21] Media Institute of Southern Africa (MISA), *Annual Report, April 2003-March 2004*; "Media Institute Says Press Restrictions in Zimbabwe Rule Out Fair Elections," *Voice Of America (VOA)*, April 5, 2004.

[22] For the text of the POSA, see http://www.kubatana.net/docs/legisl/posa060203.doc.

[23] Solidarity Peace Trust, *Policing the State*, December 2006.

[24] "Title Deeds to 4,000 Farms Nullified," *The Herald*, September 23, 2005.

nationalized land and allowing the government to evict farmers and resettle the land without compensation. The 2005 constitutional amendment also revived the upper house of parliament.

The MDC, prior to taking a majority in the House of Assembly in the 2008 elections, had limited success in preventing ZANU-PF from passing other legislation that it contended would restrict freedoms. An Interception of Communications Bill, which would allow the government to monitor all Internet, email, and telephone communications for threats to national security, was initially stalled by the Parliamentary Legal Committee (chaired by an MDC MP), but was later revised and approved in June 2007. Critics suggest that the revisions were cosmetic.

Negotiations led by South Africa between Zimbabwe's political parties prior to the 2008 elections resulted in amendments to both AIPPA and POSA. Critics suggest the amendments did not fully address human rights concerns and have not been adequately implemented.[25] The Media Institute of Southern Africa dismissed the AIPPA changes as "dwelling … on inconsequential issues which will not advance basic freedoms."[26] Numerous MDC rallies were blocked prior to the 2008 runoff, despite court orders allowing the events. Political space for civil society has widened since the formation of the coalition government, but police continued to use POSA on occasion to arrest civil society leaders. In December 2010, the MDC majority in the House passed legislation to amend POSA; to date, the ZANU-PF Senate has not approved the bill.

Political Violence

Human rights groups have documented numerous accounts of political violence in Zimbabwe in the past decade. In 2006, Freedom House declared that "Zimbabwe's descent into the ranks of the world's most repressive states continued unabated."[27] In 2007, the State Department reported that Zimbabwe's government has "engaged in the pervasive and systematic abuse of human rights, which increased significantly during the year" and contended that "state-sanctioned use of excessive force increased, and security forces tortured members of the opposition, student leaders, and civil society activists."[28] Amnesty International was similarly critical.[29] The State Department's most recent human rights report, issued in April 2011, suggests that abuses continue, in spite of the transitional government's formation:

> Security forces, the police, and ZANU-PF-dominated elements of the government continued to commit numerous, serious human rights abuses. ZANU-PF's dominant control and manipulation of the political process through trumped-up charges, arbitrary arrest, intimidation, and corruption effectively negated the right of citizens to change their government. There were no politically motivated killings by government agents during the year, however, security forces continued to torture, beat, and abuses non ZANU-PF political activists and party members, student leaders, and civil society activists with impunity. Projections of an early election in 2011 also led to an increase in the number of cases of harassment and intimidation... Security forces continued to refuse to document cases of political violence committed by ZANU-PF loyalists against members of other political parties... Security forces, which regularly acted with impunity, arbitrarily arrested

[25] They cite, for example, a January 2008 MDC "freedom march" that was blocked by police despite prior notification of the event, in accordance with the changes to POSA. Supporters who defied a police ban were reportedly tear-gassed and beaten with batons. Human Rights Watch, *All Over Again: Human Rights Abuses and Flawed Electoral Conditions in Zimbabwe's Coming Elections*, Vol. 20, No. 2(A), March 2008.

[26] MISA, "AIPPA, POSA, BSA Amendments Signed into Law," *Media Alert Update*, January 12, 2008.

[27] Freedom House, "Country Report: Zimbabwe," *Freedom in the World 2006*.

[28] U.S. Department of State, "Zimbabwe," *Country Reports on Human Rights Practices 2007*.

[29] See, for example, Amnesty International (AI), "Zimbabwe," *Annual Report 2007* and *Annual Report 2008*.

> and detained activists not associated with ZANU-PF, members of civil society, labor leaders, journalists, demonstrators, and religious leaders; lengthy pretrial detention was a problem. Executive influence and interference in the judiciary continued... The government continued to use repressive laws to suppress freedom of speech, press, assembly, association, and movement... High-ranking government officials made numerous public threats of violence against demonstrators and political activists not associated with ZANU-PF....

President Mugabe has, on occasion, publicly condoned police and military brutality against Zimbabwean citizens. In 2006, during Heroes' Day, a holiday honoring war veterans, Mugabe warned that his security forces would "pull the trigger" against protesters.[30] A month later, in an incident caught on video, Zimbabwean police conducted a particularly violent crackdown against leaders of the Zimbabwe Congress of Trade Unions (ZCTU), who had planned a civic protest to highlight the impact of inflation on the country's citizenry. Mugabe sanctioned the police action, saying, "Some people are now crying foul that they were assaulted, yes you get a beating … when the police say move, move, if you don't move, you invite the police to use force."[31]

Mugabe received international attention for his statement; the U.N. Country Team in Zimbabwe announced "a profound sense of dismay" over comments that "might be interpreted as condoning the use of force and torture to deal with peaceful demonstrations by its citizens."[32] The U.N. Special Rapporteur on Torture repeatedly requested an invitation from Zimbabwe to investigate, and the Harare magistrate who heard the case against the ZCTU leaders ordered an independent investigation into the allegations of police brutality. The Rapporteur received an invitation from Prime Minister Tsvangirai to visit Zimbabwe, but was blocked from entering the country when he tried to visit in October 2009.

Human rights activists suggest that acts of political violence, such as abductions and beatings of opposition supporters, became "more systematic and widespread" after the events of March 2007.[33] Despite provisions in the Electoral Laws Amendment Act banning such acts and assurances by security officials that the government would take a "zero tolerance" approach to violence, reports of attacks on opposition supporters further rose dramatically after the March 2008 elections.[34] The State Department's annual human rights report on Zimbabwe states that over 289 died from injuries sustained during violence targeting the opposition in 2008, and that, according to one non-governmental organization, as many as 22,000 victims have sought treatment for political violence sustained that year. The State Department reports that, as of the most recent publication of its report, in April 2011, there had been no prosecutions or convictions related to any of the politically related killings that occurred in 2008.

Human rights reports suggest party youth militia and so-called war veterans have been the most common perpetrators of political violence, but that the police have also played a significant role. The Geneva-based International Commission of Jurists, which investigated the 2007 detention and beating of lawyers, expressed shock at the role of police in the attacks and at the "cavalier response of Zimbabwean authorities."[35] The State Department has documented multiple reports

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[30] "Threat by Mugabe," *New York Times*, August 16, 2006.

[31] See Mugabe's statement in an article from the government-owned newspaper, *The Herald* at "Zimbabwe Press Review for 25 Sep 06", *BBC Monitoring Africa*, September 25, 2006.

[32] "U.N. Slams President Mugabe," *Zimbabwe Independent*, September 29, 2006.

[33] "Zimbabwe Leaders Accused of Abducting Opponents," *New York Times*, March 29, 2007.

[34] Human Rights Watch, *All Over Again: Human Rights Abuses and Flawed Electoral Conditions in Zimbabwe's Coming General Elections*, Vol. 20, No. 2(A), March 2008.

[35] For more information, see the Mission's report at http://www.icj.org.

of police using excessive force and cruel, inhuman or degrading treatment against those in custody.

Developments Surrounding the 2008 Elections

South African Mediation

International criticism of the political situation in Zimbabwe grew after the March 2007 opposition arrests, even among former allies on the continent. In one of the most critical statements from African leaders, Zambia's President Levy Mwanawasa compared the country to "a sinking Titanic whose passengers are jumping out to save their lives."[36] In South Africa, a senior Foreign Ministry official told their parliament, "the South African government wishes to express its concern, disappointment, and disapproval of the measures undertaken by the security forces in dealing with the political protests," blaming the current situation on an "absence of open political dialogue."[37] SADC leaders convened an emergency summit on March 28, 2007.

Given the strong statements made by some southern African leaders, many observers expected the SADC heads of state to increase pressure on Mugabe to make reforms. Reports suggest that in private the leaders may have been tough on the Zimbabwean president, who was in attendance, but their public response was deemed disappointing by human rights activists and critics of the regime.[38] During the summit, the SADC leaders resolved to promote dialogue within the country, at the same time suggesting that Western countries should drop their sanctions against the Mugabe government and that Britain should provide funding to assist in land reform efforts. South African President Thabo Mbeki was appointed to mediate between the Zimbabwean government and the opposition. Mbeki, who opposed calls for regime change, pushed instead for elections, saying "you might question whether these elections are genuinely free and fair ... but we have to get the Zimbabweans talking so we do have elections that are free and fair."[39] Talks between the Mugabe Administration and the MDC factions began in Pretoria in June 2007.

According to human rights activists and the U.S. Department of State, political violence against opposition leaders and supporters continued in spite of the negotiations.[40] The Mugabe Administration accused the opposition of being responsible for a series of bombings targeting shops, trains, and police stations, although some observers suggest the attacks were an attempt to frame the opposition.[41] Harassment of university students by police also reportedly increased. In November 2007, 22 members of the National Constitutional Assembly, a pro-democracy civil

[36] "Zimbabwe 'A Sinking Titanic,'" *Financial Times,* March 22, 2007.

[37] "RSA Parliamentarians Urge Stronger Action Against Zimbabwe," *South African Press Association,* March 28, 2007.

[38] "Zimbabwe Crisis Deepens," Voice of America, April 6, 2007.

[39] "Mbeki Rejects Regime Change," *Financial Times,* April 2, 2007.

[40] See, for example, Solidarity Peace Trust, *Destructive Engagement: Violence, Mediation, and Politics in Zimbabwe*, Johannesburg, July 10, 2007.

[41] The government's allegations are outlined in reports produced by the Zimbabwe Republic Police, *Opposition Forces in Zimbabwe: A Trail of Violence* and *Opposition Forces in Zimbabwe: The Naked Truth, Volume 2*,available at http://www.moha.gov.zw/. The Zimbabwe Human Rights NGO Forum h refuted the government's claims in *At Best a Falsehood, At Worst, A Lie*, August 2007, available at http://www.hrforumzim.com.

society organization, reportedly sustained severe beatings during a peaceful protest set to coincide with a visit by President Mbeki to Harare.[42]

Although the South African negotiations resulted in several agreements between the parties, leading to the amendment of some laws seen to restrict press freedom and political activity, the talks were abandoned after Mugabe announced that elections would be held on March 29, 2008. Despite Mbeki's report to SADC leaders that his mediation had achieved "commendable achievements," Tsvangirai announced in February 2008 that "nothing has changed ... changes in the law, negotiated by President Mbeki, have not changed the behavior of the dictatorship."[43]

Election Preparations

Civil society activists reported significant pre-election irregularities prior to the March 2008 elections. Critics charged that the Zimbabwe Election Commission lacked independence, and that it was further crippled by limited administrative capacity and budget shortages.[44] Reports from domestic groups suggest that the registration process was, at best, inconsistent, and there is no indication that the ZEC addressed alleged inaccuracies in the voters' roll from previous elections.

The 2008 elections were Zimbabwe's first attempt at holding "harmonized" elections for all levels of government (local, National Assembly, Senate, and presidential) simultaneously. In addition to the logistical challenges this posed, civic groups argued that the complexity of a four-ballot election required a nationwide voter education campaign. They claim that the ZEC's education efforts were inadequate and that independent NGOs were barred from engaging in voter education programs of their own.

The Zimbabwe Election Support Network (ZESN), a domestic observer group composed of 38 NGOs, alleges that the ruling party redrew constituencies[45] to ensure its continued hold on power. In its pre-election report, ZESN argued that there were not enough polling stations designated for urban areas, where the MDC is believed to have its strongest support. ZESN's report also suggested that, as in past elections, the ruling party manipulated state resources for campaign purposes.[46] And despite amendments to POSA and AIPPA, advocacy groups argue that the police selectively interpreted the laws and significantly limited the MDC's ability to campaign.[47] Sections of POSA which prohibit false statements "prejudicial" to the state and criminalize statements construed as engendering hostility toward the president remained in effect.

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[42] Press Statement of U.S. Department of State Spokesman Sean McCormack, "Zimbabwe: Civil Society Organization Beatings During President Mbeki's Visit," November 26, 2007.

[43] Barry Bearak, "Zimbabwe Opponent Criticizes Mbeki," *New York Times*, February 14, 2008.

[44] The ZEC was led by Justice George Chiweshe, a former military officer, until May 2010, when President Mugabe appointed him to be head of the High Court, sparking protests from civic activists. Reports indicate that the ZEC and its regional offices have been staffed by numerous former military personnel. For more detail, see Zimbabwe Human Rights NGO Forum, *Can the Elections be Free and Fair in the Current Environment?*, March 18, 2008.

[45] Parliament passed Constitutional Amendment No. 18 in late 2007, increasing the number of parliamentary seats from 120 to 210. Following a rushed delimitation exercise, the ZEC presented its final report, outlining changes to several constituency and ward boundaries, with no time for debate before parliament adjourned at the end of January 2008.

[46] Lance Guma, "Election Body Calls for More Polling Stations," SW Radio Africa, March 11, 2008.

[47] Amendments to POSA allowed groups to present notifications for rallies and demonstrations to the nearest police station, and if denied approval, provided for appeals to be dealt with by the local magistrates court rather than the Home Affairs Minister. AIPPA amendments abolished the "journalism without accreditation" offense, but journalists remain prohibited from covering official events, like elections, without accreditation. HRW, *All Over Again: Human Rights Abuses and Flawed Electoral Conditions in Zimbabwe's Coming General Elections*, March 2008.

Alleged Vote Buying

In addition to the allegedly partisan administration of the elections, many observers contend that the government used public resources to buy votes. In the weeks preceding the polls, President Mugabe announced significant salary increases for the military and civil servants and signed into law the Indigenization and Economic Empowerment Bill, requiring foreign-owned firms to transfer 51% of their shares to domestic investors. His administration also reportedly distributed vehicles and agricultural equipment worth millions of U.S. dollars to ZANU-PF supporters.[48] At the same time, in a country where almost half the population was considered by the World Food Program at that time to be malnourished, domestic groups reported numerous incidents of opposition supporters being denied access to state food supplies.[49] NGOs operating in Zimbabwe reported that the ban on their distribution of food and other humanitarian aid prior to the runoff continued until August, despite claims by the government that it had been lifted.

Pre-Election Violence

According to domestic human rights groups, the year prior the 2008 elections was marked by a significant increase in incidents of politically motivated violence from previous years.[50] The government routinely deployed riot police to break up demonstrations, meetings and rallies, despite changes to the laws regulating freedom of assembly. In January 2008, police allegedly tear-gassed and assaulted protestors in Harare after a local magistrate overruled a police order banning their march.[51] In February, members of the Progressive Teachers Union of Zimbabwe reported being abducted and beaten by ZANU-PF supporters; according to their accounts several members of the police and intelligence service were present during the attacks.[52] According to reports, the perpetrators were not arrested, but the union leaders were charged with violating a law that prohibits the distribution of pamphlets in public areas.[53]

Several of the country's security service chiefs, including the heads of the army and the police, publicly announced that they would not recognize an electoral victory by anyone other than Mugabe.[54] In speeches and statements to the press, they and other public officials, including the president himself, referred to opposition leaders as traitors or puppets of the West. In October 2007, the International Bar Association issued a report accusing Zimbabwe's police of being "blatantly partisan" and suggesting that the force's failure to guarantee equal protection of the law "is a major obstacle to democracy in Zimbabwe and a considerable impediment to free and fair elections."[55] As part of the 2008 electoral reforms, police were banned from the polling stations to

[48] Zimbabwe Human Rights NGO Forum, *Can the Elections in Zimbabwe be Free and Fair in the Current Environment?* March 18, 2008.

[49] "Concern Over Pre-Election Environment, Election Update (1)," ZESN Press Statement, January 25, 2008.; and "Zimbabwe: NGO Ban Starting to Bite," UN IRIN, July 7, 2008.

[50] See, e.g., Zimbabwe Human Rights NGO Forum, *Can the Elections in Zimbabwe be Free and Fair in the Current Environment?* March 18, 2008.

[51] "Zimbabwe: Opposition Activists Teargassed, Beaten," UN IRIN, January 23, 2008.

[52] HRW, *All Over Again: Human Rights Abuses and Flawed Electoral Conditions in Zimbabwe's Coming General Elections*, Vol. 20, No. 2(A), March 2008.

[53] International Crisis Group (ICG), *Zimbabwe: Prospects from a Flawed Election*, March 20, 2008.

[54] "Zim Prisons Chief Orders Officers to Vote Mugabe," Reuters, February 29, 2008.

[55] International Bar Association, *Partisan Policing: An Obstacle to Human Rights and Democracy in Zimbabwe, An International Bar Association Human Rights Institute Report*, October 2007.

allay fears of intimidation. However, just over a week before the elections President Mugabe issued a decree allowing police into polling stations, purportedly to help disabled voters.

Election Monitoring

The government of Zimbabwe reportedly invited election observers from over 40 countries and regional organizations, including the Southern African Development Community (SADC) and the African Union (AU), but barred observers from countries considered to be critical of its policies.[56] CNN and other Western media organizations and journalists were reportedly denied permission to cover the elections.[57] The AU observer mission, led by former President of Sierra Leone Tejan Kabbah, issued a preliminary statement after the elections suggesting that the vote was generally free and fair and expressed the will of the people. He urged all parties to accept the results. The SADC mission found the elections to be "a credible expression of the will of the people" but noted concerns regarding opposition access to the media, inflammatory statements by senior security officials, the presence of police officers at polling stations, and the delay in the publication of the voters' roll. Two members of the delegation, both from South Africa's largest opposition party, refused to sign the report, calling the elections "chaotic" and "deeply flawed."[58] Other observer groups differed with the SADC findings. The delegations of the World Council of Churches and the African Council of Churches found the elections to be "skewed in favor of the incumbent who openly utilized state resources to his advantage" and reported media bias, "violence, intimidation and outright confrontation," and the use of food as a "political tool."[59]

Press Restrictions

Two international journalists, one a Pulitzer Prize-winning American correspondent for the *New York Times*, were arrested in April 2008. After several days in jail, they were released on bail but blocked from leaving the country. They were later acquitted. Several other journalists, both domestic and foreign, were arrested after the elections. The director of the ZESN was detained by police in April and questioned about possible ties to the Washington-based National Democratic Institute, which monitors elections worldwide. The editor of *The Standard*, the only remaining independent newspaper, was arrested for printing an editorial by opposition leader Arthur Mutambara entitled, "A Shameful Betrayal of National Independence." He was later released, but charged with publishing statements prejudicial to the state. Mutambara was arrested weeks later.

March 2008 Election Results

Parliament

The MDC, which split into two factions in 2005 (known as MDC-T and MDC-M for their respective leaders, Morgan Tsvangirai and Arthur Mutambara), remained divided for the March elections, and this division likely cost the party several parliamentary seats.[60] The ZEC, widely

[56] "First Poll Observers in Zimbabwe," BBC, March 11, 2008.

[57] "CNN Denied Permission to Cover Elections in Zimbabwe," CNN, March 25, 2008.

[58] Statement issued by South African Member of Parliament Diane Kohler Barnard, "DA Rejects SADC Assessment of Zimbabwe Election as 'Peaceful and Credible,'" available at http://www.da.org.za.

[59] World Council of Churches, "Ecumenical Observers Challenge Zimbabwe Election Process and Demand Respect for the Will of the People," April 29, 2008.

[60] A *Financial Times* report suggests that ZANU-PF won 10 seats that would have been claimed by the MDC had its votes not been split between the factions. "Acrimonious Division Cost MDC Success," *Financial Times*, April 4, 2008.

criticized for its delayed release of the electoral results, announced the National Assembly results four days after the election. The MDC factions won a majority in the 220-seat National Assembly with 109 seats, over ZANU-PF's 97.[61] Three weeks after the elections, the electoral commission conducted a recount of 23 races, an overwhelming majority of which were won by the opposition.[62] The original results were upheld. On April 6, the ZEC announced that the ruling party had retained its majority in the Senate, where over one-third of the 93 members are appointed by the president. Of the 60 seats directly elected, ZANU-PF won 30, MDC-Tsvangirai 24, and MDC-Mutambara 6. Several senior ruling party members lost their parliamentary seats, including the Ministers of Justice, Agriculture, Mines, Energy, and Transport; several senior MDC-M parliamentarians, including Mutambara, lost to MDC-T candidates.

The Presidency

The MDC's decision to contest the election while still divided may also have cost the party a clear victory in the initial presidential race. In February 2008, then-ZANU-PF senior member Simba Makoni announced his intention to run against President Mugabe in the upcoming elections.[63] He was subsequently expelled from the party and ran as an independent, although he was rumored to have been supported by several senior ruling party officials. MDC faction leader Arthur Mutambara, who had planned to run against Mugabe and Tsvangirai, withdrew as a presidential candidate and expressed his support for Makoni. It is unclear how many supporters of his faction voted for Makoni instead of Tsvangirai.

The main MDC faction claimed victory for Tsvangirai days after the election with over 50% of the votes cast, basing its claim on tallies of poll results posted outside the polling stations and constituency centers immediately following the elections. Some have differed with the MDC count, suggesting that while Tsvangirai almost certainly received more votes than Mugabe, he may not have achieved the necessary 50% to avoid a runoff.[64] ZESN reported that results were not posted in three constituency tabulation centers despite a legal requirement to do so.

The results of the presidential race were not officially announced until five weeks after the elections. The opposition called for a nationwide strike on April 14 to protest the delayed release of results, asking supporters to stay home rather than to demonstrate publicly. Dozens of opposition supporters, including a newly elected member of parliament, were reportedly arrested that day for allegedly trying to incite violence or for obstructing the freedom of movement. According to reports, the strike was unsuccessful. With over 90% unemployment, some analysts suggest many Zimbabweans could not afford to miss a day's wages; other Zimbabweans said they had not heard of the strike.[65] On the evening of May 2, the ZEC declared that Tsvangirai had received 47.9% of the votes, while Mugabe received 43.2% and Makoni 8.3%. Some in the international community questioned whether the government's delay in releasing the presidential

[61]MDC-T won 99 seats; MDC-Mutambara won 10. One seat was won by an independent, and three seats were subject to by-elections in June 2008 due to candidates' deaths. In those elections, MDC-T won one seat; ZANU-PF won two.

[62] According to press reports, the ZEC conducted the recount in violation of a court order to stop recounts for 23 parliamentary constituencies. The MDC had petitioned the court on the basis that ZANU-PF's requests for recounts were not valid because they were not filed within 48 hours of the election in accordance with ZEC rules. The court allegedly ruled that a recount could not be ordered until after the original results were released.

[63]Makoni served as Finance Minister from 2000 to 2002 and was reportedly dismissed after criticizing the administration's economic policies.

[64]According to ZESN, Tsvangirai received 49.4% of the vote and Mugabe 41.8%."ZESN poll projections on March 29 presidential elections," ZESN press release, March 31, 2008.

[65] "Zimbabwe Opposition Strike Fails," BBC, April 16, 2008.

results should be considered a political coup. The MDC had appealed unsuccessfully to the courts to have the results released earlier, but the electoral commission claimed that it could not do so until a "process of verification of the presidential ballots" was complete.[66]

Runoff Elections Called

Although the opposition accused the government of manipulating the presidential results and initially objected to participating in a runoff, Morgan Tsvangirai agreed to stand against President Mugabe in a second round of voting.[67] ZESN also questioned the validity of the presidential results, saying, "ZESN cannot substantiate ZEC figures as the network is not aware of the chain of custody of the ballot materials during the aforementioned period" and claiming that the delayed announcement of the presidential results undermined the impartiality of the ZEC. These concerns were echoed by the United States and others.

Having waited for over a month to hear the final results from the first round of elections, Zimbabweans faced another significant delay before the second round. While the electoral law requires the government to hold a runoff within 21 days of announcing the initial results, the ZEC declared that the runoff would not be held until June 27, three months after the first round. Some analysts questioned whether the government could afford another election, estimated to cost up to $60 million. According to official Reserve Bank figures, government borrowing in the first three months of 2008 was 43% above the projected budget deficit for the year.[68]

The MDC initially called for the immediate deployment of election observers from outside Africa (in addition to the SADC and AU observers) as well as the deployment of regional peacekeepers during the runoff. The party later modified its demands, saying that an increased SADC and AU observer presence would be sufficient, if combined with an immediate repeal of restrictions on the MDC's ability to campaign and an end to political violence. The opposition remained largely unable to hold public rallies, which were banned by police in the capital in mid-April. Tsvangirai, who left the country a week after the elections amidst MDC concerns about his safety, returned on May 25. Given statements by government officials accusing him of treason, many believed he would not be allowed to campaign freely inside the country.[69] The MDC leader had already been tried, and acquitted, for treason in 2004. Based on interviews with high-ranking Zimbabwean officials, the International Crisis Group issued a report warning that a Tsvangirai victory in the runoff could trigger a military coup.[70]

June 2008 Runoff Election

During the weeks following the announcement of the presidential results, reports of political violence increased dramatically.[71] Critics contend that the violence was a government-

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[66] "Opposition Unites Against Mugabe," Al Jazeera, April 28, 2008.

[67]The MDC suggested that the government had access to the ballot boxes for over two weeks in April without opposition or observer supervision, and thus they could not be sure the ballots had not been manipulated.

[68] "Crisis Looms After Harare Vote-Buying," *Financial Times*, April 11, 2008.

[69]Referring to an alleged letter between Tsvangirai and then-Prime Minister Gordon Brown, Zimbabwe's *Herald* accused the MDC leader of plotting "illegal regime change" and quoted Justice Minister Chinamasa, "It is clear... that Tsvangirai along with Brown are seeking regime change in Zimbabwe, and on the part of Tsvangirai, this is treasonous ... There is no doubting the consequences for acting in a treasonous manner." The MDC says the letter is a forgery. See "Zimbabwe Opposition Accused of Treason," CNN, April 17, 2008.

[70]ICG, "Negotiating Zimbabwe's Transition," *Africa Briefing No. 51*, May 21, 2008.

[71] Accounts of the violence have been recorded in numerous reports, including those of the State Department and

orchestrated attempt to punish opposition supporters and ensure a Mugabe victory in the runoff.[72] According to media reports, security forces and militias manned roadblocks and detention centers across the country, despite the increased presence of over 500 SADC and AU monitors. The *Washington Post* reported on the government's alleged campaign of violence against the opposition, and suggested that ZANU-PF's inner circle was divided on the effort, which reportedly targeted mid-level MDC organizers and ordinary citizens for severe beatings or death. President Mugabe was quoted saying, "We shed a lot of blood for this country. We are not going to give up our country for a mere X on a ballot. How can a ballpoint pen fight with a gun?"[73]

Tsvangirai was detained by police several times during the runoff campaign, and on two occasions sought refuge in the Dutch Embassy. The MDC's Secretary General, Tendai Biti, was arrested in June 2008 upon return from South Africa and was charged with treason. After two weeks in jail, he was released on bail. On June 13, former U.N. Secretary-General Kofi Annan joined over 40 African leaders and former heads of state, including the group known as the Elders, in a letter calling on the government to stop the violence, postpone the runoff, and ensure conditions for free and fair elections.

On June 22, less than a week before the runoff, ZANU-PF supporters, armed with sticks, iron bars, and rocks, blocked an MDC rally in Harare. Citing the high number of attacks against MDC supporters and the lack of a level playing field, Tsvangirai withdrew from the race the following day. Despite public comments from African observer missions and a presidential statement from the U.N. Security Council arguing that conditions for a free and fair election did not exist due the high level of violence, the government held the runoff as scheduled. Mugabe was declared the winner with over 85% of the vote and inaugurated on June 29, 2008.

SADC fielded over 400 observers for the second round poll. In a preliminary report, the observers found the pre-election environment marred by "politically motivated violence resulting in loss of life, damage to property, and serious injuries sustained and hindering political activities." They also noted the "disruption of campaigning of the opposition party and the regrettable inaction of the law enforcement agencies," and cited harassment of their observers. The SADC mission found that the pre-election period did not conform to SADC Principles and Guidelines Governing Democratic Elections, damaging the credibility of the electoral process. Ultimately, the delegation reported that runoff "did not represent the will of the people of Zimbabwe."[74]

The observer delegation from the Pan-African Parliament (PAP) was similarly critical of the runoff, saying, "political tolerance in Zimbabwe has deteriorated to the lowest ebb in recent history." The delegation reported witnessing roadblocks and "male-dominated groups [that] intercepted voters and gave them pieces of paper on which they were required to write the serial number of their ballots" at many polling stations. The PAP's report questioned the impartiality of the ZEC, and found that "the current atmosphere prevailing in the country did not give rise to the

human rights groups, as well as in Peter Godwin's book *The Fear: Robert Mugabe and the Martyrdom of Zimbabwe* (Little, Brown, and Company: 2010).

[72]Human Rights Watch called the violence "a brutal campaign of torture and intimidation" and documented direct involvement by the security forces. "Zimbabwe: Army Behind New Wave of Human Rights Abuses," HRW Press Release, April 30, 2008.

[73]"Zimbabwe Election: Mugabe Threatens to Arrest Opposition Leaders" *The Guardian*, June 17, 2008.

[74]Preliminary Statement Presented by Hon. Jose Marcos Barrica of the SADC Observer Mission, issued June 30, 2008.

conduct of free, fair and credible elections."[75] The African Union team echoed the SADC and PAP findings, declaring that process fell short of accepted AU standards.[76]

Post-Election Violence

As noted above, although observers suggest that the March 29 election day was largely peaceful, reports of politically motivated violence subsequently increased to a level not seen in two decades, according to advocacy groups. In May, the Zimbabwe Association of Doctors for Human Rights reported that its doctors had treated hundreds of victims with injuries consistent with assault and torture since the elections, and that "the violence is now on such a scale that it is impossible to properly document all cases."[77] In total, almost 300 people died as a result of the political violence in 2008, according to the State Department. U.S. Ambassador James McGee implicated the ruling party in orchestrating the attacks.[78]

ZANU-PF and the Zimbabwean military have denied involvement with the violence, although the army; police; intelligence service; "war veterans;"[79] and Zimbabwe's National Youth Service, also known as the "Green Bombers," were all implicated. One week after the elections, self-styled war veteran leader Jabuli Sibanda warned, "It has come to our realization that the elections were used as another war front to prepare for the re-invasion of our country.... As freedom fighters, we feel compelled to repel the invasion," echoing a frequent Mugabe refrain that an opposition victory would be tantamount to the British reinstating colonial rule. The state-owned *Herald* newspaper, contributed to fears of a white takeover in the wake of the election, reporting, "an increasing number of white former commercial farmers are reportedly threatening resettled black farmers throughout the country with eviction from their farms or face the wrath of an anticipated 'incoming MDC government.'"[80] These pronouncements coincided with farm invasions throughout the country, and by April 16, the Commercial Farmers Union reported that over 100 of the estimated remaining 400 white farmers had been forced off their lands.

Since independence, ZANU-PF had employed terminology associated with military-style campaigns for government programs ranging from the implementation of price controls, known as Operation Reduce Prices, to the demolition of informal urban settlements, or Operation *Murambatsvina* (translated as "Clean Out the Filth"). Reports suggest that the post-election round of violence had its own campaign name, Operation *Mavhoterapapi* ("Who did you vote for?").[81] Critics note the government's historic use of violent tactics against political opponents, pointing to the infamous Operation *Gukurahundi* ("The rain that washes away the chaff"), the violent "pacification" campaign by a North Korean-trained military unit, the 5th Brigade, in the 1980s against alleged dissidents and supporters of ZANU-PF's political rival, the Zimbabwe African People's Union (ZAPU). *Gukurahundi*, sometimes referred to as the Matabeleland Massacres, resulted in the deaths of over 10,000 civilians, mostly from the Ndebele ethnic group in the southwest.[82] That 5th Brigade was led by then-Lt. Col. Perence Shiri, now commander of the Air

[75]Interim Statement Presented of the Pan-African Parliament Observer Mission, issued on June 30, 2008.

[76]Preliminary Statement of the African Union Observer Mission, issued on June 29, 2008.

[77] "Mbeki Meets Mugabe for Talks," Al Jazeera, May 9, 2008.

[78]Statement by Ambassador McGee, "Breaking the Silence on Political Violence in Zimbabwe," May 8, 2008.

[79]Some "war veterans" have questionable credentials and some were too young to have participated in the liberation struggle. Other veterans disagree with ZANU-PF's policies.

[80] "White Former Farmers Threaten Blacks with Eviction," *The Herald*, May 7, 2008.

[81] "Zimbabwe: Operation Glossary - A Guide to Zimbabwe's Internal Campaigns," UN IRIN, May 1, 2008.

[82]For further information on Operation Gukurahundi, see the report by the Catholic Commission for Justice and Peace

Force. Other officials involved in the campaign were elevated to senior government posts, including former Defense Minister Sydney Sekeremayi (now Minister of State for National Security) and Emerson Mnangagwa. Mnangagwa, then Minister of State Security in charge of intelligence, once reportedly warned that the government would burn down "all the villages infested with dissidents." He is rumored to lead the Joint Operations Command (JOC), a secretive group of security chiefs and top commanders that some allege controls the government.[83]

Zimbabwe's rural areas appear to have been the hardest hit by the post-election violence; the U.S. Embassy in Harare documented thousands who fled the countryside for urban areas in the months after the March elections. Most Harare medical clinics were at full capacity during the height of the violence, according to the U.S. Agency for International Development (USAID).[84] Zimbabwe's largest farmers' union reported that militias displaced over 40,000 farm workers, and there were widespread reports of burned homes, granaries, and livestock.[85] Human Rights Watch detailed the "re-education" and torture of more than 70 MDC supporters, seven of whom reportedly died from their injuries, in Mashonaland province on May 5.[86] Amnesty International reported that victims were often denied medical access and that humanitarian organizations have been targeted by militias for providing assistance.[87] The United Nations' resident representative in Zimbabwe declared, "there is an emerging pattern of political violence inflicted mainly, but not exclusively, on suspected followers of the MDC." The level of violence was confirmed by a SADC mission, "we have seen it, there are people in hospital who said they have been tortured, you have seen pictures, you have seen pictures of houses that have been destroyed."[88]

Some who fled to the cities faced further intimidation. Police repeatedly raided the offices of both the MDC and ZESN. Hundreds were arrested in the MDC raids, many of whom had reportedly already suffered attacks in their rural homes and fled to the MDC offices for refuge. In these raids, the police, allegedly looking for subversive documents, took computers and documents. On May 9, police arrested the leaders of the Zimbabwe Congress of Trade Unions (ZCTU) based on speeches made at a worker's day rally. The head of the Progressive Teacher's Union was also arrested. On May 5, more than 50 people were beaten by riot police during a protest against the ongoing violence in Bulawayo; 11 members of a women's advocacy group were arrested.

Some Zimbabwean officials, including the police chief, accused the MDC of rigging and inciting violence. More than ten newly elected MDC legislators were arrested in the wake of the March elections. Over 100 election officers were arrested on charges of committing fraud and abusing public office in favor of the MDC. Independent reports suggest that teachers, who held many of the election officer positions, were specifically targeted by government supporters.

The Power Sharing Agreement and the New Coalition Government

On September 15, after several weeks of negotiations overseen by Thabo Mbeki, Mugabe and Tsvangirai signed the Global Political Agreement (GPA). The text of the agreement left oversight of the police undetermined, and debate over which party would control the force delayed the

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and the Legal Resources Foundation, *Breaking the Silence - Building True Peace: A Report on the Disturbances in Matabeleland and the Midlands 1980-1988*, April 1999, available at http://www.sokwanele.com/pdfs/BTS.pdf.

[83]See, for example, "The Opposition Goes for Broke," *The Economist*, May 17, 2008, and "Zimbabwe Under Military Rule, Former Minister Claims," *Pretoria News*, May 12, 2008.

[84]USAID, *Zimbabwe: Complex Emergency and Drought*, Situation Report 1, May 16, 2008.

[85] "Hunger Drives Post-Election Violence, Deepens Poverty," UN IRIN, May 9, 2008.

[86] HRW, "Zimbabwe: End Violence Before June Runoff," May 16, 2008.

[87] Amnesty International, "Zimbabwe Violence Reaches Crisis Levels," May 16, 2008.

[88] "Call for State of Emergency Over Zim Violence," *Mail & Guardian*, May 14, 2008.

agreement's implementation for over four months. Amid concern that the parties would abandon compromises made in the GPA, SADC renewed pressure for the agreement to be implemented in January 2009. Tsvangirai agreed to join a coalition government on January 31, and, after Zimbabwe's parliament amended the constitution to allow its creation, Tsvangirai and new MDC ministers were sworn in as members of the new government in early February 2009.

Other Humanitarian Issues

Operation *Murambatsvina*

In May 2005, the government of Zimbabwe initiated Operation *Murambatsvina* (variously translated as "Restore Order" or "Clean Out the Filth"), a massive demolition program aimed at destroying allegedly illegal urban structures, such as informal housing and markets. By early July 2005, an estimated 700,000 urban Zimbabweans had been rendered homeless or unemployed by the operation, and an estimated 2.1 million (in total, almost 20% of the population) were indirectly affected by the demolitions.[89] These are considered "low-end estimates;" some reports suggest the number affected was much higher.[90] According to some sources, 70% of the country's urban population lost shelter, while approximately 76% lost their source of income.[91] Security forces reportedly arrested forty thousand for allegedly illegal activities and told those whose homes were destroyed to "return to their rural origins," although many had no rural home to which they could return.[92]

Operation *Murambatsvina* had a severe impact on the nation's economy and on the livelihood of its citizens. For many, this was not the first time they had been forcibly removed from their homes. As a result of the 2000 land reform program, an estimated 400,000 black laborers on commercial farms lost their livelihoods and/or homes, and many fled to urban areas to find work. Political violence surrounding the 2002 elections forced others from their homes, reportedly displacing more than 100,000.[93] In 2004, under a new phase of land resettlement, an estimated 500,000 who settled on farms during the 2000 invasions were evicted.[94] Many of the displaced inhabited the urban "slums" prior to the demolitions, making their living from trading on the black market. Given the collapse of the formal economy, 40% of the labor force was estimated to be informally employed prior to *Murambatsvina*, while 44% worked in the communal sector (including the agriculture industry), and 16% worked in the formal sector.[95] Of those living in towns and cities, an estimated 70% were involved in informal trading prior to the demolitions.

[89] The U.N. Special Envoy on Human Settlements Issues in Zimbabwe Anna Kajumulo Tibaijuka, *Report of the Fact-Finding Mission to Zimbabwe to Assess The Scope and Impact of Operation Murambatsvina,* July 2005.

[90] A survey by ActionAid International, a Netherlands-based international development agency, found that 840,000 were directly affected and 1.2 million indirectly affected, while a survey by the independent research firm Afrobarometer reported that an estimated 2.7 million were directly affected.

[91] ActionAid International, *The Impact of Operation Murambatsvina/Restore Order in Zimbabwe,* August 2005.

[92] Tibaijuka, op. cit., 13.

[93] U.S. Committee for Refugees and Immigrants, "World Refugee Survey, Zimbabwe Country Report," 2003.

[94] U.S. Department of State, "Zimbabwe," *Country Reports on Human Rights Practices 2005.*

[95] Tibaijuka, op. cit., 34.

Political Motivations?

The government described *Murambatsvina* as a program designed to restore the capital city to its former image as "the Sunshine City," ridding the country's urban areas of illegal structures that foster criminal activity and stemming the black market trade in foreign currency.[96] Launched shortly after the disputed 2005 parliamentary elections, many contend the demolitions were a political move aimed either at preventing mass protests over the growing economic crisis or at punishing the reputed urban support base of the MDC. The Harare Commission that initiated the campaign was established in order to contravene the authority of the elected city council, of which the MDC held the majority. The mayor of Harare, an MDC politician who was elected by 80% of the vote, was fired in April 2004, along with 19 MDC-allied city councilors, after having been arrested in 2003 under POSA for holding a public meeting without prior state approval.

A high court ruling challenged the legality of the Harare Commission, which was appointed by the Minister of Local Government, finding that the commission did not have the authority to fire the mayor. A new election was supposed to be held within 90 days, according to law, but when no election occurred, the commission was reappointed. The remaining MDC councilors resigned in protest. With the exception of Harare, the local authorities of the other areas (many of which were MDC-controlled) affected by *Murambatsvina* reported that they were not informed of the demolitions prior to the event. The implications of this breakdown in governance are reflected in findings of the United Nations, which noted that *Murambatsvina* "was implemented in a highly polarized political climate characterized by mistrust, fear and a lack of dialogue between Government and local authorities, and between the former and civil society."[97]

The International Response

International reaction to *Murambatsvina* was highly critical. U.N. Secretary-General Kofi Annan named Tanzanian Anna Tibaijuka, Executive Director of UN-HABITAT, as the U.N. Special Envoy on Human Settlements Issues in Zimbabwe to investigate the humanitarian impact of the demolitions. Following a fact-finding trip, she issued a comprehensive report, which concluded:

> Operation Restore Order, while purporting to target illegal dwellings and structures and to clamp down on alleged illicit activities, was carried out in an indiscriminate and unjustified manner, with indifference to human suffering and, in repeated cases, with disregard to several provisions of national and international legal frameworks.[98]

The report also described police preventing civil society and humanitarian organizations from assisting those affected by the demolitions, and suggested that the groups were operating in a "climate of fear" and practicing "'self-censorship' to avoid being closed down or evicted."[99] The Chairman of the African Union sent his own envoy, but he was prevented from conducting an assessment (see "International Perspectives," below). The presentation of the U.N. envoy's report to the U.N. Security Council stirred controversy as China, Algeria, Benin, and Russia objected to debate on the report. The majority of Security Council members voted to allow its discussion, albeit in a closed session. Secretary-General Annan also issued a strong statement condemning *Murambatsvina*, calling on the government of Zimbabwe to stop the evictions and allow unimpeded access for humanitarian assistance:

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[96] "Clean Up Commendable," *The Herald*, May 23, 2005.

[97] Tibaijuka, op. cit., 7.

[98] Ibid., 7.

[99] Ibid., 54.

> "Operation Murambatsvina" has done a catastrophic injustice to as many as 700,000 of Zimbabwe's poorest citizens, through indiscriminate actions, carried out with disquieting indifference to human suffering. I call on the Government to stop these forced evictions and demolitions immediately, and to ensure that those who orchestrated this ill-advised policy are held fully accountable for their actions ... the Government must recognize the virtual state of emergency that now exists, allow unhindered access for humanitarian operations, and create conditions for sustainable relief and reconstruction.[100]

Continued Evictions and Operation *Garikai*

Many observers suggest the Zimbabwean government did little to respond to U.N. Envoy Tibaijuka's recommendations.[101] Reports indicate that forced evictions continued, despite government declarations to the contrary.[102] As was the case during the initial evictions, several thousand of those made homeless were taken, in some cases reportedly against their will, to police-run "transit camps" in late 2006. Conditions in these camps were described as dire, often lacking shelter, water, or basic latrine facilities.[103] In keeping with the U.N. report findings, Amnesty International alleged that the government repeatedly prohibited aid agencies, including the United Nations, from providing temporary shelters, such as tents, for the displaced. Secretary-General Annan expressed his concern in October 2005 over the government's rejection of U.N. assistance to "tens of thousands," noting "there is no clear evidence that subsequent Government efforts have significantly benefitted these groups."[104] The United Nations was subsequently permitted to erect approximately 2,300 shelters, a fraction of their target of 40,000.[105]

In response to international criticism of *Murambatsvina*, the government announced a new housing scheme, Operation *Garikai*, in June 2005. Under *Garakai*, also known as "Hlalani Kuhle" (Live Well), new housing for those rendered homeless was to be built with public funds. The ambitious reconstruction program would allegedly create tens of thousands of new homes, but given the shortage of building materials and the government's budgetary problems, it is highly unlikely the original target of 5,275 homes was met. Reports suggest that few houses were actually completed, and, instead of going to victims of *Murambatsvina*, the newly built houses were more likely to be occupied by soldiers, police, and members of the ruling party.[106] The government denied these allegations.

Amnesty International and a domestic group, the Coalition Against Forced Evictions, issued a May 2010 report on the progress of the government's re-housing scheme. The report argued that, five years after *Murambatsvina*, many victims continued to live in plastic shacks without basic essential services. The groups have been critical of the transitional government's response.[107] According to 2010 Housing Ministry estimates, as many as 500,000 were still on the waiting list for housing in Harare alone, with the national backlog in urban areas possibly over 1 million.[108]

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[100] The Secretary-General's statement, made on July 22, 2005, is available online.

[101] See, for example, Zimbabwe Human Rights NGO Forum, "Political Repression Disguised as Civic Mindedness: Operation Murambatsvina One Year Later," November 2006 and *Political Violence Report, October 2007*.

[102] U.N., *United Nations Consolidated Appeals Process (CAP) 2007*, July 2007.

[103] AI, "Zimbabwe: No Justice for the Victims of Forced Evictions," September 2006.

[104] The October 31, 2005 statement is available at http://www.un.org/News/ossg/.

[105] AI, "Zimbabwe," *Annual Report 2007*.

[106] See the AI report; Solidarity Peace Trust, *Meltdown: Murambatsvina One Year On*, August 30, 2006.

[107] AI, "Zimbabwe: 700,000 Forcibly Evicted Still Ignored Five Years On," May 18, 2010.

[108] "Zimbabwe: Murambatsvina Victims Still Homeless," UN IRIN, May 21, 2010.

Violations of Domestic and International Law

In the wake of *Murambatsvina*, human rights organizations raised questions about how Zimbabwe and the international community should respond to what some have termed "crimes against humanity,"[109] as defined by Article 7 of the Rome Statute of the International Criminal Court (ICC), and whether there was a "responsibility to protect" those affected by the campaign or subsequent government actions. Among the *Murambatsvina* report recommendations, the U.N. envoy suggested:

> Although a case for crime against humanity under Article 7 of the Rome Statute might be difficult to sustain, the Government of Zimbabwe clearly caused large sections of its population serious suffering that must now be redressed with the assistance of the United Nations and the international community. The international community should encourage the Government to prosecute all those who orchestrated this catastrophe and those who may have caused criminal negligence leading to alleged deaths, if so confirmed by an independent internal inquiry/inquest. The international community should then continue to be engaged with human rights concerns in Zimbabwe in consensus building political forums such as the UN Commission on Human Rights, or its successor, the African Union Peer Review Mechanism, and in the Southern African Development Community.

The report provided legal analysis of *Murambatsvina* through international, regional, and national frameworks, ultimately finding that "The Government of Zimbabwe is collectively responsible for what has happened" during *Murambatsvina*, but that "it appears there was no collective decision-making with respect to both the conception and implementation. Evidence suggests it was based on improper advice by a few architects of the operation."[110] One media source, however, quoted Zimbabwe's State Security Minister saying, "All the decisions to do with the operation emanated from the [party] politburo and were sent through me to the government."[111]

Several groups, including the International Bar Association (IBA), have called for President Mugabe's government to be brought before the ICC, not only for violations related to the demolitions, but also for its alleged support of political violence against its critics. Responding to President Mugabe's comments supporting the beating of trade union leaders in 2006, the Executive Director of the IBA made the following statement:

> Mugabe's statements add to the weight of evidence that torture and other serious violations of international law are sanctioned at the highest level in Zimbabwe. This underscores the urgent need for international and regional action to hold the Zimbabwean Government to account ... the torture of the trade union activists is not an isolated incident, but part of a dangerous and illegal system of repression which constitutes crimes against humanity in international law. Decisive action is required by both the United Nations and the African Union to end impunity and violence in Zimbabwe.

In May 2008, the IBA Executive Director reiterated his call for an ICC investigation of President Mugabe for crimes against humanity.[112]

The government of Zimbabwe has yet to prosecute those who might be responsible for crimes related to *Murambatsvina* or the subsequent evictions. The victims, in most cases, lack the financial resources to seek redress in court, although human rights lawyers have represented groups of victims on several occasions. In one case, in November 2005, residents of a Harare

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[109] Institute of War and Peace Reporting, "Prosecution of Mugabe Urged," January 20, 2006.

[110] Tibaijuka, op. cit., 76.

[111] See an excerpt from South-Africa based website *ZimOnline* in "Ex-Ethiopian Leader Said Behind Zimbabwe's Cleanup Operation," *BBC Monitoring Africa*, February 20, 2006.

[112] "IBA: Zimbabwe's Mugabe Should be Investigated for Human Rights Crimes," VOA News, May 8, 2008.

suburb were given a temporary stay of eviction by the High Court, but police ignored the order and forcibly moved the group to a transit camp. Four cases involving Zimbabwe, two involving land reform cases and two related to evictions under Murambatsvina, are pending before the African Commission on Human and People's Rights. SADC's regional tribunal, established to ensure that SADC member states adhere to the SADC treaty and protocols, protect the rights of citizens, and provide for the rule of law, ruled against the Zimbabwe government in several cases between 2008 and 2010, finding, for example, that the government had undermined the rule of law by refusing to compensate nine victims of state-sponsored violence and torture as had been ordered by the Zimbabwean High Court. Zimbabwe's Justice Minister claims the tribunal has no jurisdiction over Zimbabwe, and the government refused to enforce the judgments. In August 2010, SADC heads of state ordered a review of the tribunal's role and mandate, effectively suspending its operations.[113] Civic activists have argued that the inability of the Zimbabwe's judicial system to protect its citizens or their property in such cases, or to provide due process to those seeking remedy or compensation, suggests a fundamental breakdown in the rule of law.

Food Insecurity

Several Southern African countries have suffered from chronic food insecurity in the past decade, stemming from a combination of weather-related and man-made factors, including prolonged drought, floods, poor economic performance, and the impact of HIV/AIDS. Zimbabwe was particularly hard hit. Experts have attributed this primarily to severe crop failure, but some suggest *Murambatsvina* and other government policies also significantly limited the population's ability to feed itself, particularly in urban areas.[114] Aid organizations estimated that some seven million Zimbabweans, almost three-quarters of the country's population, required food assistance between late 2008 and early 2009. That figure has declined significantly in the last two years – an estimated 3.5 required food aid in 2009/2010, and 1.7 million are estimated to require food aid in 2011. USAID reports that food production has slightly increased, but attributes the continued need to a number of factors, including localized food insecurity, limited access to currency, and displacement due to localized political violence.[115]

Drought is in part to blame for the country's food shortages, but many analysts have argued that disruptions to the farming sector resulting from Mugabe's land seizure program resulted in reduced food production.[116] Others suggest while the fast-track land reform program did result in a major restructuring of the country's agricultural sector, not all of the effects have been negative.[117] Nearly all of the country's white-owned 4,500 commercial farms have now been taken over; less than 300 white-owned commercial farms remain in operation. From independence to 1999, roughly three million hectares of commercial farmland were transferred under a land reform program largely funded by the British, and a further eight million hectares were subsequently re-allocated after 2000. The government's land redistribution program has

[113] For more information, see Human Rights Watch, "SADC: Q&A on the Tribunal: Regional Court's Future Hangs in the Balance," August 11, 2011.

[114] ActionAid International, *The Impact of Operation Murambatsvina/Restore Order in Zimbabwe,* August 2005. This study suggests up to 54% of the country may have become food insecure as a result of Murambatsvina. A more recent USAID study also concluded that Murambatsvina and "more recent evictions "increased vulnerability, according to its "Zimbabwe—Drought and Complex Emergency Situation Report #2," Fiscal Year 2007.

[115] USAID, "Zimbabwe Fact Sheet #1, FY2011," June 3, 2011.

[116] See, e.g., Craig J. Richardson, "How the Loss of Property Rights Caused Zimbabwe's Collapse," *CATO Institute Economic Development Bulletin,* No. 4, November 14, 2005; and AI, *Zimbabwe: Power and Hunger—Violations of the Right to Food,* October 15, 2004.

[117] Ian Scoones et al., *Zimbabwe's Land Reform: Myths and Realities* (Royal African Society: 2010).

reportedly been plagued by inefficiencies, and critics suggest large portions of redistributed land are not actively farmed. Thousands of experienced farm workers were reportedly forced to flee seized commercial farms, and many of those who received farmland had no previous agricultural expertise. Farming inputs have been in short supply for those without start-up assets.

Operation *Taguta*

In late 2005, the Zimbabwe government established Operation *Taguta* (or "Eat Well"), a move seen by many as an acknowledgment that farm resettlement policies had failed to meet the country's agricultural production needs. With food distribution already under the control of the Grain Marketing Board, then reportedly led by military officers, the government established a command agriculture system, in which the military would be responsible for not only the distribution, but also the production of food. Under *Taguta*, there were numerous reports of the illegal seizure of farm equipment, destruction of the cash crops small-scale farmers grow to sell at market to support their families, and even army brutality against farmers. Some critics of the government suggest Operation *Taguta* was used by the government as an excuse to deploy military forces throughout the country to control the population.[118] A Zimbabwe journalist was jailed in March 2009 for reporting on allegations of corruption within the Grain Marketing Board. Its power has been reduced under the coalition government.

Food as a Political Weapon?

The ZANU-PF government's stance on food aid led many observers to suspect that it used food as a political weapon, a charge the government denied.[119] Despite international donor agency assessments suggesting the need for food assistance, President Mugabe confounded observers in the mid-2000s by repeatedly declaring the country was running a maize surplus and would not need food aid.[120] In 2004, the government stopped a U.N. food needs assessment and later halted general food aid distribution by donors (targeted food aid to vulnerable groups continued), despite independent estimates that suggested 4.8 million would require assistance.[121] In March 2005, the government finally acknowledged serious food shortages, but delayed signing an agreement to allow the World Food Program and its implementing partners to provide assistance until December of that year.[122] Reports suggested that the government maintained tight control of food distributions, before banning the distribution of aid by NGOs prior to the 2008 runoff.[123] The government accused aid agencies of using food to turn Zimbabweans away from ZANU-PF.

Critics accused the government of distributing food only in areas where people would agree to vote for ZANU-PF. During past elections, civil rights groups and the opposition reported instances of ZANU-PF holding campaign rallies in conjunction with government food distributions. In some areas, officials distributing food required recipients to show a party card—MDC supporters were reportedly turned away. Two 2005 court rulings supported these claims, finding that ZANU-PF candidates politicized distributions and used violence against the MDC.

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[118] Solidarity Peace Trust, *Operation Taguta/Sisuthi*, April 2006.

[119] AI, *Zimbabwe: Power and Hunger*, op. cit..

[120] "Mugabe Word for Word," *Sky News*, May 24, 2004.

[121] AI, *Zimbabwe: Power and Hunger*, and USAID, *2004 Annual Report for the Office of Foreign Disaster Assistance*.

[122] "ZANU-PF Admits Food Crisis," *Institute for War and Peace Reporting*, March 7, 2005; "10 More Die of Hunger in Bulawayo," *Zimbabwe Standard*, March 7, 2005; "14 More Die of Hunger in Bulawayo," *Zimbabwe Standard*, February 15, 2005.

[123] "Govt Delays Stall WFP Food Distribution," *Financial Gazette*, December 13, 2006.

HIV/AIDS

In the midst of its political and economic crises, Zimbabwe has been ravaged by HIV/AIDS. The country's HIV prevalence rate is among the world's highest. The United Nations estimates that Zimbabwe has one of the highest percentages globally of children who have been orphaned by AIDS. The epidemic has caused a severe strain on the country's healthcare system; reports suggest that majority of hospital admissions are AIDS-related, leaving few beds or resources for other patients. To compound this problem, the economic crisis has resulted in the exodus of many of the country's medical professionals. The AIDS epidemic is having a crippling effect on the economy—the inability of infected agricultural workers to adequately contribute to food production further hamstrings the struggling industry.

Although its infection rate remains high, Zimbabwe is one of several countries in Sub-Saharan Africa in which HIV prevalence rates have declined, after reportedly peaking at 36% in the mid-1990s. Changes in sexual behavior and prevention programs have been credited, but mortality among diagnosed cases during the peak of the epidemic also contributed to the decline. Zimbabwe's government has claimed significant resolve to fight the disease. The country was the first to introduce a tax to finance HIV/AIDS programs (3% on taxable income). President Mugabe committed Zimbabwe to universal access to antiretroviral therapy (ART) by 2010, but access remains relatively low, with less than half of those requiring treatment on ART in 2010.[124]

Cholera and the Healthcare System Collapse

From August 2008 to June 2009, over 98,500 suspected cases of cholera, including almost 4,300 deaths, were reported, according to the U.N. World Health Organization (WHO). Neighboring countries reported confirmed cases in border areas. Cholera, an acute diarrheal infection, is spread by contaminated food and water. In Zimbabwe, the reported case fatality rate (CFR) reached almost 6% at its peak in January 2009, much higher than the normal 1% CFR rate for cholera cases globally. Following significant international intervention, the country's CFR has since decreased substantially. Cholera remains a localized problem, however, from January through May 2011, there were almost 880 cases reported, but only 38 deaths.[125]

Many health experts attribute the severity of Zimbabwe's 2008/2009 cholera outbreak to the collapse of the country's healthcare, water, and sanitation systems.[126] According to reports, water treatment and delivery had dramatically declined in the late 2000s, and the decline of many other basic social services, such as trash collection, posed significant health risks. Public healthcare providers lacked basic medications, supplies and functioning medical equipment, and, by 2008, many public hospitals and clinics had closed due to understaffing as health workers migrated to neighboring countries in search of work. Despite subsequent water infrastructure improvements, an estimated one-third of rural Zimbabweans still lacked access to clean drinking water in 2011.

The Economy

The turmoil in Zimbabwe in the past decade led to a severe economic contraction, a sharp drop in living standards for the rural and urban poor, and a massive exodus of Zimbabweans in search of work. According to the Solidarity Peace Trust, founded by clergy from Zimbabwe and South

[124] ART figures are available at the website of the President's Emergency Plan for AIDS Relief (PEPFAR).

[125] USAID, "Zimbabwe: Fact Sheet #1, FY2011," June 3, 2011. Almost 80% of the 2011 cases were in one province.

[126] Physicians for Human Rights, *Health in Ruins: A Man-Made Disaster in Zimbabwe*, January 2009.

Africa, well over three million Zimbabweans were living outside the country by 2004. The Trust calculated that this amounted to 25%-30% of the total population, or 60%-70% of productive adults.[127] Many more are believed to have fled Zimbabwe since then. Some who left the country because of economic hardship have faced difficult conditions in their new host countries. Many in Zimbabwe still reportedly rely on remittances from family abroad.

The IMF and the World Bank

Dubbed "the world's fastest shrinking economy" by 2008, Zimbabwe's Gross Domestic Product (GDP) declined over 50% in the ten-year period from 1998.[128] World Bank and International Monetary Fund (IMF) lending was suspended in 2000 due to nonpayment of arrears, and foreign currency for essential imports has periodically been in short supply. Zimbabweans have faced steep rises in the prices of food and non-food items in recent years. The transitional government's adoption in 2009 of multiple currencies, including the U.S. dollar, stabilized prices, but the cost of living remains high.

In December 2003, Mugabe selected Gideon Gono, credited with turning around a troubled commercial bank, as governor of the Reserve Bank of Zimbabwe (RBZ). Critics maintain that his measures to fight corruption and discover illegally held foreign exchange were used to damage government opponents and further the interests of ZANU-PF, and international assessments of Zimbabwe's economic prospects remained bleak.[129] Ignoring the advice of the IMF, the government refused to devalue the official exchange rate. Instead, in June 2006, Gono devalued the Zimbabwe dollar, removing three zeros in an effort to mitigate inflation.

Under "Operation Sunrise," the government printed new "rebased" currency, known as "little heroes," in an effort to combat corruption and money laundering, according to the government.[130] Zimbabweans were given only 21 days to exchange their old currency. Individuals were restricted from exchanging more than Z$100 million (USD$1000) of the old notes without clearance from tax authorities (companies were allowed to exchange Z$5 billion). Police arrested thousands at roadblocks for holding currency over the individual limit and seized a reported $40 million.[131] Analysts suggest the devaluation did little to reverse the foreign exchange rate shortages.[132] Gono devalued the currency again in early 2009, removing 12 zeros from the Zimbabwe dollar.

In late September 2008, Zimbabwe began officially trading in foreign currency in an effort to lower prices, and in February 2009, under the direction of Finance Minister Tendai Biti of the MDC, the government began issuing civil servant salaries in vouchers good for $100 U.S. dollars. Biti and Prime Minister Tsvangirai pledged to pay salaries in foreign currency in an effort to get Zimbabweans to return to work. Zimbabwe officials continue to report that without a significant influx of foreign currency, salaries will remain low. Most salaries have risen slightly since early 2009, but remain extremely low in comparison to the cost of living or by regional standards.

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[127] Solidarity Peace Trust, *An Account of the Exodus of a Nation's People*, November 2004.

[128] See, for example, Simon Robinson, "Great Leap Backwards," *Time*, May 29, 2005, and the World Bank's "Country Brief" on Zimbabwe, available at http://www.worldbank.org.

[129] "Gono's Mission Is to Save ZANU-PF, Not the Economy," *LiquidAfrica*, December 3, 2004.

[130] "Country is Committed to Uprooting All Forms of Corruption," *The Herald*, August 24, 2006.

[131] "Much Ado About Money," UN IRIN, August 18, 2006.

[132] "Bag of Bricks: Hyperinflation in Zimbabwe," *The Economist*, August 26, 2006, and "Zimbabwe: Millions no Longer Millionaires," *African Business*, October 2006.

Zimbabwe is currently restricted from borrowing from the IMF, to which the country still owes $134 million. The government paid $120 million in 2005 and $9 million in 2006 to settle other outstanding arrears with the Fund and to avoid compulsory withdrawal from the IMF.[133] Mugabe has dubbed the IMF a "political instrument" and "monster" for regime change.[134] Zimbabwe also owes an estimated $807 million to the World Bank, $510 million to the African Development Bank, and $239 to the European Investment Bank, among others; in total the country's external debt is estimated at $8.8 billion, including payment arrears of $5.9 billion (80% of GDP at the end of 2010).[135] In response to the September 2008 power sharing agreement, the IMF's Managing Director encouraged the Zimbabwe government discuss policy reforms with the Fund and to "take steps to show clear commitment to a new policy direction."[136] Following a consultation visit to the country in March 2009, the IMF noted positive steps toward fiscal discipline and offered to provide further policy advice, but warned that IMF funding would not be renewed until Zimbabwe begins to repay its debts and establishes "a track record of sound policy implementation [and] donor support."[137] The IMF again noted progress after March 2010 and 2011 visits, but has suggested that the country remains in debt distress and that the economy will not recover without debt relief. The World Bank has pledged technical assistance to the coalition government, but like the IMF has predicated major support on Zimbabwe's payment of its arrears.

Attempts to Revive Agriculture Industry

In addition to the ZANU-PF government's attempts to revive its flagging agriculture industry through the introduction of a command agriculture system (see "Food Insecurity", above), the government introduced long-term leases in an effort to provide security of tenure for farmers willing to cultivate land nationalized in the 2005 constitutional amendment. One of the unintended side effects of the 2000 land reform strategy, which resulted in the abolition of land tenure, was that farmers were unable to use their land as collateral to obtain bank loans to invest in their farms. As a result, few commercial farmers were able to find the capital to maintain productivity. The government began to distribute 99-year leases in November 2006. Among the initial recipients were 19 white farmers, shocking many given Mugabe's declaration in July 2005 that his land reform program would be complete only when there was "not a single white on the farms."[138] Some banks have reportedly been reluctant to accept these leases as collateral, given that the government reserves the right to cancel a lease if it deems the farm unproductive.

Zimbabwe continues to suffer from electricity shortages, and its internal power generation capacity is reportedly capable of meeting only half of the country's demand. Periodic electricity shortages, caused by supply cuts from Mozambique, South Africa, and Zambia, compounded Zimbabwe's economic woes in recent years, periodically cutting the production capacity of the manufacturing and mining sectors by as much 50%.[139] The MDC Minister for Energy and Power

[133] The source of funds used to pay the IMF debt was a source of considerable speculation in the media. See, e.g., "A Zimbabwean Businessman, His Farms Seized, Takes on Mugabe," *Washington Post*, February 24, 2006.

[134] "Mugabe's 82nd Birthday Blast at Zimbabwe," *Business Day*, February 21, 2006.

[135] IMF, *Zimbabwe: 2011 Article IV Consultation*, IMF Country Report No. 11/135, May 12, 2011.

[136] IMF, Statement by the IMF Managing Director on Zimbabwe, Press Release No. 08/207, September 15, 2008.

[137] Tony Hawkins, "IMF Dampens Hopes of Aid to Zimbabwe," *Financial Times*, March 25, 2009.

[138] "In Reversal, Mugabe Seeks White Farmers," UPI, December 17, 2006.

[139] "Power Cuts Halt Harare Factories," *Business Day*, October 29, 2007.

Development asserted in 2009 that country's power infrastructure is in disrepair and up to $1 billion will be needed to fix the crumbling energy sector.[140]

The Mining Industry

Zimbabwe's mining industry has brought much-needed income into the country, accounting for almost half the country's total foreign currency revenues in recent years. Zimbabwe has the world's second-largest reserves of platinum, behind South Africa.[141] In 2006, the government announced plans to take a 51% share of all foreign-owned mines for local black investors; 25% of that share would be acquired at no cost to the government, and mines that refused to part with their shares would be expropriated. After industry officials cautioned that the plan would deter foreign investment, the proposal was modified, allowing firms that invested in community projects to keep their majority share. Parliament voted to approve similar plans to take a majority share in all foreign-owned businesses in 2007; the legislation became law in March 2008. The government insisted that it would not expropriate foreign-owned companies and that the law would not be applied to every company, but rather "on the basis of capital and employment levels."[142] A ZANU-PF controlled-ministry has introduced subsequent indigenization regulations related to the mining sector that are the subject of ongoing debate within the transitional government; critics argue the law further deters much-needed foreign investment.

The coalition government has sought to encourage investment in the mining sector, despite uncertainty regarding the indigenization regulations. Under the previous administration, gold miners were required to sell their product to the Reserve Bank of Zimbabwe. As the bank's foreign currency reserves dwindled, it reportedly ceased to pay miners for the gold, and many of the country's gold mines closed. The coalition government now allows the mines to market their own gold and accept payment in foreign currency. It has also cut the tax on gold export revenues.

Illegal Mining

The Zimbabwe government has taken various steps in recent years to crackdown on illegal mining, although some suggest that members of ZANU-PF may be complicit. Police arrested an estimated 20,000 illegal miners in 2006, including several hundred reportedly legal small-scale miners, confiscating gold, diamonds, emeralds, and gold ore. According to reports, most of the miners were released after paying fines. Security forces have been accused of serious human rights abuses related to some illegal mining crackdowns. As a result of the collapse of the formal economy, many of the country's unemployed have resorted to illegal mining, selling their goods on the black market.

"Blood Diamonds"?

The World Diamond Council (WDC), a diamond industry organization that aims to prevent the trade of conflict diamonds, raised initial concerns in December 2008 that rough diamonds from Zimbabwe were being exported illegally, rather than through the Kimberly Process (KP), an international government certification scheme designed to prevent the "blood diamond" trade. According to civil society reports, Zimbabwean soldiers in the Marange diamond fields have

[140] "Mudzuri Says $1 Billion Needed to Revamp Energy Sector," SW Radio Africa, February 25, 2009.

[141] The largest mining operations in the country are controlled by Impala Platinum and Anglo Platinum, respectively. These South African-owned companies are the world's largest platinum producers.

[142] "Zimbabwe Clarifies Nationalization Legislation," *Financial Times*, March 11, 2008.

forced villagers to labor in the mines and then smuggled the stones from the country.[143] Rough stones from Zimbabwe have reportedly been confiscated in India and Dubai. The European Union pressed for an investigation into Zimbabwe's compliance with its Kimberly obligations in early 2009, and a high level KP delegation visited Zimbabwe in March to express the group's concern with reports of violence and smuggling from the Marange area. The KP Secretariat refrained from suspending Zimbabwe from the certification scheme, however.[144] During a KP Plenary meeting in November 2009, the body called for stringent export controls on diamonds from Marange. The Zimbabwe government reported later that month that security forces had begun withdrawing from the area, and a judge ordered that the Reserve Bank of Zimbabwe hold all diamonds from the area until legal claims regarding the Marange mines are resolved. Some argue that "Zimbabwe poses a serious crisis of credibility for the KP" [145] The U.S. government and others called for Zimbabwe to be suspended from the Process if the controls recommended at the KP Plenary were not implemented. In June 2011, the KP Chair, held by Mathieu Yamba of the DRC, announced that exports from Marange could resume. The United States and other Western governments, along with several human rights and industry groups, have protested the move, arguing that KP decisions are supposed to be based on consensus.

The Kimberly Process had previously investigated allegations that "blood diamonds" from the Democratic Republic of Congo (DRC) were being smuggled along with rough stones from Zimbabwe into South Africa for export. The Mugabe government dismissed those claims as a Western attempt to promote regime change. Zimbabwe has been previously linked to conflict diamonds; senior officials were named in a 2003 U.N. report for profiting from illicit trade during Zimbabwe's military operations in the DRC.[146]

"Look East" Policy

Blaming the United States, the United Kingdom, and other Western governments for the country's economic crisis, President Mugabe sought to engender investment and trade opportunities with Asia, particularly China. Dubbed the "Look East" policy, Mugabe's efforts were criticized by his own party as insufficient to address the economy's slide. In December 2006, the Parliamentary Portfolio Committee on Budget, Finance, and Economic Development, chaired by a ZANU-PF MP, accused the central bank governor of exacerbating inflation with "quasi-fiscal activities" and warned the administration that "the Far East destinations be viewed as a market in its infancy and that the traditional market of the West should not be neglected as the nation moves toward regularizing relations with the international community."[147] China has reportedly provided a number of sizable loans to the transitional government to support Zimbabwe's economic recovery in return for mining concessions.

[143] World Diamond Council Press Release, "WDC Calls for Concerted International Action to Halt Theft of Natural Resources in Zimbabwe," December 10, 2008; "Soldiers are the New Illegal Diamond Miners," UN IRIN, January 20, 2009.

[144] Kimberly Process Certification Scheme Secretariat, "Public Statement on the Situation in the Marange Diamond Fields, Zimbabwe," March 2009.

[145] Partnership Africa Canada, *Diamonds and Clubs: The Militarized Control of Diamonds in Zimbabwe*, June 2010.

[146] Zimbabwe is a signatory of the Kimberly Process.

[147] "Zimbabwe: Parliamentary Body Urges State to 'Normalize' Trade Ties with West," *BBC Monitoring Africa*, December 8, 2006.

The Military and the Economy

Critics contend that President Mugabe has bought the continued loyalty of the country's security forces through patronage and bribery.[148] Some observers suggest that loyalty of the security forces may have come at a heavy cost to the economy. Observers continue to speculate on how the government has paid for its military purchases from China, including a reported $240 million in fighter jets. In addition to allegations of land and housing handouts to security personnel, critics of the government highlight a significant number of current and former military officers who have been appointed to senior civilian government positions. Mugabe previously placed current or former military officers in control of the Ministries of Energy and Industry, the Zimbabwe Revenue Authority, the electoral commission, the state railway, the Grain Marketing Board, and the parks authority, and several have served in the Senate and ambassadorial posts abroad. Several of these individuals still hold senior offices in the government.

As the economy contracted in the mid 2000s, signs emerged that the government might be running out of funds to maintain its security forces. During a parliamentary hearing in 2007, the Defense Minister reportedly suggested that soldiers were dissatisfied with their low salaries and that the forces were running out of food and might have to suspend training if new funds were not released.[149] Later that month, Zimbabwean intelligence officials reportedly uncovered a coup plot led by several senior military officials. Unconfirmed reports suggest that as many as 400 members of the army, air force, and police may have been involved in the plan, which allegedly aimed to remove Mugabe and to install Emmerson Mnangagwa as president. Mnangagwa denied any knowledge of the plot. Other sources suggest Vice President Joice Mujuru and her husband were behind the coup attempt and used Mnangagwa's name to discredit him. Neither Mnangagwa nor the Mujurus were officially accused of involvement, although some reports suggest Solomon Mujuru may have been placed under house arrest for a limited time.[150] In late 2008, soldiers looted Harare stores after they were unable to access their paychecks. Like other civil servants, the military and police now receive regular salary payments under the transitional government.

International Perspectives

The international community has been divided on how to respond to Zimbabwe's economic and political crises. In general, Western nations and institutions have expressed opposition to Robert Mugabe's methods of rule, and have pursued policies intended to pressure the Zimbabwe government for reforms. Mugabe has enjoyed greater support in Africa, where he has been viewed as an elder statesman and a leader of the anti-colonial struggle, and among the Non-Aligned nations generally. This has changed to an extent in recent years, however, with some African leaders concluding that the Zimbabwe situation has been damaging to regional interests and that political and economic reforms are needed. Nevertheless, African countries supported Zimbabwe in its successful bid to chair the United Nations Commission on Sustainable Development in 2007, allegedly to show African solidarity against Western opposition. AU member states were unable to come to a conclusion on how to address Zimbabwe's political situation at the 2008 AU Summit in Egypt, despite election observer reports from the AU, SADC, and the Pan-African Parliament finding that the June runoff was not free or fair. The African Union subsequently deferred to SADC's mediation role on Zimbabwe.

[148] "Militarization of State Firms Cause for Worry," *Zimbabwe Independent*, May 26, 2006.

[149] "Soldiers Go Hungry," *Financial Gazette*, May 23, 2007.

[150] "Army Investigates Reports of Coup Plot," SW Radio Africa, June 14, 2007.

The international donor community has generally expressed support for the new coalition government, but has predicated significant assistance on improvement in the following areas:

- the release of all political prisoners;
- the end of farm disruptions;
- the cessation of politically motivated violence;
- the establishment of a credible and transparent Reserve Bank team;
- an end to harassment and intimidation of the media;
- and a commitment of all stakeholders to holding credible elections in a timely manner.[151]

U.S. Policy

The United States government has been critical of Robert Mugabe and ZANU-PF for their poor human rights record and lack of respect for the rule of law, but has expressed cautious support for the transitional government. Key elements of U.S. policy toward Zimbabwe have included targeted sanctions against high-ranking ZANU-PF members and their affiliates, support for South Africa to spearhead an African effort to restore democracy, and assistance intended to help the country's poor and strengthen civil society. Former Secretary of State Condoleezza Rice told Congress during her 2005 confirmation hearing that Zimbabwe was one of six "outposts of tyranny" worldwide and that the United States stood with the oppressed people there.[152] These remarks provoked an angry personal response from Mugabe.[153] Prior to the formation of the unity government, Secretary of State Hillary Rodham Clinton told the Senate in January 2009 that "the suffering inflicted on the Zimbabwean people by the illegitimate government of Robert Mugabe is appalling." Under her leadership, the State Department has welcomed the transitional government but warned, "we will not consider providing additional development assistance or even easing sanctions until we see effective governance."[154]

Sanctions

The Mugabe administration has routinely blamed its economic crisis on sanctions from the west. The United States does not currently have trade sanctions against Zimbabwe, with the exception of a ban on transfers of defense items and services to the country. The U.S. government has, however, frozen government-to-government aid.[155] Zimbabwe is not eligible for trade benefits under the African Growth and Opportunity Act (AGOA) because of its poor record of economic management and human rights abuses.

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[151] Remarks by the German Ambassador to Zimbabwe, Dr. Albrecht Conze, as referenced in "Getting Zimbabwe to Work Again," *The Zimbabwe Times*, March 29, 2009.

[152] "Rice Targets 6 'Outposts of Tyranny,'" *Washington Times*, January 19, 2005. The others were Cuba, Burma, North Korea, Iran, and Belarus.

[153] "Zimbabwe's Mugabe Lashes Out at Rice, Blair at Campaign Launch," AFP, February 11, 2005.

[154] Daily Press Briefing by State Department Spokesman Robert Wood, February 11, 2009.

[155] In 2006, Zimbabwe was found to be in violation of crimes related to human trafficking and was subject to sanction under the Trafficking Victims Protection Act of 2000 (P.L. 106-386) for FY2007. In 2007, the State Department moved Zimbabwe from a "Tier 3" to a "Tier 2" designation, meaning that the government did not meet the minimum standards for the elimination of trafficking, but was making significant efforts to do so. In 2009, Zimbabwe was redesignated as a "Tier 3" country, suggesting that the government's efforts to combat trafficking were insufficient. Zimbabwe retained its Tier 3 ranking in the 2010 and 2011 reports. For more information, see U.S. Department of State, *Trafficking in Persons Report*, available at http://www.state.gov/g/tip.

The White House has annually renewed U.S. sanctions against ZANU-PF leaders. The sanctions are intended to punish those responsible for Zimbabwe's difficulties without harming the Zimbabwe population at large. The initial sanctions, imposed in 2003, ban travel to the United States by "senior members of the government of Robert Mugabe and others ... who formulate, implement, or benefit from policies that undermine or injure Zimbabwe's democratic institutions or impede the transition to a multi-party democracy." Persons who benefit financially from business dealings with such individuals are also banned, as are the spouses of people in either group. In 2003, President Bush issued an executive order freezing assets held in the United States by more than 70 high-ranking Zimbabwe officials and Mugabe's wife, Grace. Nine companies and commercial farms were added in 2004, and the list has been further expanded since then. The executive order also allows the Secretary of the Treasury, in consultation with the Secretary of State, to go beyond previous authority and block the property of additional persons who "have engaged in actions or policies to undermine Zimbabwe's democratic processes or institutions," their immediate family members, and any persons assisting them.[156] President Obama most recently renewed the sanctions in March 2011, stating,

> While some advances have been made in Zimbabwe, particularly on economic stabilization, since the signing of the power-sharing agreement, the absence of progress on the most fundamental reforms needed to ensure rule of law and democratic governance leaves Zimbabweans vulnerable to ongoing repression and presents a continuing threat to peace and security in the region and the foreign policy of the United States. Politically motivated violence and intimidation, and the undermining of the power-sharing agreement by elements of the Zimbabwe African National Union-Patriotic Front party, continue to be of grave concern.

Congressional Response

Congress expressed its opposition to Robert Mugabe's policies in the Zimbabwe Democracy and Economic Recovery Act of 2001 (P.L. 107-99), which criticized "economic mismanagement" and "undemocratic practices" in Zimbabwe. This legislation called for consultations with allies on economic sanctions and a travel ban. In the 109th Congress, the House of Representatives passed H.Res. 409 in December 2005, condemning Operation *Murambatsvina*, which it termed a "humanitarian disaster that has compounded the country's humanitarian food and economic crises." The resolution also called on the United Nations and African regional bodies to investigate the impact of the demolitions and requested that the Administration use its influence to advocate further action by the IMF against the Zimbabwe government. Senator Russ Feingold introduced S.Amdt. 1254, providing $4 million for democracy and governance activities in Zimbabwe, which was included in the final version of the FY2006 foreign operations appropriations bill (P.L. 109-102).

The 110th Congress was also active on Zimbabwe. In April 2007, the House of Representatives passed H.Con.Res. 100, sponsored by Representative Tom Lantos, condemning the Zimbabwe government's recent actions against opposition and civil society activists. In June 2007, the Senate passed parallel legislation, S.Con.Res. 25, introduced by then-Senator Barack Obama. Former Senator Hillary Rodham Clinton introduced S. 1500, the Support for Democracy and Human Rights in Zimbabwe Act of 2007, which would have authorized up to $10 million to support democracy and human rights programs in the country.

Several Members of Congress issued statements highly critical of the Mugabe Administration surrounding the 2008 elections and the related political violence. Some wrote letters to Bush

[156] The text of this annex to Executive Order 13288 can be found at http://www.whitehouse.gov.

Administration officials or African leaders. On April 25, the Senate passed S.Res. 533, introduced by Senator John Kerry, calling for the immediate release of the presidential results, an end to the political violence and intimidation, and a peaceful transition to democratic rule. The resolution also supported calls for an international arms embargo and other targeted sanctions against the Mugabe regime, and encouraged the creation of a comprehensive political and economic recovery package in the event a democratic government is installed. The House passed H.Res. 1230, sponsored by Representative Donald Payne and all the House Members of the Congressional Black Caucus, among others, condemning the violence and calling for a peaceful resolution to the political crisis. H.Res. 1270, sponsored by Representative Ileana Ros-Lehtinen, was also passed, calling for an international arms embargo, urging the United Nations to deploy a special envoy to Zimbabwe, and encouraging the parties to discuss the creation of a government of national unity. Prior to the June runoff, Representative Adam Schiff introduced legislation calling on the Zimbabwe government to postpone the election. Representative Tom Tancredo also introduced legislation, H.Con.Res. 387, calling for the United States to sever diplomatic ties with Zimbabwe.

The 111th Congress monitored the progress of the transitional government and commenced a review existing U.S. policy toward Zimbabwe. In March 2009, Representative Ros-Lehtinen introduced H.Res. 238, declaring the economic and humanitarian crisis in Zimbabwe to be a threat to international security. Seven months after the new government's formation, the Senate Foreign Relations Africa Subcommittee held a hearing, *Exploring U.S. Policy Options Toward Zimbabwe's Transition*. Following that hearing, Subcommittee Chairman Russ Feingold called the transition a "great opportunity ... to help advance real reform and recovery," noting that while the transition remains incomplete and abuses in Zimbabwe continue, "we need to seize this opportunity and look for ways that we can proactively engage and help strengthen the hands of reformers in Zimbabwe's transitional government."[157] In May 2010, Senator Feingold, Senator John Kerry, and Senator Johnny Isakson introduced S. 3297, the Zimbabwe Transition to Democracy and Economic Recovery Act of 2010. According to Senator Feingold, S. 3297 aimed to "update U.S. policy and to provide the necessary direction and flexibility for the United States to proactively push for democracy and economic recovery in Zimbabwe."[158] Also in support of "democratic and economic recovery," Representative Payne introduced H.R. 5971, the Zimbabwe Renewal Act of 2010 in July 2010, which, among other items, would have authorized debt forgiveness for Zimbabwe by U.S. government agencies. Other legislation on Zimbabwe during the 111th Congress included S. 3722, the Zimbabwe Sanctions Repeal Act of 2010, introduced by Senator James Inhofe, which would have repealed ZDERA.

U.S. Support for African Diplomacy

During President Bush's visit to South Africa in 2003, he praised the work of Thabo Mbeki as the "point man" in seeking a Zimbabwe solution. The statement suggested to some that the United States was stepping back from a lead role on the Zimbabwe issue and would accede to Mbeki's "quiet diplomacy" (see "South Africa" section, below) as the best means of achieving reform in Zimbabwe.[159] Mbeki reportedly assured President Bush at that time that he would be able to bring about talks between ZANU-PF and the MDC, which did not occur until 2007. In 2004, former

[157] Statement of Senator Feingold on Zimbabwe's Transition for the Congressional Record, October 5, 2009.

[158] Statement of Senator Feingold Upon Introducing New Legislation on Zimbabwe for the Congressional Record, May 4, 2010.

[159] "Bush Backs Mbeki on Zimbabwe," *The Guardian* (London) July 10, 2003.

U.S. Assistant Secretary of State for Africa Jendayi Frazer, who was Ambassador to South Africa at the time, called for the formation of a "coalition of the willing" to deal with Zimbabwe. Frazer reiterated South Africa's position of leverage, and insisted more needed to be done by African states to return Zimbabwe to democracy.[160] The Obama Administration has expressed support for South African President Jacob Zuma's role as the SADC facilitator on Zimbabwe issues.

U.S. Assistance

The United States remains the leader in humanitarian relief aid to the Zimbabwean people, supplying an estimated $1 billion in assistance since 2002. In FY2008, U.S. assistance included $271 million in food aid and $22 million in other humanitarian assistance, as well as over $22 million in health programs and over $10 million for democracy and governance support. During President Obama's June 2009 meeting with Tsvangirai, President Obama pledged $73 million in new governance, education, and health assistance to Zimbabwe; in total, the U.S. government obligated over $292 million in foreign aid in FY2009. [161] The U.S. government provided over $7.3 million in FY2009 specifically to address the cholera outbreak, in addition to $8.6 million for other water and sanitation programs. U.S. assistance to Zimbabwe in FY2010 totaled over $168 million, including almost $80 million in humanitarian aid. The Obama Administration has requested almost $110 million in non-humanitarian aid funding for Zimbabwe for FY2012, including over $70 million for health programs, $21 million for governance programs, and over $16 million for economic growth initiatives. The Administration maintains that the provision of non-humanitarian assistance directly to the government remains predicated on progress toward political reforms, although the U.S. government is providing some technical assistance to reform-minded ministries and to parliament. Zimbabwe is not among the countries eligible to participate in the Millennium Challenge Account program, nor is it a focus country for the President's Emergency Plan for AIDS Relief.

USAID has supported local democracy advocates in Zimbabwe through a variety of programs aimed at ensuring media freedom and strengthening civil society and the legislative process. USAID partners were reportedly instrumental in documenting the demolitions and human rights violations during Operation *Murambatsvina* and recent bouts of political violence, and USAID continues to prioritize protecting human rights defenders. Legal restrictions have limited the ability of journalists and independent newspapers to provide alternative source for news, and the Zimbabwean government has controlled all domestic radio and television broadcasting stations until recently. Reforms made under the coalition government have laid the foundation for independent media to operate, but reports suggest that restrictions on free speech remain. USAID has provided funding for Voice of America to broadcast Studio 7, a daily program on shortwave and AM radio. Studio 7, along with UK-based Shortwave (SW) Radio Africa and the Dutch-funded Voice of the People (VOP) have had their broadcasts periodically interrupted by the ZANU-PF government using Chinese jamming equipment.

The U.S. State Department lifted its warning for Americans traveling to Zimbabwe in 2009, although it suggests that the situation in the country is "unpredictable and could deteriorate quickly without warning" and has warned that Americans have been detained for expressing their views about the political regime in Zimbabwe or President Mugabe.[162] In 2006, a delegation of

[160] "US Seeks 'Coalition' to Force Zimbabwe Regime Change," *The Independent* (UK), August 25, 2004.

[161] The FY2009 figure includes food aid. Congress approved $40 million in supplemental appropriations for Zimbabwe in FY2009, and $15 million in FY2008.

[162] DOS's *Consular Information Sheet* for Zimbabwe is available at http://travel.state.gov/.

the U.S. Coalition of Black Trade Unionists (CBTU), led by AFL-CIO Vice President William Lucy, was expelled from the country. Then-U.S. Ambassador Christopher Dell said,

> Clearly, the Zimbabwe government's decision not to honor the delegation's visas is the result of the events of 13 September, when security forces brutally suppressed planned peaceful demonstrations by the Zimbabwe Congress of Trade Unions.... This transparent attempt to deflect international attention from the vicious beatings is itself an example of the Zimbabwean government's repression and of its fear of the truth.... There is increasing acknowledgment that a man who was regarded as a liberator of his people is an oppressor.[163]

Other International Perspectives

United Kingdom

In 2002, in conjunction with the United States and the European Union, the British Parliament imposed targeted sanctions on leading members and affiliates of the ZANU-PF regime, as well an arms embargo and an asset freeze. The UK has imposed travel bans on over 100 members of the ZANU-PF and close affiliates of the party. Britain continues to provide humanitarian aid in Zimbabwe. Concurrently, the UK has maintained its willingness to release funds to Zimbabwe to pay for parts of an orderly land redistribution program if Mugabe retires and the rule of law is returned. It is unclear whether Britain will concede to release such funds while President Mugabe is still in office. He was extremely hostile toward former British Prime Minister Tony Blair, a persistent critic. Speaking at his 81st birthday celebration, Mugabe said the upcoming election would "kill once and for all the machinations of that man in Number 10 Downing Street, who for some reason thinks he has the divine power to rule Zimbabwe and Britain.... On March 31, we must dig a grave not just six feet but 12 feet and bury Mr. Blair and the Union Jack."[164] Prime Minister Gordon Brown maintained his predecessor's position, boycotting the December 2007 EU-Africa Summit to protest Mugabe's attendance. In an April 2008 speech to the House of Commons, Brown called for an international arms embargo against Zimbabwe, accusing the government of rigging the March elections and calling the political situation "completely unacceptable." Britain's Queen Elizabeth stripped Mugabe of an honorable Knighthood he received in 1994. Mugabe allies do not appear to view Prime Minister David Cameron with the same hostility they viewed his predecessors.

European Union

The European Union was among the first to take action against Mugabe's government in the early 2000s. The EU imposed targeted sanctions on 19 members of Zimbabwe's elite and their spouses after pulling the EU election observer team out of Zimbabwe in February 2002. These "light" sanctions were later expanded and have been renewed yearly. Several individuals were removed from the list in 2010 and another 35 were removed in 2011. Current EU sanctions include a travel ban on over 160 members and beneficiaries of the ZANU-PF, an arms embargo, and an asset freeze. Mugabe defied the travel ban in 2005 to attend the funeral of Pope John Paul II. The EU has continued to provide humanitarian and limited development assistance.

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[163] "EU Demands Probe into Congress of Trade Union Attacks," *Zimbabwe Standard*, September 24, 2006.

[164] "Zimbabwe's Mugabe Marks 81st Birthday With Attack on Opposition, Blair," *AFP*, February 26, 2005.

Commonwealth

The Commonwealth of Nations sent a team of observers to the March 2002 presidential election in Zimbabwe, and the group found "that the conditions in Zimbabwe did not adequately allow for the free expression of the will of the electors."[165] Consequently, a special committee appointed to monitor and respond to the vote, consisting of Australia, South Africa and Nigeria, determined that Zimbabwe would be suspended from the Commonwealth for one year. The suspension was the first public action against Mugabe by a body that included influential African countries. In December 2003, the Commonwealth, including 19 other African members, voted to suspend Zimbabwe indefinitely. On this occasion, the decision was strongly criticized by President Thabo Mbeki, who had by then committed to his policy of quiet diplomacy, and by other governments in southern Africa. Mugabe responded by withdrawing Zimbabwe from the Commonwealth and ruling out any further discussions or a possible return.[166] Some speculated, as a result, that the Commonwealth's action had backfired by placing Zimbabwe fully outside the bounds of its influence. Others argued that indefinite suspension by a body including many African members had important symbolic value in Africa and worldwide.

China and Iran

While many Western governments moved to isolate the ZANU-PF government in the last decade, China and Iran strengthened ties and deepened their involvement in Zimbabwe's economy. China, which became active on the continent in the 1950s and 1960s to gain global influence, now looks to Africa for natural resources to meet the needs of its growing population. A longtime ally of ZANU-PF, which it backed during the liberation struggle, China is reported to be Zimbabwe's second-largest trading partner, after South Africa, and its largest investor. Many observers see Zimbabwe's platinum concessions as a major draw for Beijing, and Chinese firms are playing roles in the cell phone industry, as well as in television, radio, and power generation. China holds controlling interest in the country's electricity generator.

Some critics worry China's investment in Zimbabwe has come without the "strings attached" that Western governments might require, such as commitments to human rights, accountability, and anti-corruption. Arms agreements between China and Zimbabwe have attracted considerable attention in recent years, as most Western governments continue to enforce an arms embargo against the country. Zimbabwe's reported $240 million purchase of 12 Chinese fighter jets drew questions from analysts as to why a country that faces no immediate external threat from its neighbors would need such an air force.[167] Reports indicate that Zimbabwe also ordered riot gear, water cannons, armored vehicles, and AK-47 rifles from China. How impoverished Zimbabwe could pay for arms from China is a subject of much speculation; Defense Ministry officials have admitted to being in arrears for the 2005 arms purchases. Some observers suspect that the acquisitions are covered in some way by China's growing economic role in Zimbabwe.[168]

In the face of Western condemnation and isolation, Zimbabwe also found an ally in Iran. During a 2006 visit to Tehran, President Mugabe reportedly secured commitments from Iran for direct aid and Iranian assistance to its energy, agriculture, and mining industries. Reports indicate that Iran

[165] "Commonwealth Observer Group's Preliminary Report on Zimbabwean Presidential Elections," March 14, 2002. Available at http://www.afrol.com.

[166] "Mugabe Rules Out Zimbabwe's Return to the Commonwealth," *AFP*, December 16, 2003.

[167] Defense analysts describe the K-8 as a trainer jet with light ground attack capabilities. Zambia and Namibia have likewise purchased K-8s from China.

[168] EIU, "The Government is to Buy More Jets from China," September 15, 2006.

or one of the Gulf countries may also be provide technical assistance to Zimbabwe to revive the country's only oil refinery, built 40 years ago to process Iranian crude. Most of Zimbabwe's fuel comes by road from South Africa.

In addition to investment and economic assistance, Zimbabwe's Asian partners have occasionally offered President Mugabe diplomatic support. A Chinese official visiting in 2004 said that his government "appreciates the reasons for the land issue" and was opposed to any interference by foreign governments.[169] China played a lead role in trying to quiet U.N. efforts to condemn Zimbabwe for *Murambatsvina*, and has vetoed proposed sanctions against the Mugabe Administration by the Security Council. China continues to press Western governments to lift their sanctions on Zimbabwe. Iranian President Mahmoud Ahmadinejad has expressed similar support, once saying "We believe Zimbabweans have every right to defend their sovereignty and land. We are happy that Zimbabwe has once again taken control over its resources and we support the land redistribution programme.... We strongly condemn the bullying tactics of a number of (Western) governments against Zimbabwe."[170]

Nigeria

Although an observer team from Nigeria, a significant player in African politics, endorsed the 2002 presidential election in Zimbabwe, Nigeria's former president, Olusegun Obasanjo, attempted to mediate the country's crisis. He was reportedly concerned about the consequences of the Zimbabwe situation for the credibility of the New Partnership for Africa's Development (NEPAD). NEPAD was an AU initiative aimed at demonstrating Africa's capabilities for resolving its own problems in exchange for increased aid, trade, and investment.[171] Obasanjo supported Zimbabwe's suspension from the Commonwealth, and in 2004, he held a long discussion with Tsvangirai and an MDC delegation in the Nigerian capital. The former Nigerian leader then took the Zimbabwe visitors on a personal tour of his farm—an unusual privilege.[172] After the 2005 elections, Obasanjo met again with Tsvangirai, and the government-owned Herald newspaper accused the Nigerian president of funding the MDC.[173] Obasanjo's successor, Umaru Yar'Adua, expressed his own concern with the situation in Zimbabwe, telling journalists at a German-African summit in October 2007 that developments in the country were "not in conformity with the rule of law."[174] After an August 2011 meeting with Prime Minister Tsvangirai, current Nigerian President Goodluck Jonathan gave assurances that Nigeria would support the efforts of SADC and the AU to achieve peaceful and credible elections in Zimbabwe.

South Africa

Former President Thabo Mbeki's "quiet diplomacy" toward Zimbabwe drew criticism from some for its slow pace, although many credit Mbeki with playing a critical role in the 2008 power sharing agreement. Some analysts suggest that his reluctance to openly confront or condemn President Mugabe be viewed through the historical lens of the liberation struggles of Southern Africa. Mugabe lent aid and shelter to the African National Congress (ANC), now the ruling party in South Africa, during its long struggle against white minority rule, creating a bond of gratitude.

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[169] "Chinese Envoy Supports Zimbabwe's Land Reforms," AFP, November 2, 2004.

[170] "Iran Slams Sanctions Against Zim," *AllAfrica*, November 22, 2006.

[171] See CRS Report RS21353, *New Partnership for Africa's Development (NEPAD)*, by Nicolas Cook.

[172] September "Nigeria Rolls Out Red Carpet for Tsvangirai," *Zimbabwe Standard*, November 15, 2004.

[173] "The SA, Nigeria, and MDC Connection," *The Herald*, November 6, 2005.

[174] "Hotfoot from Harare," *Africa Confidential*, Vol. 48, No. 24, November 30, 2007.

Mugabe has enjoyed considerable popularity around Africa and in South Africa itself, not least because of his moves to seize lands owned by comparatively wealthy white farmers.

Nonetheless, many have been dissatisfied that South Africa, a regional heavyweight both politically and economically, and which has extensive control over Zimbabwe's transport links to the outside world, as well as over its electricity supplies, has not played a more proactive role in resolving Zimbabwe's outstanding political disputes. As Zimbabwe's largest trading partner, many consider South Africa in a position to exert substantial leverage. At the same time, South Africa must weigh the unintended effects of such leverage—state collapse across its northern border, for example, could produce a sharp increase in illegal migration and have a substantial impact on South Africa. In May 2008, as economic collapse and election violence in Zimbabwe pushed rising numbers to migrate south, Zimbabwean and other African immigrants became targets of xenophobic violence throughout South Africa. At least 60 were killed.

Through his policy of engagement, former President Mbeki repeatedly brought the Zimbabwean government and the MDC together to discuss Zimbabwe's future. Mbeki's offer of economic incentives and an exit strategy for Mugabe in exchange for negotiations with the opposition and a commitment to free and fair elections were unsuccessful. In 2005, as the IMF threatened to expel Zimbabwe from the Fund for debt payment arrears, the country requested a loan from South Africa for fuel, food, and electricity, as well as to address the IMF payments. Amid rumors that the South African government would make any loan conditional on economic and political reforms, the negotiations stalled and Mugabe found another source from which to repay the IMF dues.[175] In early 2006 speech, Mugabe warned Mbeki that he should "keep away" from interference in Zimbabwe's affairs.

Mbeki's Zimbabwe policies drew criticism from within his country; former President Nelson Mandela, Nobel laureate Archbishop Desmond Tutu, former opposition leader Tony Leon, and even the ANC's ally, the Congress of South African Trade Unions (COSATU), were vocal detractors. COSATU, South Africa's powerful labor confederation, strongly opposed the quiet diplomacy policy. A certain sympathy on the part of COSATU toward the MDC may be inevitable, since the MDC has its roots in the union movement. COSATU delegations have been forcibly expelled from Zimbabwe twice, first in 2004 and more recently in late 2006, when COSATU members traveled to Harare to express their support for the ZCTU after the incidents of police violence. One COSATU leader remarked, "we are not quiet diplomats," and "we will not keep mum when freedom does not lead to respect for workers and human rights."[176] When the Mbeki government issued a terse initial statement following the March 2007 arrest of MDC and civil society activists, COSATU criticized the government for a "disgraceful" response, "in the face of such massive attacks on democracy and human rights, especially coming from those who owed so much to international solidarity when South Africans were fighting for democracy and human rights against the apartheid regime."[177]

Defenders of Mbeki's approach argued that he was the only leader with the influence and prestige needed to sway Mugabe.[178] Some observers expressed hope for Mbeki's mediation role when the president and Morgan Tsvangirai met in October 2004, after Tsvangirai's acquittal. Tsvangirai, who had been critical of quiet diplomacy in the past, said after the meeting that he welcomed

[175] "Zimbabwe Pays Part of IMF Debt," *Washington Post*, September 2, 2005.

[176] "We Are Not Quiet Diplomats," *Daily Mail and Guardian* (Johannesburg), November 5, 2004.

[177] "South Africa Ends 's 'Silence' on Zimbabwe, Urges Harare 'to Respect Rule of Law,'" *BBC Monitoring Africa*, March 14, 2007.

[178] ICG, *Zimbabwe: Another Election Chance*, 14.

President Mbeki's efforts to mediate.[179] But Mbeki stunned the MDC and many supporters of democracy in Zimbabwe in March 2005, when he told a press conference that he had "no reason to think that anyone in Zimbabwe will militate in a way so that the elections will not be free and fair." He insisted that "there will be a free and fair election in Zimbabwe" and that "things like access to the public media, things like violence-free election have been addressed."[180] Earlier, he had termed Secretary Rice's description of Zimbabwe as an outpost of tyranny as "an exaggeration."[181] These remarks left critics questioning the substance behind Mbeki's diplomacy.

The future of South Africa's policy toward Zimbabwe is now in the hands of Mbeki's successor. Mbeki, who resigned in late September 2008, was temporarily succeeded by ANC Deputy President Kgalema Motlanthe. Former Deputy President Jacob Zuma, who was elected as president of the ANC in December 2007, became South Africa's fourth post-apartheid president in early May 2009. Zuma has previously referred to the Zimbabwean president as "a monster," and although he did not immediately call for Mbeki to step down as mediator after the 2008 elections, he did encourage African leaders to "assist" Mbeki, "given the gravity of the situation."[182] President Zuma himself assumed the role of SADC facilitator on the Zimbabwe situation in December 2009. South Africa's opposition parties have encouraged strong action on Zimbabwe.

The African Union

The African Union (AU) and its predecessor, the Organization of African Unity (OAU), have been supportive of Mugabe in the past. In 2002, an OAU observer team labeled Mugabe's election victory legitimate, free, and fair. In 2004, when the AU allowed a report critical of the Mugabe government to be circulated at its annual summit, some believed the regional body might be indicating a change in its approach. The 114-page report, prepared by a delegation from the African Commission for Human and People's Rights (ACHPR) that visited Zimbabwe in 2002, reportedly criticized the Zimbabwe government for police abuses, press censorship, and compromising the judiciary.[183] The AU tabled the report at the summit, however, and declared it would keep its contents secret until Zimbabwe has had a chance to respond in detail. According to some media reports, the Zimbabwean government used procedural regulations and technicalities to prevent its release.[184] The ACHPR passed a resolution in 2005 calling on the "government of Zimbabwe to respect the fundamental rights and freedoms of expression" and to allow a second fact-finding mission to enter the country. The ACHPR resolution was hailed by human rights advocates, who suggested, "This will exert a lot of pressure on Zimbabwe - this is the first time such a significant body, so close to African heads of state, observes and condemns such defiance of human rights compliance."[185] But like the previous report, the second mission's findings were rejected by the AU's Council of Ministers because of "irregularities and procedural flaws."[186]

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[179] "Tsvangirai Changes Tune on Mbeki's Quiet Diplomacy," *Business Day*, October 29, 2004.

[180] "Mbeki Pays Tribute to Zimbabwe, Says Polls Will Be Free and Fair," *AFP*, March 2, 2005.

[181] "Mbeki Criticizes U.S Over Zimbabwe," *BBC*, February 22, 2005.

[182] "I'm No Mugabe, but I Have Sympathy for What He Has Done," *The Sunday Telegraph* (London), November 26, 2006; "Africa Shows Impatience on Zimbabwe Crisis," Reuters, April 22, 2008. "Zuma Ratchets Up Rhetoric Over Zimbabwe," *Financial Times*, April 22, 2008.

[183] "AU Report Slams Erosion of Rule of Law," *Zimbabwe Independent*, July 16, 2004.

[184] "It's the Very Leaders Who Are Denying the People Their Justice," *Financial Gazette*, July 20, 2006.

[185] "African Union Slams Human Rights Record," *IRIN*, January 3, 2006.

[186] International Press Institute, "IPI Disappointed By African Union's Slow Progress in Criticizing Zimbabwe's

Some observers and international human rights organizations such as the International Press Institute (IPI), suggest that the AU's repeated rejection of ACHPR resolutions on Zimbabwe tarnished the integrity of the body. As one AU official warned, "If we continue to throw out every human rights report that comes before us, people out there will stop taking us seriously."[187] IPI also suggests that refusal of the AU to act on the ACHPR resolutions or to condemn human rights abuses in Zimbabwe damages the credibility of the African Peer Review Mechanism (APRM) initiative, a vital part of NEPAD.

Some suggest that criticism from the AU would have little effect on Zimbabwe, unless it is accompanied by more substantial policy changes. President Mugabe has routinely ignored his detractors and has frequently denied those who might be critical of the regime access to the country. In 2005, AU Commission Chairman Alpha Konare sent Tom Nyanduga, Special Rapporteur on Refugees, Internally Displaced Persons, and Asylum Seekers in Africa, as his envoy to investigate Operation *Murambatsvina*. The Zimbabwean government prevented Nyanduga from conducting his assessment and deported him, accusing the envoy of "western collusion and agenda adoption."[188] In November 2008, the government reportedly rejected the visa applications of several members of the Elders, a group of senior world leaders, including Kofi Annan and former U.S. President Jimmy Carter.

SADC

Many of the 14 members of the Southern African Development Community (SADC) are linked to Zimbabwe by a common historical experience, as well as cultural and economic ties, and the organization was seen as disinclined to publicly criticize the actions of President Mugabe or his government until recently. At a 2004 summit in Mauritius, SADC approved new electoral principles and guidelines for all its member nations.[189] Analysts were hopeful that these rules might motivate meaningful democratic reforms in Zimbabwe, particularly since they laid out detailed guidelines for SADC observer missions.[190] The signatory countries, including Zimbabwe, are pledged to allow SADC observers freedom of movement and access. As noted above, the SADC observer delegation's favorable report for Zimbabwe's 2005 elections was considered by critics of the Mugabe administration to be disappointing.

Although Mugabe's neighboring leaders have not publicly singled him out for criticism, with the exception of Botswana, they have been increasingly concerned with the impact of Zimbabwe's crisis on their own countries. Southern African leaders blamed Zimbabwe and Swaziland for undermining economic growth in the region at a SADC Summit in Lesotho in 2006. Botswana has spoken out in the past on regional problems attributed to Mugabe's policies, including the burden placed on the country by Zimbabwe's refugees. In March 2007, following the arrest of Tsvangirai and other opposition members, Tanzanian President Jakaya Kikwete traveled to Harare to discuss the incident, and after the SADC summit, President Mbeki was nominated as mediator. SADC's election observer mission to the June 2008 runoff found that the election "did not represent the will of the people of Zimbabwe," and called for dialogue among all political

Record on Human Rights, Press Freedom," April 4, 2006.

[187] "Mkapa Has a Long Shot at Moving 'Bad Boy' Mugabe," *AllAfrica*, August 25, 2006.

[188] "Harare Raps African Union Human Rights Body," *U.S. Fed News*, July 6, 2005.

[189] *SADC Principles and Guidelines Governing Democratic Elections* (Adopted by the SADC Summit, Mauritius, August 2004). Available at http://www.iss.co.za.

[190] ICG, *Zimbabwe: Another Election Chance*, 13.

stakeholders toward a negotiated solution.[191] Botswana refused to recognize Mugabe as president after the June 2008 runoff.

Pressure from SADC does appear to have brought the Zimbabwe parties to join together in the transitional government, but it remains unclear to what extent they might be willing to enforce the deal if the parties continue to struggle to work together. In March 2011, the SADC "Troika," a trio of regional leaders representing the SADC Organ on Politics, Defense and Security, which is charged with coordinating efforts to promote peace and stability in the region, met in Livingstone, Zambia, to discuss, among other items, the Zimbabwe situation. President Jacob Zuma, in his role as mediator, briefed his counterparts on the latest developments, including a recent appeal by Prime Minister Tsvangirai for greater intervention to resolve outstanding political disputes and facilitate a path to credible elections. In his opening remarks at that meeting, Zambian President Rupiah Banda warned that the recent uprisings in North Africa were a warning of what could happen if the will of the people is not respected, a comment many observers considered to be a veiled warning regarding Zimbabwe. In the SADC Troika's official statement, referred to as the "Livingstone Communiqué," the Troika noted disappointment with "insufficient progress" in the implementation of the GPA and noted a "resurgence of violence, arrests, and intimidation" in Zimbabwe. The communiqué called for an end to the violence and harassment and called for SADC to "assist" Zimbabwe to prepare guidelines for peaceful, free and fair elections. President Mugabe and members of his party have expressed displeasure with the Troika's findings.

In a June 2011 SADC Summit in Sandton, South Africa, President Zuma issued a new report on Zimbabwe, reiterating the findings referenced in the Livingstone Communiqué and calling for an immediate end to the violence, harassment, and other actions that contradict the GPA. At the Summit, the SADC heads of state confirmed a decision to expected to appoint three officials from the region to support Zimbabwe's mechanism for monitoring the implementation of the political agreement. ZANU-PF has opposed the concept, arguing that it impinges on national sovereignty. The MDC continues to press for SADC to take a more forceful position on security sector reforms and other efforts to prevent the type of violence that surrounded the 2008 polls. The Obama Administration has been supportive of SADC efforts on Zimbabwe under President Zuma's leadership, but continues to differ with SADC on the issue of lifting sanctions against Mugabe and senior ZANU-PF officials.

Regional Efforts to Block a Chinese Arms Transfer to Zimbabwe

On April 18, 2008, as the Chinese freighter *An Yue Jiang* sat in the waters off South Africa's port city of Durban waiting to unload its cargo, the High Court of South Africa issued an order blocking the cargo's transfer through South African territory.[192] According to court documents, the ship carried 77 tons of bullets, rocket-propelled grenades, and mortars bound for Zimbabwe. Freight and dock workers of the South African Transport and Allied Workers Union had already refused to unload or transport the shipment. Their protest was backed by the powerful Congress of Southern African Trade Unions (COSATU) and International Transport Workers' Federation, which called for an international boycott of the vessel, dubbed by some as the "Ship of Shame." The unions based their protest on concerns that the weapons could fuel violence in the aftermath of Zimbabwe's 2008 elections.

The international media closely tracked the freighter's location as it searched for another African port in which to unload the cargo. Zambia's President publicly urged regional governments to bar the *An Yue Jiang* from entering their waters. He welcomed Mozambique's decision not to allow the ship access, "because we don't want a situation which will escalate the (tension) in Zimbabwe more than what it is." U.S. Assistant Secretary of State

[191] Preliminary Statement Presented by the Hon. Jose Marcos Barrica of the SADC Observer Mission, issued on June 30, 2008.

[192] High Court of South Africa Durban & Coast Local Division Case No. 4975/08

Jendayi Frazer called upon both the regional governments and China to prevent the weapons transfer. On April 22, a Chinese Foreign Ministry spokesperson announced that the ship would return to China. The *An Yue Jiang* later docked in Angola to refuel and unload construction supplies bound for the Angolan market, but was denied permission to unload its Zimbabwe cargo.

Prospects for the Future

Despite hopes that the transitional government would bring change to Zimbabwe, life for many of the country's people remains a daily struggle. The rate of unemployment and the cost of living remain high, and salaries for those with jobs are far below regional standards. The controversial issues of property rights and land reform have yet to be seriously addressed by the government. Prospects for Zimbabwe's youngest generation remain poor. Many teachers have returned to work since 2008, but salaries remain low and enticing the thousands who have left the country to return will be a major challenge. Many families still struggle to afford basic food items, not to mention medicines or doctors. Analysts have cited a number of reasons for Zimbabwe's economic problems in the past decade, including recurrent drought, difficulties encountered in implementing economic reforms, and industrial competition from comparatively cheap South African imports. At the same time, analysts place considerable responsibility for Zimbabwe's problems on the policies adopted and actions taken by the government since 1997.

Zimbabwe is at a critical juncture. Prior to the power sharing agreement, the government took some fiscal measures to reverse the economic downturn, but hyperinflation continued, and the measures were largely ineffective. The MDC controls the Ministry of Finance under the transitional government, but Zimbabwe is in debt distress and it remains unclear how effective the MDC's economic policies will be without major donor financing for its recovery plans, estimated to require up to $8 billion. Many donor governments and institutions have been reluctant to release significant funds until they can determine whether the transitional government's establishment will result in changes to the policies that brought about sanctions in the first place. The MDC and ZANU-PF, long-standing political foes, must now demonstrate their willingness to work together to put the country's economy on the path toward recovery.

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