



Zimbabwe

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Summary

Zimbabwe's prospects appeared promising in 1980, as it gained independence after a long liberation war. 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 new party 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. Members of President Robert Mugabe's ruling party subsequently took numerous, often undemocratic actions to bolster their power.

President Mugabe's government was seen in the past decade as autocratic and repressive by its critics, and its human rights record has been 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 have been divided among the parties. Some observers remain skeptical that the MDC will be able to implement major reforms through the arrangement, although there has been some initial progress, particularly on the economic front, and some donors have begun to cautiously reengage. The cost of rebuilding the country's economy may be as high as \$8 billion.

Zimbabwe's economic output has decreased dramatically since 1998. Official inflation rose above 200,000,000% in 2008, and although the economy has stabilized, unemployment remains estimated at more than 90%. The adult HIV prevalence rate of 15.3% 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 4,000 deaths. The number of Zimbabweans expected to require food aid in 2010 is estimated at 1.9 million. Deteriorating economic and humanitarian conditions in recent years have led many to emigrate to neighboring countries, creating a substantial burden on the region. The country appears to be making a gradual shift from humanitarian crisis toward recovery, but much of the population remains highly vulnerable.

Robert Mugabe has enjoyed considerable popularity in Africa as a former liberation leader, but some African leaders have viewed his policies as damaging to the continent and urged democratic reforms. 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 new coalition government, and other more recent developments, please see CRS Report RL34509, *Zimbabwe: The Power Sharing Agreement 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 agreement, known as 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 can work together effectively to implement reforms deemed necessary by international donors. The coalition government faces considerable challenges in prioritizing humanitarian needs 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 Power Sharing Agreement and Implications for U.S. Policy*, which is updated regularly.

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 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 compensation to white farmers amenable to leaving their lands.

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.

Since then, the country's problems have deepened. Substantial political violence and human rights violations have accompanied elections since 2000. 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 have been accompanied by a sharp decline in living standards, with more than 80% of the population living on less than \$1 per day.¹ Once touted as a potential "breadbasket of Africa," much of Zimbabwe's population is now dependent on food aid. More than 15% of adults are infected by the HIV/AIDS virus, and life expectancy fell from an estimated 56 years in 1990 to 44 in 2008.² Foreign Policy magazine ranked Zimbabwe second in its index of failed states, behind Somalia, in 2009.³ Observers are concerned that the difficulties confronting Zimbabwe have affected neighboring countries and deterred investors from the 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. Although ZANU-PF now 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.⁴ 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 himself has grown within the party.

Zimbabwe at a Glance

Population: 11.39 million
 Approximate size: Slightly larger than Montana
 Population growth rate: 1.53%
 Life expectancy at birth: 45.77 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%
 GDP real growth rate: 3.7%
 GDP Per Capita: \$200
 HIV Prevalence Rate: 15.3% (adults, aged 15-49)
 Unemployment: 95%

Sources: CIA World Factbook; Economist Intelligence Unit; UNAIDS

Restrictions on Political Freedoms

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

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

² UNAIDS, *Report on the Global AIDS Epidemic 2008*, and CIA, *CIA World Factbook*.

³ The Washington-based *Foreign Policy* magazine uses 12 economic, social, political, and military indicators to rank countries in order of their "vulnerability to violent internal conflict and social dysfunction." Zimbabwe's ranking on the index dropped 14 points from 2005 to 2006, and three points since then, suggesting that the country's situation had deteriorated. For more information, see "The Failed States Index," *Foreign Policy*, 2009.

⁴ "Imperialists Can't Preach Human Rights," *The Herald*, January 19, 2007.

- **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*, the only remaining independent daily, in 2003. In 2005, three Zimbabwean correspondents for the Associated Press, Bloomberg News, and the *Times* of London, fled Zimbabwe after police raided their office. The Media Institute of Southern Africa (MISA) has stated that AIPPA is “one of the most effective legal instruments of state control over the media and civil society communication anywhere in the world.”⁵ The ZANU-PF government countered that AIPPA encourages responsible journalism.
- **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.⁶ The measure has been used in the arrest of thousands of political opponents and in police action to break up public meetings and demonstrations. Zimbabweans overheard criticizing the President in a public place 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.⁷ In 2006 many offences under POSA and MOA were transferred to the new Criminal Law Code.
- **The Private Voluntary Organizations (PVO) Act.** Critics suggest that the government has used the PVO Act, enacted in 2002, to limit the activities of domestic NGOs. They are required to register with the government, and a “probe team” of intelligence officers has wide powers to investigate groups and demand documents related to activities and funding. The African Commission on Human and Peoples’ Rights has recommended that it be repealed.

Prior to taking the majority, the opposition 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 the revisions were cosmetic.

In the 2005 elections ZANU-PF won over two-thirds of the seats in the House of Assembly, giving the party the power to amend the constitution. The parliament subsequently 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

⁵ 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.

⁶ For the text of the POSA, see <http://www.kubatana.net/docs/legisl/posa060203.doc>.

⁷ Solidarity Peace Trust, *Policing the State*, December 2006.

officials, and union leaders have had their passports revoked under the act; the government charged that they planned to lobby abroad for sanctions or military intervention against the country.⁸ The act also prevents land owners from challenging the acquisition of agricultural land by the state. It paved the way for the passage of Gazetted Land (Consequential Provisions) Act in late 2006, making it illegal for former farm owners to occupy nationalized land and allowing the government to evict farmers and resettle the land without compensation. The constitutional amendment also revived the upper house of the parliament, the Senate.

The negotiations led by South Africa between Zimbabwe's political parties in January 2008 resulted in amendments to both AIPPA and POSA. Critics suggest the amendments did not adequately address human rights concerns and were not implemented.⁹ The Media Institute of Southern Africa dismissed the AIPPA amendments as "dwelling ... on inconsequential issues which will not advance basic freedoms."¹⁰ Numerous MDC rallies were blocked in the period preceding the 2008 runoff, despite court orders allowing the events. Political space for civil society appears to have widened since the formation of the coalition government, but police continue to use POSA on occasion to arrest civil society leaders.

Parliamentary Elections 2005

Zimbabwe held legislative elections in 2005. The elections, like those before them in 2000 and 2002, 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.¹¹

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 in the 2005 election because it 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, according to Reporters Without Borders, a Paris-based organization that supports press freedom.¹² The MDC was rarely covered on television or in the *Herald*, the government newspaper, and the stories that did appear were typically disparaging.

⁸ "Title Deeds to 4,000 Farms Nullified," *The Herald*, September 23, 2005.

⁹ 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.

¹⁰ Media Institute of Southern Africa, "AIPPA, POSA, BSA Amendments Signed into Law," *Media Alert Update*, January 12, 2008.

¹¹ Jonathan Moyo, former Information Minister, left ZANU-PF and was elected as an independent candidate.

¹² Reporters Without Borders, "No Letup in Abusive Media Tactics Three Weeks Before Legislative Elections," March 8, 2005.

Election-Related Violence

Although most observers agree that the level of political violence surrounding the 2005 elections was significantly less than that which preceded the 2000 and 2002 elections, many argue the election was not “free and fair,” and that there were some incidents of violence. 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 17 human rights organizations, reported more than 300 assaults in the pre-election period.¹³

Charges of Election Rigging

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 Electoral 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.”¹⁴

The Mugabe 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 described extensive efforts by ZANU-PF to gain control over the legal system in a 2004 report, 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.”¹⁵

The MDC challenged the results of numerous 2005 races in court.¹⁶ Their allegations focused on several largely rural districts in which the ZEC announced voter turnout totals before the vote results were reported. Once the results came in, the ZANU-PF candidate won in each case, but the vote for the two candidates added together exceeded the initial ZEC-reported turnout total.

¹³ Zimbabwe Human Rights NGO Forum, *Political Violence Report, March 2005*. The forum produces monthly reports on the human rights situation in Zimbabwe and assists victims of violence. See <http://www.hrforumzim.com>.

¹⁴ Freedom House, “Country Report: Zimbabwe,” *Freedom in the World 2006*.

¹⁵ International Council of Barristers and Advocates, *The State of Justice in Zimbabwe*, December 2004. The Council sent an investigative team to Zimbabwe which included Chairmen of the Bar of England and Wales and the Irish Bar, and Vice Chairman of the South African Bar.

¹⁶ Although none of the 2005 results were overturned, a 2006 Zimbabwean Supreme Court decision gave the opposition further legal recourse. Against the arguments of the chief justice, the attorney-general, and the justice minister, the court ruled that the judicial appointment of commissioners to the electoral court was unconstitutional and violated the principle of separation of powers. “Zimbabwe Court Rules 2005 Electoral Legislation ‘Inconsistent’ with Constitution,” *The Financial Gazette*, July 27, 2006.

This created a suspicion that additional votes had been given to the ZANU-PF candidates during the tabulation phase.¹⁷ According to the ZEC, they had initially released early totals coming in to provide an indication of voter turnout, and the discrepancies between those initial figures and the final tallies were due to poor communications from rural areas. Other allegations focused on large numbers of voters in contested areas reportedly turned away due to registration problems.

Election Observers

Many domestic election observers, such as the Zimbabwe Lawyers for Human Rights (ZLHR) and the Zimbabwe Election Support Network (ZESN), were critical of the 2005 elections. During the pre-election period, they cited a lack of transparency surrounding voter registration as a “significant and serious threat to the overall credibility of the electoral process.” Their reports cited no incidents of overt political violence, but noted that the pre-election period was marked by intimidation, “politicization of food distribution,” and a lack of media access by the opposition. The observers contended that they were restricted access to the vote counting process 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.¹⁸ Both groups reported the use of restrictive legislation against opposition supporters. The ZLHR report concluded, “Zimbabwean authorities have failed, on most accounts, to ensure a free and fair electoral process.”¹⁹

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 Southern African Development Community (SADC) delegation, then-South African Deputy President Mlambo-Ngcuka congratulated Zimbabwe on “the holding of a peaceful, credible, well managed and transparent election. The people of Zimbabwe have expressed their will in an impressively instructive manner that will go a long way in contributing to the consolidation of democracy and political stability not only in Zimbabwe, but also in the region as a whole.”²⁰ 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.”²¹ Both statements received substantial 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 who were allowed to observe the election, then-U.S. Secretary of State Condoleezza Rice issued the following statement:

Although the campaign and election day itself was generally peaceful, the election process was not free and fair. The electoral playing field was heavily tilted in the government’s favor. The independent press was muzzled; freedom of assembly was constrained; food was

¹⁷ The ZEC eventually halted the release of turnout totals, so it is unknown if there were discrepancies in other districts.

¹⁸ ZESN, *Report on Zimbabwe’s 2005 General Election*, April 2005. The ZESN, a coalition of 35 human rights and civic groups based in Zimbabwe, deployed 260 long-term observers and 6000 observers for the election itself.

¹⁹ The report of the ZLHR, a local human rights organization that deployed 44 observers for the election, is available at <http://www.zlhr.org.zw>.

²⁰ “Zimbabwe’s Enabler; South Africa Falls Short as Monitor of Democracy,” *Washington Post*, April 4, 2005.

²¹ “The Real Fraud in Zimbabwe,” *Washington Times*, April 6, 2005.

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.²²

U.N. Secretary-General Kofi Annan 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."²³

2005 Senate Elections

Elections to the new 66-seat Senate were held in September 2005, and were marked by record low voter turnout. Of 26 MDC candidates who ran, seven were elected; ZANU-PF gained the overwhelming majority of seats. Observers suggest one of the reasons for the low turnout may have been a lack of solidarity on the part of the opposition, which split prior to the election over whether to boycott the vote.

Internal ZANU-PF Struggles

In view of President Mugabe's advanced age, presidential succession has been a matter of intense interest to observers for several years. 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 the country's 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. Despite having turned 85 in 2009, President Mugabe is reportedly in good health and in no rush to relinquish his post. Many observers suggest that he has used the country's anti-corruption authority to check the political ambitions of his party members. Mugabe endorsed a 2007 proposal to extend the next presidential elections to 2010, but it was defeated by his party's central committee.

Prior to the December 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 national vice president, but Mnangagwa was caught off guard when Mugabe decided that the country should have a woman in the post. Mugabe's choice for the position, Joice Mujuru, was inevitably elected 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 proposed term extension. 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 party's national conference. Some have suggested that Mujuru covertly backed another ZANU-PF official, Simba Makoni, over his wife as a potential successor to Mugabe.

²² The statement of Secretary Rice, made on April 1, 2005, is available online at <http://2001-2009.state.gov/secretary/rm/2005/44141.htm>.

²³ Secretary-General Annan's statement is available at <http://www.un.org/News/pressg/>.

Makoni, a technocrat, was considered by some analysts to be a compromise candidate, untainted by the corruption scandals that have plagued others. Mugabe's own choice for his 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 new government.

The outcome of any succession struggle within ZANU-PF may be affected by the country's ethnic and clan divisions. Mugabe and many key party officials are from the Zezuru clan of the Shona people, who are dominant in a wide area encircling the capital, Harare. Solomon Mujuru, a Zezuru, has been a close advisor to Mugabe and was once regarded as a king-maker. Mnangagwa is seen as a representative of the large Karanga clan, which has reportedly felt 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. 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.²⁴

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 from the Ndebele minority.

The Movement for Democratic Change (MDC)

Origins of the MDC

The MDC party rose from 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, and union president Gibson Sibanda as MDC vice 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

²⁴ Moyo was fired in early 2005 for his sharp-tongued defenses of the regime and for fights with others in leadership. He is reported to have angered Mugabe by holding an unsanctioned meeting of Mnangagwa supporters before the 2004 party convention, allegedly to strategize ways to derail the Mujuru candidacy. Moyo left the party and ran as an independent in 2005. He retained his seat in the 2008 elections and has recently moved to rejoin ZANU-PF.

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

Treason Charges

In October 2004, 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 verdict surprised many observers in view of the regime’s perceived influence over the courts. The judge stated that the evidence had been unconvincing, with the witnesses produced by the state “suspect” and the video unreliable. The government can appeal the verdict, and Tsvangirai may be tried again because the law does not prohibit double jeopardy. In August 2005, the government dropped a second treason charge that had been based on claims that he urged violence to bring down the government in 2004.

Division in the Opposition

In late 2004, the MDC became increasingly divided in its strategy to defeat the ZANU-PF government. MDC officials initially decided that the party would not participate in the 2005 parliamentary race, unless the government took steps to assure a free and fair election. Several members questioned this stance on grounds that non-participation would deprive the MDC of any influence in the next parliament. Some reportedly felt that a refusal to participate would hand control of parliament to Mugabe on a “silver platter.” Tsvangirai supported a boycott, arguing that the elections should be postponed until substantial electoral reforms could be implemented. The party did eventually participate “under protest,” but did not do as well as in previous polls.

In the months prior to the 2005 Senate elections, the MDC was once 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 in the Senate would legitimize previous “rigged” elections, and vowed instead to lead the opposition through mass action. He was opposed by a group of MDC politicians led by the party’s secretary-general, Welshman Ncube, who had also been accused by the government of treason in 2003 (the charges were subsequently dropped), and 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 party’s constitution, expelled 26 senior officials from the party. He announced the boycott, touring the country to encourage voters to stay home. The Ncube faction refused to accept their expulsion and fielded candidates in the Senate race but only gained only seven seats.

Both factions held party conferences in early 2006; Tsvangirai was confirmed as 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 two factions attacked each other in the press, and there were allegations that the Tsvangirai faction was behind a violent July 2006 assault on Member of Parliament (MP) Trudy Stevenson and several other Mutambara supporters. Stevenson identified the youths who attacked her as known followers of the former labor leader, but Tsvangirai denied the charges and denounced the beatings. Although his faction was reported to have the larger support base and the backing of the ZCTU, some observers suggested neither faction would be effective unless they could resolve their differences and reunite.

Opposition Defiance Against a Ban on Protests and Rallies

In late February 2007, the Zimbabwean government announced a three-month ban on political rallies and public demonstrations in Harare “due to the volatile situation in the country.”²⁵ 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, according to press reports.

On March 11, 2007, police broke up a Save Zimbabwe Campaign 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.²⁶ 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.²⁷

The March 11 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.”²⁸ 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.”²⁹ 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.”³⁰

Political Violence

Human rights groups have documented numerous accounts of political violence in recent years. According to Freedom House, in 2006 “Zimbabwe’s descent into the ranks of the world’s most

²⁵ “Rally Ban a Fatal Govt Assault on Social Contract,” *Zimbabwe Independent*, March 2, 2007. The ban was lifted on June 29, 2007.

²⁶ “Zimbabwe Opposition Leader Taken to Hospital From Court,” *CNN*, March 13, 2007, and “Mugabe Foes Vow to Intensify Action,” *Washington Post*, March 13, 2007.

²⁷ “Zimbabwean Police ‘Fire-Bombed,’” *BBC*, March 15, 2007.

²⁸ Statement of U.S. Secretary of State Condoleezza Rice, “Call for Immediate Release of Zimbabwean Opposition Leaders,” on March 13, 2007.

²⁹ Statement issued by the Spokesman of the U.N. Secretary General on March 12, 2007.

³⁰ “Zimbabwe Leader Faces Growing Condemnation,” *Associated Press*, March 15, 2007.

repressive states continued unabated.”³¹ 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.”³² Amnesty International has been similarly critical.³³

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 “will pull the trigger” against protesters.³⁴ 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.”³⁵ Subsequent mass ZCTU protests were not held.

Mugabe received international attention for his statement; the U.N. Country Team (UNCT) 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.”³⁶ The U.N. Special Rapporteur on Torture³⁷ 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 reportedly received an invitation from the coalition government to visit Zimbabwe in 2009, but was blocked from entering the country when he tried to visit in October 2009.

The Zimbabwe Human Rights NGO Forum reported 723 incidents of torture in 2008, 1913 incidents of assault, and 137 incidents of politically motivated abduction/kidnapping. These figures suggest a marked increase in political violence from 2007, during which there were 586 incidents of torture, 855 incidents of assault, and 19 incidents of abduction.³⁸ The group also reported 107 politically motivated murders in 2008. Human rights activists suggest that abductions and beatings of opposition supporters became “more systematic and widespread” after the events of March 2007.³⁹ Despite provisions in the new 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 rose dramatically after the March 2008 elections.⁴⁰

³¹ Freedom House, “Country Report: Zimbabwe,” *Freedom in the World 2006: The Annual Survey of Political Rights and Civil Liberties*.

³² DOS, “Zimbabwe,” *Country Reports on Human Rights Practices 2007*.

³³ See, for example, Amnesty International (AI), “Zimbabwe,” *Annual Report 2007 and Annual Report 2008*.

³⁴ “Threat by Mugabe,” *New York Times*, August 16, 2006.

³⁵ 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.

³⁶ “U.N. Slams President Mugabe,” *Zimbabwe Independent*, September 29, 2006.

³⁷ The post of Rapporteur was created by the U.N. Commission on Human Rights in 1985 to investigate questions relating to torture.

³⁸ Zimbabwe Human Rights NGO Forum, *Political Violence Report*, December 2008.

³⁹ “Zimbabwe Leaders Accused of Abducting Opponents,” *New York Times*, March 29, 2007.

⁴⁰ Human Rights Watch, *All Over Again: Human Rights Abuses and Flawed Electoral Conditions in Zimbabwe’s* (continued...)

Reports suggest that the police have played a significant role in political violence. The Geneva-based International Commission of Jurists, which investigated the May 2007 detention and beating of lawyers, expressed shock at the role police played in the attacks and at the “cavalier response of Zimbabwean authorities.”⁴¹

Developments Surrounding the 2008 Elections⁴²

South African Mediation

International criticism of the 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.”⁴³ One of South Africa’s Deputy Foreign Ministers told the South African 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.”⁴⁴ Southern African Development Community (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.⁴⁵ 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 democratic 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.”⁴⁶ 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.⁴⁷ The Mugabe Administration accused the opposition of being responsible for a series of bombings targeting

(...continued)

Coming General Elections, Vol. 20, No. 2(A), March 2008.

⁴¹ For more information, see the Mission’s report at <http://www.icj.org>.

⁴² For further discussion of the 2008 elections, please see CRS Report RL34509, *Zimbabwe: The Power Sharing Agreement and Implications for U.S. Policy*, by Lauren Ploch.

⁴³ “Zimbabwe ‘A Sinking Titanic,’” *Financial Times*, March 22, 2007.

⁴⁴ “RSA Parliamentarians Urge Stronger Action Against Zimbabwe,” *South African Press Association*, March 28, 2007.

⁴⁵ “Zimbabwe Crisis Deepens,” *Voice of America*, April 6, 2007.

⁴⁶ “Mbeki Rejects Regime Change,” *Financial Times*, April 2, 2007.

⁴⁷ See, for example, Solidarity Peace Trust, *Destructive Engagement: Violence, Mediation, and Politics in Zimbabwe*, Johannesburg, July 10, 2007.

shops, trains, and police stations, although some observers suggest the attacks were an attempt to frame the opposition.⁴⁸ Harassment of university students by police also reportedly increased. On November 22, 2007, 22 members of the National Constitutional Assembly, a pro-democracy civil society organization, reportedly sustained severe beatings during a peaceful protest set to coincide with a visit by President Mbeki to Harare.⁴⁹

Although the South Africa 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 President Mbeki's report to SADC leaders that his mediation had achieved "commendable achievements," Morgan 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."⁵⁰

March 2008 Elections

Election Preparations

In the period preceding the March 2008 elections, civil society activists reported significant pre-election irregularities. Critics charged that the Zimbabwe Election Commission (ZEC) lacked independence, and that it was further crippled by limited administrative capacity and budget shortages.⁵¹ Election 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 March 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 constituencies⁵² to ensure its continued hold on power. In its pre-election report, ZESN argued that there were not enough polling stations designated for

⁴⁸ 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 has refuted the government's claims in *At Best a Falsehood, At Worst, A Lie*, August 2007, available at <http://www.hrforumzim.com>.

⁴⁹ Press Statement of U.S. Department of State Spokesman Sean McCormack, "Zimbabwe: Civil Society Organization Beatings During President Mbeki's Visit," November 26, 2007.

⁵⁰ Barry Bearak, "Zimbabwe Opponent Criticizes Mbeki," *New York Times*, February 14, 2008.

⁵¹ The ZEC has been led by Justice George Chiweshe, a former military officer. Reports indicate that the Commission 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.

⁵² 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.

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.⁵³ And despite amendments to POSA and AIPPA, which critics suggest restrict freedom of speech and assembly, advocacy groups argue that the police selectively interpreted the laws and significantly limited the MDC's ability to campaign.⁵⁴ Sections of POSA which prohibit false statements "prejudicial" to the state and criminalize statements construed as engendering hostility toward the president remained in effect.

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 Indigenisation 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.⁵⁵ 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.⁵⁶ 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.⁵⁷

Pre-Election Violence

According to a domestic human rights group, the year prior the 2008 elections was marked by a significant increase in incidents of politically motivated violence from previous years.⁵⁸ 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 teargassed and assaulted protestors in Harare after a local magistrate overruled a police order banning their march.⁵⁹ 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.⁶⁰ According to

⁵³ Lance Guma, "Election Body Calls for More Polling Stations," SW Radio Africa, March 11, 2008, available at <http://www.allafrica.com>.

⁵⁴ 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 in a timely manner by the local magistrates court rather than the Home Affairs Minister. Amendments to AIPPA abolished the "journalism without accreditation" offense, although 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*, Vol. 20, No. 2(A), March 2008.

⁵⁵ Zimbabwe Human Rights NGO Forum, *Can the Elections in Zimbabwe be Free and Fair in the Current Environment?* March 18, 2008.

⁵⁶ "Concern Over Pre-Election Environment, Election Update (1)," ZESN Press Statement, January 25, 2008.

⁵⁷ "Zimbabwe: NGO Ban Starting to Bite," IRIN, July 7, 2008.

⁵⁸ Zimbabwe Human Rights NGO Forum, *Can the Elections in Zimbabwe be Free and Fair in the Current Environment?* March 18, 2008.

⁵⁹ "Zimbabwe: Opposition Activists Teargassed, Beaten," IRIN, January 23, 2008.

⁶⁰ HRW, *All Over Again: Human Rights Abuses and Flawed Electoral Conditions in Zimbabwe's Coming General Elections*, Vol. 20, No. 2(A), March 2008.

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.⁶¹

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.⁶² 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."⁶³ As part of the 2008 electoral reforms, police were banned from the polling stations to allay fears of intimidation. However, just over a week before the elections President Mugabe issued a decree allowing police into polling stations, allegedly 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.⁶⁴ CNN and other western media organizations and journalists were reportedly denied permission to cover the elections.⁶⁵ 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."⁶⁶ 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."⁶⁷

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

⁶¹ICG, "Zimbabwe: Prospects from a Flawed Election," March 20, 2008.

⁶²"Zim Prisons Chief Orders Officers to Vote Mugabe," Reuters, February 29, 2008.

⁶³International Bar Association, *Partisan Policing: An Obstacle to Human Rights and Democracy in Zimbabwe, An International Bar Association Human Rights Institute Report*, October 2007.

⁶⁴"First Poll Observers in Zimbabwe," *BBC*, March 11, 2008.

⁶⁵"CNN Denied Permission to Cover Elections in Zimbabwe," *CNN*, March 25, 2008.

⁶⁶Statement 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>.

⁶⁷"Ecumenical Observers Challenge Zimbabwe Election Process and Demand Respect for the Will of the People," World Council of Churches Press Release, April 29, 2008.

were 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 briefly 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 country's 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.⁶⁸ The ZEC, widely criticized for its delayed release of the electoral results, announced the National Assembly results four days after the election. The MDC factions, which reunited on April 28, won a majority in the 220-seat National Assembly with 109 seats, over ZANU-PF's 97.⁶⁹ Three weeks after the election, the electoral commission conducted a recount of 23 of these races, an overwhelming majority of which were won by the opposition.⁷⁰ 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 its 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, and 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.⁷¹ 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

⁶⁸ A *Financial Times* report suggests that ZANU-PF won ten parliamentary seats that would have been claimed by the MDC had its votes not been split between the two factions. "Acrimonious Division Cost MDC Success," *Financial Times*, April 4, 2008.

⁶⁹The Tsvangirai faction won 99 seats and 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 by-elections, MDC-T won one seat and ZANU-PF won two.

⁷⁰ 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.

⁷¹Makoni, 57, served as Finance Minister from 2000 to 2002 and was reportedly dismissed after criticizing the administration's economic policies.

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.⁷² ZESN noted 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 80% 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.⁷³ 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 results should be considered a political coup. The MDC appealed unsuccessfully to the courts to have the results released, but the electoral commission claimed that it could not do so until a "process of verification of the presidential ballots" was complete.⁷⁴

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.⁷⁵ 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

⁷²According 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.

⁷³"Zimbabwe Opposition Strike Fails," *BBC*, April 16, 2008.

⁷⁴"Opposition Unites Against Mugabe," *Al Jazeera*, April 28, 2008.

⁷⁵The 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.

\$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.⁷⁶

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 nevertheless 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 post-election statements by government officials accusing him of treason, many believed he would not be allowed to campaign freely inside the country.⁷⁷ The MDC leader had been tried, and acquitted, for treason in 2004. Based on interviews with high-ranking Zimbabwean officials, the International Crisis Group (ICG) issued a report suggesting a Tsvangirai victory in the runoff could trigger a military coup.⁷⁸

June 2008 Runoff Election

During the weeks following the announcement of the presidential results, reports of political violence increased dramatically. Critics contend that the violence was a government-orchestrated attempt to punish opposition supporters and ensure a Mugabe victory in the runoff.⁷⁹ According to media reports, security forces and militias manned roadblocks and detention centers throughout the country, despite the increased presence of over 500 international monitors from SADC and the AU. In July, the Washington Post reported on the government's alleged campaign of violence against the opposition, referred to as "Coercion. Intimidation. Beating. Displacement.," or CIBD, and alleged that the ruling party'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 in the press 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?"⁸⁰

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.

⁷⁶ "Crisis Looms After Harare Vote-Buying," *Financial Times*, April 11, 2008.

⁷⁷ Referring to an alleged letter between Tsvangirai and Prime Minister Gordon Brown, Zimbabwe's *Herald* accused the MDC leader of plotting "illegal regime change" and quoted outgoing 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.

⁷⁸ ICG, "Negotiating Zimbabwe's Transition," *Africa Briefing No. 51*, May 21, 2008.

⁷⁹ 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.

⁸⁰ "Zimbabwe Election: Mugabe Threatens to Arrest Opposition Leaders" *The Guardian*, June 17, 2008.

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. By MDC accounts, over 100 of its supporters have been killed since the March elections, and tens of thousands displaced. 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 to 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. In their 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 own observers. The SADC mission found that the pre-election period did not conform to SADC Principles and Guidelines Governing Democratic Elections, which impinged on the credibility of the electoral process. Ultimately, the delegation reported that runoff "did not represent the will of the people of Zimbabwe."⁸¹

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 conduct of free, fair and credible elections."⁸² The African Union team echoed the SADC and PAP findings, declaring that process fell short of accepted AU standards.⁸³

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 election date, and that "the violence is now on such a scale that it is impossible to properly document all cases."⁸⁴ The MDC has alleged that over 100 of its supporters were killed. U.S. Ambassador James McGee implicated the ruling party in orchestrating the attacks.⁸⁵

⁸¹Preliminary Statement Presented by the Hon. Jose Marcos Barrica of the SADC Observer Mission, issued on June 30, 2008.

⁸²Interim Statement Presented by the Hon. Marwick Khumalo of the Pan-African Parliament Observer Mission, issued on June 30, 2008.

⁸³Preliminary Statement of the African Union Observer Mission, issued on June 29, 2008.

⁸⁴As of May 9, 2008 the group reported treating 900 people. See "Mbeki Meets Mugabe for Talks," *Al Jazeera*, May 9, 2008.

⁸⁵Statement by Ambassador James McGee, "Breaking the Silence on Political Violence in Zimbabwe," issued on May 8, 2008.

ZANU-PF and the Zimbabwean army have denied involvement with the violence, although the army; police; intelligence service; “war veterans;”⁸⁶ and Zimbabwe’s National Youth Service, also known as the “Green Bombers,” have all been 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.’”⁸⁷ 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, Mugabe’s regime has 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?”).⁸⁸ 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 before the rain”), 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* is now better known as the Matabeleland Massacres, which resulted in the deaths of as many as 20,000 civilians, mostly from the Ndebele ethnic group in the southwest.⁸⁹ That 5th Brigade was led by then-Lt. Col. Perence Shire, now commander of Zimbabwe’s Air Force. Other security officials involved in the campaign were elevated to senior government posts, including former Defense Minister Sydney Sekeremayi 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 has been rumored to be in charge of Joint Operations Command (JOC), a secretive group of the country’s security chiefs and top commanders that some allege control the government.⁹⁰

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).⁹¹

⁸⁶Some “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.

⁸⁷ “White Former Farmers Threaten Blacks with Eviction,” *The Herald*, May 7, 2008.

⁸⁸ “Zimbabwe: Operation Glossary - A Guide to Zimbabwe’s Internal Campaigns,” *IRIN*, May 1, 2008.

⁸⁹For further information on Operation Gukurahundi, see the report by the Catholic Commission for Justice and Peace 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>.

⁹⁰See, 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.

⁹¹USAID, *Zimbabwe: Complex Emergency and Drought*, Situation Report 1, May 16, 2008.

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.⁹² 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 5.⁹³ Amnesty International reported that victims were often denied medical access and that humanitarian organizations have been targeted by militias for providing assistance.⁹⁴ 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 an 8-person 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."⁹⁵

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 reportedly beaten by riot police during a public protest against the ongoing violence in the city of Bulawayo; eleven members of a women's advocacy group were arrested.

Some Zimbabwean officials, including the police chief, have 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 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.

⁹² "Hunger Drives Post-Election Violence, Deepens Poverty," *IRIN*, May 9, 2008.

⁹³ "Zimbabwe: End Violence Before June Runoff," HRW Press Release, May 16, 2008.

⁹⁴ Amnesty International, "Zimbabwe Violence Reaches Crisis Levels," May 16, 2008.

⁹⁵ "Call for State of Emergency Over Zim Violence," *Mail & Guardian*, May 14, 2008.

Humanitarian Situation

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.⁹⁶ These are considered “low-end estimates,” and some reports suggest the numbers of those affected was much higher.⁹⁷ According to some sources, 70% of the country’s urban population may have lost shelter, while approximately 76% lost their source of income.⁹⁸ Police and military who carried out the event 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.⁹⁹

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 also forced many from their homes, reportedly displacing more than 100,000.¹⁰⁰ In 2004, under a new phase of land resettlement, an estimated 500,000 who settled on farms during the 2000 invasions were evicted.¹⁰¹ Many of these 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.¹⁰² Of those living in towns and cities, an estimated 70% were involved in informal trading prior to the demolitions.

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.¹⁰³ Launched shortly after the disputed 2005 parliamentary elections, many contend the demolitions were a

⁹⁶ 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.

⁹⁷ 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.

⁹⁸ ActionAid International, *The Impact of Operation Murambatsvina/Restore Order in Zimbabwe*, August 2005.

⁹⁹ Tibaijuka, 13.

¹⁰⁰ U.S. Committee for Refugees and Immigrants, “World Refugee Survey, Zimbabwe Country Report,” 2003.

¹⁰¹ DOS, “Zimbabwe,” *Country Reports on Human Rights Practices 2005*.

¹⁰² Tibaijuka, 34.

¹⁰³ “Clean Up Commendable,” *The Herald*, May 23, 2005.

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 councillors, after having been arrested in 2003 under POSA for holding a public meeting without prior state approval.

The legality of the Harare Commission, which was appointed by the Minister of Local Government, was challenged in a high court ruling that found 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 councillors 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.”¹⁰⁴

The International Response

International reaction to Murambatsvina was highly critical. U.N. Secretary-General Kofi Annan named Tanzanian-born 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 mission to the country, 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.¹⁰⁵

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.”¹⁰⁶ 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:

“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

¹⁰⁴ *Ibid.*, 7.

¹⁰⁵ *Ibid.*, 7.

¹⁰⁶ *Ibid.*, 54.

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.¹⁰⁷

Continued Evictions and Operation *Garikai*

Many observers suggest the Zimbabwean government did little to respond to the U.N. envoy's recommendations.¹⁰⁸ Reports indicate that forced evictions continued, despite government declarations to the contrary.¹⁰⁹ 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.¹¹⁰ In keeping with the findings of the U.N. report, Amnesty International alleged that the government repeatedly prohibited aid organizations, including the United Nations, from providing the displaced with temporary shelters, such as tents. 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."¹¹¹ The United Nations was subsequently permitted to erect approximately 2,300 shelters, a fraction of their target of 40,000.¹¹²

In response to international criticism of Murambatsvina, the government announced a new housing scheme, Operation *Garikai*, in June 2005. Under *Garikai*, 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 has been 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.¹¹³ The government denied these allegations.

Violations of Domestic and International Law

Human rights organizations have raised questions about how Zimbabwe and the international community should respond to what some have termed "crimes against humanity,"¹¹⁴ as defined by Article 7 of the Rome Statute of the International Criminal Court (ICC),¹¹⁵ and whether there is a

¹⁰⁷ The Secretary-General's statement, made on July 22, 2005, is available online at <http://www.un.org/apps/sg/sgstats.asp?nid=1589>.

¹⁰⁸ 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*.

¹⁰⁹ U.N., *United Nations Consolidated Appeals Process (CAP) 2007*, July 2007.

¹¹⁰ AI, "Zimbabwe: No Justice for the Victims of Forced Evictions," September 2006.

¹¹¹ The October 31, 2005 statement is available at <http://www.un.org/News/press/>.

¹¹² AI, "Zimbabwe," *Annual Report 2007*.

¹¹³ See the AI report; Solidarity Peace Trust, *Meltdown: Murambatsvina One Year On*, August 30, 2006.

¹¹⁴ Institute of War and Peace Reporting, "Prosecution of Mugabe Urged," January 20, 2006.

¹¹⁵ The United States is not party to the Rome Statute. For more information, see CRS Report RL31495, *U.S. Policy Regarding the International Criminal Court (ICC)*, by Jennifer K. Elsea.

“responsibility to protect”¹¹⁶ those affected by Murambatsvina or subsequent government actions. Among the U.N. report recommendations, the 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 included a legal analysis of Murambatsvina through international and regional, and national legal frameworks. Several domestic and international organizations, including the International Bar Association (IBA), have called for the Zimbabwean government to be brought before the ICC, not only for violations related to the demolitions, but also for the government’s 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.¹¹⁷

Because Zimbabwe is not a signatory of the Rome Statute, a U.N. Security Council resolution would be needed for any referral to the ICC. Given the objections of some Security Council members to the envoy’s report itself, which as stated above suggested an ICC case would be “difficult to sustain,” it is unlikely such a referral would be made. The U.N. Envoy found that “The Government of Zimbabwe is collectively responsible for what has happened,” but cautioned 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.”¹¹⁸ According to one media source, though, Zimbabwe’s State Security Minister has claimed, “All the decisions to do with the operation emanated from the politburo [ZANU-PF’s inner cabinet] and were sent through me to the government.”¹¹⁹

¹¹⁶ For more information on the “Responsibility to Protect,” see the *Report on the International Commission on Intervention and State Sovereignty*, which aims to “reconcil[e] the international community’s responsibility to act in the face of massive violations of humanitarian norms while respecting the sovereign rights of states.” The report is available at <http://www.iciss.ca/report-en.asp>.

¹¹⁷ The IBA is comprised of Bar Associations and Law Societies around the world. The comments of its Executive Director can be found at <http://www.ibanet.org/iba/article.cfm?article=95>.

¹¹⁸ Tibaijuka, 76.

¹¹⁹ 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.

The Government of Zimbabwe has yet to prosecute those who might be responsible for crimes related to Operation Murambatsvina or the subsequent evictions. The victims, in most cases, lack the financial resources to seek redress in the courts, although Zimbabwean human rights lawyers have represented groups of victims on several occasions. In one such case, in November 2005, residents of a Harare suburb were given a temporary stay of eviction by the High Court, but police ignored the court order and forcibly moved the group to a transit camp. The inability of the country's judicial system to protect its citizens or their property, or to provide due process to those seeking remedy or compensation, suggests a fundamental breakdown in Zimbabwe's rule of law.

Zimbabwe's Food Crisis

Several Southern African countries have suffered from chronic food insecurity in recent years, stemming from a combination of weather-related and man-made factors, including prolonged drought, floods, poor economic performance, and the impact of HIV/AIDS.¹²⁰ Zimbabwe has been particularly hard hit. Grain silos across the country that once held strategic grain reserves three times the population's annual food needs have been emptied. Experts attribute this food insecurity to unexpectedly severe crop failure,¹²¹ but some suggest Murambatsvina and other government policies significantly limited the population's ability to feed itself, particularly in urban areas.¹²² Aid organizations estimated that some seven million Zimbabweans, almost three-quarters of the country's population, required food assistance in early 2009. That figure has declined significantly in the last year, but the country still faces a cereal shortfall, and by some estimates 2.5 million may need food aid in the first three months of 2010.

Although drought is partly to blame for the country's food shortages, analysts believe that disruptions to the farming sector resulting from Mugabe's land seizure program are the main reason for reduced food production.¹²³ Nearly all of the country's 4,500 commercial farms have now been taken over; the government's land redistribution program is reportedly plagued by inefficiencies, with large portions of redistributed land not being actively farmed. Tractors and other inputs to production are reportedly in short supply. Thousands of experienced farm workers were reportedly forced to flee seized commercial farms, and many of those who now hold farmland have no agricultural expertise. The government's introduction of price controls in 2007 may have further restricted production—the country's seed and fertilizer producers reported that the controls created "unrealistic prices," which in turn caused supply shortages.¹²⁴

¹²⁰ For more information on food insecurity, see CRS Report R40127, *The Impact of Food Insecurity and Hunger on Global Health: Issues for Congress*, by Tiaji Salaam-Blyther and Charles E. Hanrahan.

¹²¹ United Nations, *2006 CAP Mid-Year Review*, June 2006.

¹²² 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.

¹²³ On the land takeovers in Zimbabwe, see AI, *Zimbabwe: Power and Hunger—Violations of the Right to Food*, October 15, 2004.

¹²⁴ "Zimbabwe: The Mother of All Farming Seasons," *IRIN*, October 25, 2007.

Operation Taguta

In late 2005, the Zimbabwean government established Operation *Taguta* (or “Eat Well”), a move seen by many as an acknowledgment that the government’s 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, 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, the destruction of the fruit, vegetable, and other 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.¹²⁵ A Zimbabwe journalist was jailed in March 2009 for reporting on allegations of corruption within the Grain Marketing Board, whose power has been significantly reduced under the new transitional government.

Food as a Political Weapon?

The ZANU-PF government’s stance on food aid led many observers to suspect that food has been used as a political weapon, a charge the government denied.¹²⁶ Despite assessments by multiple international donor agencies suggesting the need for food assistance, President Mugabe confounded observers in recent years by repeatedly declaring the country was running a maize surplus and would not need food aid.¹²⁷ 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.¹²⁸ In March 2005, the government finally acknowledged serious food shortages, but delayed in signing agreement to allow the World Food Program (WFP) and its implementing partners to provide assistance until December of that year.¹²⁹ Reports suggested that the government maintained tight control of food distributions, until its ban on the distribution of aid by NGOs prior to the 2008 runoff.¹³⁰ The government accused aid agencies of using food to turn Zimbabweans away from ZANU-PF.

Critics like Pius Ncube, former Catholic Archbishop of Bulawayo, 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 have reported instances of ZANU-PF holding campaign rallies in conjunction with government food distributions. In some areas, government officials distributing food required those in line to show a party card—and MDC supporters were

¹²⁵ Solidarity Peace Trust, *Operation Taguta/Sisuthi*, April 2006.

¹²⁶ AI, *Zimbabwe: Power and Hunger*.

¹²⁷ “Mugabe Word for Word,” *Sky News*, May 24, 2004.

¹²⁸ AI, *Zimbabwe: Power and Hunger*, and USAID, *2004 Annual Report for the Office of Foreign Disaster Assistance (OFDA)*.

¹²⁹ “ZANU-PF Admits Food Crisis,” *Institute for War and Peace Reporting* (London), 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.

¹³⁰ “Govt Delays Stall WFP Food Distribution,” *Financial Gazette*, December 13, 2006.

reportedly turned away. Two 2005 court rulings supported these claims, finding that ZANU-PF candidates politicized food distribution and used violence against the opposition.¹³¹

HIV/AIDS

In the midst of its political and economic crisis, Zimbabwe has been ravaged by HIV/AIDS. The country's HIV prevalence rate is the world's fifth highest. The United Nations Children's Fund (UNICEF) estimates that almost one quarter of Zimbabwe's children are orphans (primarily attributable to AIDS), the highest percentage globally.¹³² The epidemic is also causing a severe strain on the country's healthcare system; reports suggest that 75% of hospital admissions in recent years have been 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. Of those who remain, many are infected with HIV themselves, leaving Zimbabwe to rely upon assistance from others. 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 the few countries in Sub-Saharan Africa in which HIV prevalence rates have declined. While reports suggest evidence of changes in sexual behavior,¹³³ the country's high mortality rates also play a role in the decreased prevalence rate.¹³⁴ 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 has committed Zimbabwe to universal access to antiretroviral therapy (ART) by 2010. Despite this commitment, access to ART is relatively low, with only 40,000 of 1.3 million HIV positive Zimbabweans on ART in 2008.¹³⁵

For those who are able to access treatment, the country's economic crisis has limited its impact. Patients taking ART must maintain healthy diets for the treatment to be effective, but with malnutrition rates high, many are unable to benefit. Murambatsvina reportedly displaced an estimated 80,000 infected with HIV/AIDS, leaving many not only food insecure but also without access to ART. Reports suggest that recent farm invasions may have left workers similarly unable to access ART. Experts suggest disruptions in ART may lead to increased resistance in HIV-positive patients to the most common medication, Nevirapine.¹³⁶ The displacement and separation of families may also lead to an increase in unsafe sexual behavior.

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

¹³¹ Reference to the rulings, made by Judges Nicholas Ndou and Rita Makarau, can be found in DOS, "Zimbabwe," *Country Reports on Human Rights Practices 2005*.

¹³² "Zimbabwe Has Highest Percentage of Orphans in the World," *Associated Press*, December 6, 2006.

¹³³ UNAIDS, *AIDS Epidemic Update*, December 2007.

¹³⁴ Dr. Peter Piot, "Launch of the 2005 AIDS Epidemic Update," UNAIDS, November 21, 2005.

¹³⁵ ART figures are available at the website of the President's Emergency Plan for AIDS Relief (PEPFAR), <http://www.pepfar.gov>.

¹³⁶ Tibaijuka, 40.

countries reported confirmed cases in border areas. Cholera, an acute diarrhoeal 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, and from September 2009 through January 2010 there were less than 150 cases reported and five deaths.¹³⁷

Many health experts attribute the severity of Zimbabwe's 2008/09 cholera outbreak to the collapse of the country's healthcare, water, and sanitation systems.¹³⁸ According to reports, water treatment and delivery have dramatically declined in recent years, and the decline of many other basic social services, such as trash collection, pose significant health risks. Public healthcare providers often lack basic medications, supplies and functioning medical equipment. Many health workers have migrated to neighboring countries in search of work, and the cost of transport to and from work for those who remain reportedly outweighs the salary they might receive. Many public hospitals and clinics have closed due to understaffing.

The Economy

The turmoil in Zimbabwe 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 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.¹³⁹ Given the continued economic decline in recent years, many more are believed to have fled Zimbabwe since then. Those who leave the country because of economic hardship often face difficult conditions in their host country. Many of those who remain behind now reportedly rely on remittances from family abroad.

The IMF and the World Bank

Dubbed "the world's fastest shrinking economy" prior to 2009, Zimbabwe's Gross Domestic Product (GDP) has declined over 50% since 1998.¹⁴⁰ World Bank and International Monetary Fund (IMF) lending has been suspended since 2000 due to nonpayment of arrears, and foreign currency for essential imports, particularly fuel, was in short supply. Zimbabweans have faced steep rises in the prices of food and non-food items in recent years. The coalition government's adoption in 2009 of multiple currencies, including the U.S. dollar, stabilized prices.

In December 2003, Mugabe selected Gideon Gono, credited with turning around a troubled commercial bank, as governor of the Reserve Bank of Zimbabwe (RBZ). The move was welcomed by some, since Gono was regarded as a successful technocrat. However, critics maintain that his measures to fight corruption and discover illegally held foreign exchange have

¹³⁷ World Health Organization, "Cholera in Zimbabwe- Update 3," March 23, 2009.

¹³⁸ Physicians for Human Rights, *Health in Ruins: A Man-Made Disaster in Zimbabwe*, January 2009.

¹³⁹ Solidarity Peace Trust, *An Account of the Exodus of a Nation's People*, November 2004.

¹⁴⁰ 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>.

been used to damage government opponents and further the interests of ZANU-PF.¹⁴¹ Regardless of Gono's efforts, international assessments of Zimbabwe's economic prospects remained bleak. Ignoring the advice of the IMF, the government refused to devalue the official exchange rate. Instead, in June 2006, Gono devalued the country's currency, 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.¹⁴² 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 more than 3,000 at roadblocks for holding currency over the individual limit and seized a reported \$40 million.¹⁴³ Analysts suggest the devaluation did little to reverse the foreign exchange rate shortages.¹⁴⁴ More recently, in February 2009, Gono devalued the currency again, removing 12 zeros from the Zimbabwe dollar.

In late September 2008, Zimbabwe began officially trading in foreign currency in an attempt to lower prices, and in February 2009, under the direction of new Finance Minister Tendai Biti of the MDC, the government began issuing government 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 government officials warn that without a significant influx of foreign currency, they may be unable to maintain these salaries. Salaries have increased slightly in the past year, but remain extremely low by regional standards.

Zimbabwe is currently restricted from borrowing from the IMF, to which the country still owes approximately \$89 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. The source of the funds used to pay the IMF debt has been a source of considerable speculation in the media.¹⁴⁵ Mugabe has dubbed the IMF a "political instrument" and "monster" for regime change.¹⁴⁶ Zimbabwe also owes an estimated \$600 million to the World Bank and \$460 million to the African Development Bank; in total the country's debt is estimated at \$6 billion, including payment arrears of \$3.8 billion. 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."¹⁴⁷ 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

¹⁴¹ "Gono's Mission Is to Save ZANU-PF, Not the Economy," *LiquidAfrica*, December 3, 2004.

¹⁴² "Country is Committed to Uprooting All Forms of Corruption," *The Herald*, August 24, 2006.

¹⁴³ "Much Ado About Money," *IRIN*, August 18, 2006.

¹⁴⁴ "Bag of Bricks: Hyperinflation in Zimbabwe," *The Economist*, August 26, 2006, and "Zimbabwe: Millions no Longer Millionaires," *African Business*, October 2006.

¹⁴⁵ See, for example, "A Zimbabwean Businessman, His Farms Seized, Takes on Mugabe," *Washington Post*, February 24, 2006.

¹⁴⁶ "Mugabe's 82nd Birthday Blast at Zimbabwe," *Business Day*, February 21, 2006.

¹⁴⁷ IMF, Statement by IMF Managing Director Strauss-Kahn on Zimbabwe, Press Release No. 08/207, September 15, 2008.

implementation [and] donor support.”¹⁴⁸ The World Bank has pledged technical assistance and a \$22 million grant to the new 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 “Zimbabwe’s Food Crisis” section, above), the Mugabe administration introduced long-term leases to provide security of tenure for farmers willing to cultivate land nationalized in the 2005 constitutional amendment. One of the unintended side effects of Mugabe’s 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, and among the initial recipients were 19 white farmers, which came as a shock to many after Mugabe declared in July 2005 that his land reform program would be complete only when there was “not a single white on the farms.”¹⁴⁹ Some suggest financial institutions have been reluctant to accept the new leases as collateral, given that the government reserves the right to cancel the lease if it deems the farm unproductive. There are reportedly less than 400 white farmers left in Zimbabwe in 2008, and evictions in 2009 further reduced their number to an estimated 250.

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. The government announced in 2007 its intention to ration electricity to households across the country in order to divert its dwindling supplies for irrigation of Zimbabwe’s winter wheat crop.¹⁵⁰ Periodic electricity shortages, caused by supply cuts from Mozambique, South Africa, and Zambia, compounded Zimbabwe’s economic woes, cutting the production capacity of the manufacturing and mining sectors by as much 50%, according to some reports.¹⁵¹ The new MDC Minister for Energy and Power Development asserts that country’s power infrastructure is in disrepair and up to \$1 billion will be needed to fix the crumbling energy sector.¹⁵²

The Mining Industry

While the country’s agriculture industry founders, its mining industry has continued to bring much-needed income into Zimbabwe. Mining has accounted for almost half of Zimbabwe’s total foreign currency revenues in recent years. Zimbabwe has the world’s second largest reserves of platinum, behind South Africa.¹⁵³ In early 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

¹⁴⁸ Tony Hawkins, “IMF Dampens Hopes of Aid to Zimbabwe,” *Financial Times*, March 25, 2009.

¹⁴⁹ “In Reversal, Mugabe Seeks White Farmers,” *UPI*, December 17, 2006.

¹⁵⁰ “Zimbabwe to Ration Electricity for Homes to Four Hours a Day,” *Reuters*, May 10, 2007.

¹⁵¹ “Power Cuts Halt Harare Factories,” *Business Day*, October 29, 2007.

¹⁵² “Mudzuri Says \$1 Billion Needed to Revamp Energy Sector,” *SW Radio Africa*, February 25, 2009.

¹⁵³ 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.

modified, allowing firms that invested in community projects to keep their majority share. They voted to approve similar plans to take a majority share in all foreign-owned businesses in September 2007; the legislation became law in March 2008. The government has insisted that it will not expropriate foreign-owned companies and that the law will not be applied to every company, but rather “on the basis of capital (investment) and employment levels.”¹⁵⁴ Critics argue the law further deters much-needed foreign investment.

The new coalition government has begun to take measures to encourage investment in the mining sector. 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. With current gold prices strong, the new government is now allowing the mines to market their own gold and accept payment in foreign currency. It has also cut the tax on gold export revenues. Zimbabwe’s gold sector grew by 14.6 percent in 2009 and is forecast by the government to grow 24.6 percent in 2010. Growth in other sectors of the mining industry is expected to be more moderate.

Illegal Mining

The Zimbabwe government has taken steps 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 late 2006, including several hundred reportedly legal small-scale miners, confiscating gold, diamonds, emeralds, and gold ore. Security forces have been accused of serious human rights abuses. 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. According to reports, most of the miners were released after paying fines.

“Blood Diamonds”?

The World Diamond Council (WDC), a diamond industry organization that aims to prevent the trade of conflict diamonds, raised 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 forced villagers to labor in the mines and then smuggled the stones from the country.¹⁵⁵ 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.¹⁵⁶ 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

¹⁵⁴ “Zimbabwe Clarifies Nationalization Legislation,” *Financial Times*, March 11, 2008.

¹⁵⁵ 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,” IRIN, January 20, 2009.

¹⁵⁶ Kimberly Process Certification Scheme Secretariat, “Public Statement on the Situation in the Marange Diamond Fields, Zimbabwe,” March 2009.

until legal claims regarding the Marange mines are resolved. The U.S. government and others have called for Zimbabwe to be suspended from the Process if the controls recommended at the KP Plenary are not implemented. In the meantime, international diamond dealers in Antwerp announced that they would not deal in Marange diamonds until the controls are fully in place; Zimbabwe has been given until June 2010 to make the changes.

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.¹⁵⁷

“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.”¹⁵⁸

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.¹⁵⁹ Some observers suggest that loyalty of the security forces may have come at a heavy cost to the economy. In 2006, the government reportedly spent more than \$20 million to purchase new cars for police, military and intelligence officers. The security forces and civil service also reportedly received an almost 300% pay raise to counter record desertion rates. 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 civilian government positions. Mugabe previously placed current or former military officers in control of the Ministries of Energy and Industry, the Zimbabwe Revenue Authority (in charge of tax collection), 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 these offices.

¹⁵⁷ Zimbabwe is a signatory of the Kimberly Process. For more information, see CRS Report RL30751, *Diamonds and Conflict: Background, Policy, and Legislation*, by Nicolas Cook.

¹⁵⁸ “Zimbabwe: Parliamentary Body Urges State to ‘Normalize’ Trade Ties with West,” *BBC Monitoring Africa*, December 8, 2006.

¹⁵⁹ “Militarization of State Firms Cause for Worry,” *Zimbabwe Independent*, May 26, 2006.

As the economy continued to collapse in recent years, there were signs that the government might be running out of funds to maintain its security forces. During a parliamentary hearing in mid-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.¹⁶⁰ 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, who has reportedly long sought to succeed Mugabe, 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.¹⁶¹ More recently, in November 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 coalition 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 some sympathy 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 Africa's 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. Zimbabwe is again on the agenda at the 2009 AU Summit in Addis Ababa.

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 immediate 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;

¹⁶⁰ "Soldiers Go Hungry," *Financial Gazette*, May 23, 2007.

¹⁶¹ "Army Investigates Reports of Coup Plot," *SW Radio Africa*, June 14, 2007.

and a commitment of all stakeholders to holding credible elections in a timely manner.¹⁶²

U.S. Policy

The United States was critical of the ZANU-PF government for its poor human rights record and lack of respect for the rule of law, but has expressed cautious support for the coalition 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.¹⁶³ These remarks provoked an angry personal response from Mugabe.¹⁶⁴ Prior to the formation of the unity government, current 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 new government but warned, "we will not consider providing additional development assistance or even easing sanctions until we see effective governance."¹⁶⁵

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 all non-humanitarian government-to-government aid.¹⁶⁶ 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.

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

¹⁶² Remarks by the German Ambassador to Zimbabwe, Dr. Albrecht Conze, as referenced in "Getting Zimbabwe to Work Again," *The Zimbabwe Times*, March 29, 2009.

¹⁶³ "Rice Targets 6 'Outposts of Tyranny,'" *Washington Times*, January 19, 2005. The others were Cuba, Burma, North Korea, Iran, and Belarus.

¹⁶⁴ "Zimbabwe's Mugabe Lashes Out at Rice, Blair at Campaign Launch," *AFP*, February 11, 2005.

¹⁶⁵ Daily Press Briefing by State Department Spokesman Robert Wood, February 11, 2009.

¹⁶⁶ 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. For more information, see U.S. Department of State, *Trafficking in Persons Report*, available at <http://www.state.gov/g/tip>.

by 75 high-ranking Zimbabwe officials and Mugabe's wife, Grace.¹⁶⁷ 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.¹⁶⁸ President Bush added additional names to the list in December 2007 and November 2008. President Obama renewed the sanctions in March 2009. In January 2010 coalition government officials, including Prime Minister Tsvangirai, requested that sanctions against certain banks and parastatals on the list be reviewed and possibly removed.

Congressional Response

Congress made clear 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 U.S. House of Representatives passed H.Res. 409 in December 2005, condemning Operation Murambatsvina, which the resolution termed a "humanitarian disaster that has compounded the country's humanitarian food and economic crises." The resolution also called on the U.N. 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 Zimbabwean government. Senator Russ Feingold (D-WI) introduced S.Amdt. 1254, which was included in the final version of the FY2006 foreign operations appropriations bill (P.L. 109-102). This amendment provided \$4 million for democracy and governance activities in Zimbabwe. The Africa Subcommittees of the Senate Foreign Relations Committee and the House Foreign Affairs Committee held their most recent hearings on Zimbabwe in September and May of 2009, respectively.

The 110th Congress was active on Zimbabwe. On April 17, 2007, the House of Representatives passed H.Con.Res. 100, sponsored by Representative Tom Lantos, condemning the Zimbabwean 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 ongoing political violence. Some wrote letters to Bush 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

¹⁶⁷ Seventy-seven individuals were named in the executive order (EO 13288), but one of these had died.

¹⁶⁸ The text of this annex to EO 13288 can be found at <http://www.whitehouse.gov>.

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. In the 111th Congress, Representative Ros-Lehtinen introduced H.Res. 238, declaring the economic and humanitarian crisis in Zimbabwe to be a threat to international security. In June 2009, the Senate passed S.Res. 176, introduced by Senator Russ Feingold, expressing the sense of the Senate that the United States should continue to provide humanitarian aid to the people of Zimbabwe; increase assistance for education, health, water, and sanitation; encourage international support for reform efforts like those of the Finance Ministry ; and maintain existing sanctions until there is “demonstrable progress toward restoring the rule of law and respect for human rights” during the political transition in Zimbabwe.

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.¹⁶⁹ 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 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.¹⁷⁰ The Obama Administration has expressed support for South Africa’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. That includes over \$200 million in food aid and humanitarian assistance in FY2009. The U.S. government provided over \$7.3 million in FY2009 specifically to address the cholera outbreak and a further \$8.6 million to improve community resilience to cholera and other waterborne diseases. In addition to disaster aid, the United States provided over \$32 million in bilateral assistance for Zimbabwe in FY2008 and over \$100 million in FY2009. The State Department requested \$95.4 million for FY2010.¹⁷¹ The State Department’s FY2011 budget request includes over \$50 million to support good governance, strengthen civil society, improve food security, and support the private sector and economic recovery and over \$48 million in health and child survival programs.

¹⁶⁹ “Bush Backs Mbeki on Zimbabwe,” *The Guardian* (London) July 10, 2003.

¹⁷⁰ “US Seeks ‘Coalition’ to Force Zimbabwe Regime Change,” *The Independent* (UK), August 25, 2004.

¹⁷¹ See CRS Report RL34509, *Zimbabwe: The Power Sharing Agreement and Implications for U.S. Policy*, by Lauren Ploch, for more information on FY2009 and FY2010 appropriations requests and legislation.

The Obama Administration has welcomed the establishment of the new coalition government, but has indicated that a resumption of non-humanitarian assistance to the government will be predicated on progress toward political and economic reforms. 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 assisting in relief efforts. 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. Reforms made under the coalition government have laid the foundation for independent media to operate, but concerns remain that security forces may restrict free speech. USAID has provided funding for Voice of America to broadcast Studio 7, a daily program on shortwave and AM radio that USAID describes as "the principal source of independent electronic media in the country." Studio 7, along with UK-based Shortwave (SW) Radio Africa and the Dutch-funded Voice of the People (VOP) 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, although there have been no recent events, Americans have in the past been detained for expressing their views about the political regime there.¹⁷² In 2006, a delegation of 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.¹⁷³

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 as 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

¹⁷² DOS's *Consular Information Sheet* for Zimbabwe is available at <http://travel.state.gov/>.

¹⁷³ "EU Demands Probe into Congress of Trade Union Attacks," *Zimbabwe Standard*, September 24, 2006.

returned. With Mugabe remaining in office under the September 2008 power sharing agreement, it is unclear whether Britain will concede to release such funds. Mugabe 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.”¹⁷⁴ Current Prime Minister Gordon Brown has 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, British Prime Minister Gordon 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.

European Union

The European Union was among the first to take action against Mugabe’s government. 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 upgraded by the EU to target 35 Zimbabwean leaders, and have been renewed yearly, with new names added in January 2009. 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 continues to provide humanitarian and limited development assistance.

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.”¹⁷⁵ 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 South Africa’s President 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.¹⁷⁶ 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.

¹⁷⁴ “Zimbabwe’s Mugabe Marks 81st Birthday With Attack on Opposition, Blair,” *AFP*, February 26, 2005.

¹⁷⁵ “Commonwealth Observer Group’s Preliminary Report on Zimbabwean Presidential Elections,” March 14, 2002. Available at <http://www.afrol.com>.

¹⁷⁶ “Mugabe Rules Out Zimbabwe’s Return to the Commonwealth,” *AFP*, December 16, 2003.

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 and its largest investor.¹⁷⁷ China has reportedly offered the new government loans to support economic recovery efforts. 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 only 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 \$240 million purchase of twelve Chinese fighter jets has drawn questions from analysts as to why a country that faces no immediate external threat from its neighbors would need such an air force.¹⁷⁸ 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.¹⁷⁹

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 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; the country has insufficient foreign currency to import fuel in bulk through a pipeline from the nearest port, Beira, Mozambique to Zimbabwe.

In spite of Mugabe's assurances of Iranian assistance, some observers suggest Iran may not have met his expectations. Despite an agreement signed by the two countries in 2005, little financial assistance appears to have been provided. As one economic advisor points out, "At the end of the day, whether its China or Iran, investors want one thing: a return on their investment and they do not seem to believe they can get that return (from Zimbabwe)."¹⁸⁰ Likewise, Mugabe, traveling to Beijing in 2005 to request assistance to deal with the country's foreign exchange shortfall and fuel shortage, received only \$6 million for grain imports reportedly because Zimbabwe was deemed unworthy of significant investment.¹⁸¹ Although Mugabe did secure a \$200 million buyer

¹⁷⁷ "Beijing Quietly Cools Relations With Mugabe," *Financial Times*, June 5, 2007.

¹⁷⁸ 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.

¹⁷⁹ EIU, "The Government is to Buy More Jets from China," September 15, 2006.

¹⁸⁰ Excerpt from South Africa-based website *ZimOnline* in "Zimbabwe Leader 'Frantically' Seeking Allies," *BBC Monitoring Africa*, November 23, 2006.

¹⁸¹ "China Aid 'Snub' to Enable South Africa to Extract Concessions from Zimbabwe," *BBC Monitoring Africa*, August 1, 2005.

credit loan from China to promote agricultural production (reportedly the largest loan to Zimbabwe since western donors ceased lending), China dismissed reports that the countries were negotiating a much larger \$2 billion loan to revive the country's flagging economy.¹⁸²

In addition to investment and economic assistance, Zimbabwe's Asian partners have occasionally offered 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.¹⁸³ 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. Iranian President Mahmoud Ahmadinejad expressed support during Mugabe's visit, 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."¹⁸⁴

Nigeria

Although an observer team from Nigeria 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 is an initiative aimed at demonstrating Africa's capabilities for resolving its own problems in exchange for increased aid, trade, and investment.¹⁸⁵ 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 Nigerian leader then took the Zimbabwe visitors on a personal tour of his farm—an unusual privilege.¹⁸⁶ After the 2005 elections, Obasanjo met again with Tsvangirai, and the government-owned Herald newspaper accused the Nigerian president of funding the MDC.¹⁸⁷ The country's new president, 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."¹⁸⁸

South Africa

Former President Thabo Mbeki's "quiet diplomacy" toward Zimbabwe drew criticism from some for its slow pace, although both sides credit Mbeki with playing a critical role in the September 2008 power sharing agreement. Some analysts point out that his reluctance to openly confront or condemn President Mugabe is understandable on a number of grounds. 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. Mugabe has enjoyed

¹⁸² "Zimbabwe, China to Negotiate \$2 Billion Dollar Loan Deal," *AFP*, December 22, 2006 and China and "Beijing Cools on Mugabe China in Africa," *International Herald Tribune*, May 4, 2007.

¹⁸³ "Chinese Envoy Supports Zimbabwe's Land Reforms," *AFP*, November 2, 2004.

¹⁸⁴ "Iran Slams Sactions Against Zim," *AllAfrica*, November 22, 2006.

¹⁸⁵ See CRS Report RS21353, *New Partnership for Africa's Development (NEPAD)*, by Nicolas Cook.

¹⁸⁶ September "Nigeria Rolls Out Red Carpet for Tsvangirai," *Zimbabwe Standard*, November 15, 2004.

¹⁸⁷ "The SA, Nigeria, and MDC Connection," *The Herald*, November 6, 2005.

¹⁸⁸ "Hotfoot from Harare," *Africa Confidential*, Vol. 48, No. 24, November 30, 2007.

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, which is immensely more powerful than neighboring Zimbabwe, and which has extensive control over Zimbabwe's transport links to the outside world, as well as over its electricity supplies, has not been able to improve the Zimbabwe situation more quickly. 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 could produce a sharp increase in illegal migration and have a substantial impact on South Africa. Some estimate that over three million Zimbabweans have fled into the country.¹⁸⁹ In May 2008, 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.¹⁹⁰ 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."¹⁹¹ 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."¹⁹²

¹⁸⁹ Michael Wines, "Influx from Zimbabwe to South Africa Tests Both," *New York Times*, June 22, 2007.

¹⁹⁰ "Zimbabwe Pays Part of IMF Debt," *Washington Post*, September 2, 2005.

¹⁹¹ "We Are Not Quiet Diplomats," *Daily Mail and Guardian* (Johannesburg), November 5, 2004.

¹⁹² "South Africa Ends 's 'Silence' on Zimbabwe, Urges Harare 'to Respect Rule of Law,'" *BBC Monitoring Africa*, March 14, 2007.

Defenders of Mbeki's approach argued that he was the only leader with the influence and prestige needed to sway Mugabe.¹⁹³ 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 President Mbeki's efforts to mediate.¹⁹⁴ 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."¹⁹⁵ Earlier, he had termed Secretary Rice's description of Zimbabwe as an outpost of tyranny as "an exaggeration."¹⁹⁶ 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 2009.¹⁹⁷ 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."¹⁹⁸ President Zuma himself assumed the role of SADC facilitator on the Zimbabwe situation in December 2009; he has appointed a three-person team led by one of his top political advisors, Charles Nquakula, to manage the mediation. The country's opposition parties, including the Democratic Alliance and the Congress of the People (COPE) party, which emerged in late 2008, have encouraged strong action on Zimbabwe. Prior to the coalition government's formation, COPE's leadership took the position that Zimbabwe's neighbors should withhold commodities to encourage reforms in the country.¹⁹⁹

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.²⁰⁰ The AU tabled the report at the summit, however, and declared it

¹⁹³ ICG, *Zimbabwe: Another Election Chance*, 14.

¹⁹⁴ "Tsvangirai Changes Tune on Mbeki's Quiet Diplomacy," *Business Day*, October 29, 2004.

¹⁹⁵ "Mbeki Pays Tribute to Zimbabwe, Says Polls Will Be Free and Fair," *AFP*, March 2, 2005.

¹⁹⁶ "Mbeki Criticizes U.S Over Zimbabwe," *BBC*, February 22, 2005.

¹⁹⁷ For more information on challenges to a possible Zuma presidency, see CRS Report RL31697, *South Africa: Current Issues and U.S. Relations*, by Lauren Ploch.

¹⁹⁸ "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.

¹⁹⁹ "More Pressure Builds on Mugabe to Step Down," SW Radio Africa, December 23, 2008.

²⁰⁰ "AU Report Slams Erosion of Rule of Law," *Zimbabwe Independent*, July 16, 2004.

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.²⁰¹ 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.”²⁰² 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.”²⁰³

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.”²⁰⁴ 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 the New Partnership for Africa’s Development (NEPAD).²⁰⁵

Should ZANU-PF fail to abide by the terms of the power sharing agreement, criticism from the AU may have little effect, unless it is accompanied by more substantial policy changes toward Mugabe’s administration. The government has routinely ignored its 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.”²⁰⁶ 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 has been seen as disinclined to condemn the actions of President Mugabe’s government. At its August 2004 summit in Mauritius, SADC approved new electoral principles and guidelines for all its member nations.²⁰⁷ Analysts were hopeful that these rules might

²⁰¹ “It’s the Very Leaders Who Are Denying the People Their Justice,” *Financial Gazette*, July 20, 2006.

²⁰² “African Union Slams Human Rights Record,” *IRIN*, January 3, 2006.

²⁰³ International Press Institute, “IPI Disappointed By African Union’s Slow Progress in Criticizing Zimbabwe’s Record on Human Rights, Press Freedom,” April 4, 2006. IPI is a global network of editors, media executives and leading journalists in over 110 countries that promotes press freedoms and journalistic standards.

²⁰⁴ “Mkapa Has a Long Shot at Moving ‘Bad Boy’ Mugabe,” *AllAfrica*, August 25, 2006.

²⁰⁵ For further information on the APRM and NEPAD, see CRS Report RS21353, *New Partnership for Africa’s Development (NEPAD)*, by Nicolas Cook.

²⁰⁶ “Harare Raps African Union Human Rights Body,” *U.S. Fed News*, July 6, 2005.

²⁰⁷ *SADC Principles and Guidelines Governing Democratic Elections* (Adopted by the SADC Summit, Mauritius, August 2004). Available at <http://www.iss.co.za>.

motivate meaningful democratic reforms in Zimbabwe, particularly since they laid out detailed guidelines for SADC observer missions.²⁰⁸ 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 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 stakeholders toward a negotiated solution.²⁰⁹ 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 new coalition government, but it remains unclear to what extent they might be willing to enforce the deal if the parties cannot work together. At a regional summit in late March 2009, SADC approved an \$8 billion plan for Zimbabwe's economic recovery, including \$2 billion for short-term recovery projects. Member states are still determining what portion of that assistance they might provide, but many expect the regional body to appeal to foreign donors for much of the total.

Table I. Regional Efforts to Block 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 a court order blocking the cargo's transfer through South African territory.²¹⁰ 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 (SATAWU) 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 (ITF), 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 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 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.

²⁰⁸ ICG, *Zimbabwe: Another Election Chance*, 13.

²⁰⁹ Preliminary Statement Presented by the Hon. Jose Marcos Barrica of the SADC Observer Mission, issued on June 30, 2008.

²¹⁰ High Court of South Africa Durban & Coast Local Division Case No. 4975/08

Prospects for the Future

Despite hopes that the new coalition government may 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. In the near term, the country's agriculture industry shows little sign of recovery. The issues of property rights and land reform will be among the most difficult for the government to address. Prospects for Zimbabwe's youngest generation remain poor. Primary school attendance dropped dramatically after 2000. The provision of salary vouchers has brought many teachers back to work, but enticing the thousands who have left the country to return will be a major challenge. Many families are unable to afford basic food items, not to mention medicines or doctors. Analysts have cited a number of reasons for Zimbabwe's economic problems, including recurrent drought, difficulties encountered in implementing economic reforms, and industrial competition from comparatively cheap South African imports.²¹¹ 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 as hyperinflation continued to rise, they were largely ineffective. Although the MDC has taken control of the Ministry of Finance in the transitional government, it remains unclear how effective the new Ministry's economic policies will be in reversing the downturn if foreign donors continue to withhold assistance for its recovery plans, estimated to require \$5-8 billion. Many donor governments and institutions are reluctant to release such funds until they can determine whether the coalition government's establishment will result in changes to the policies which brought about sanctions in the first place. The MDC and ZANU-PF, longstanding political foes, must now demonstrate their willingness to work together to put the country's economy on the path toward recovery.

²¹¹ Teddy Brett and Simon Winter, "Origins of the Zimbabwe Crisis," *Focus* (Helen Suzman Foundation), June 2003.

Figure 1. Map of Zimbabwe



Source: Map Resources. Adapted by CRS.

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