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## ZIMBABWE: TIME FOR INTERNATIONAL ACTION

### OVERVIEW

The International Crisis Group (ICG) published a detailed report in summer 2001 that found Zimbabwe to be in a severe political and economic crisis, characterised by state-directed violence aimed at crushing political opposition and by growing potential for internal conflict and regional instability. It concluded that the international community should make strenuous efforts to persuade President Robert Mugabe that presidential elections scheduled for 2002 should be conducted freely, fairly and on a level playing field in order to return the rule of law to Zimbabwe and move the country away from the precipice on which it teeters.

ICG recommended that if President Mugabe did not halt the downward slide and establish the preconditions for free and fair elections, the international community should isolate Mugabe and the leadership of his ZANU-PF party and thereby bring pressure to bear for positive change. Chief among those recommendations were targeted, “smart” sanctions and aid to the opposition and civil society.<sup>1</sup>

The three months since that report was issued have seen increased international activity. In particular, a special delegation of Commonwealth foreign ministers reached an agreement with Zimbabwe at Abuja, 6-7 September, that aimed to set standards

<sup>1</sup> International Crisis Group Africa Report No. 32, *Zimbabwe in Crisis: Finding a Way Forward* (Harare/Brussels, 13 July 2001). “Smart” sanctions in this context would be freezes of personal assets and travel sanctions aimed at President Mugabe, key leaders in his government, and their families.

for land reform, an issue that has been used by the government as a cover to dismantle democratic institutions and position itself, violently, for victory in the 2002 elections. Immediately following Abuja, a delegation of leaders from the Southern African Development Community (SADC) visited Zimbabwe and delivered a strong message that it was vital to the region’s stability for the country to return to the rule of law.

ICG dispatched a field mission to Zimbabwe in the second half of September to assess whether those important initiatives were bearing fruit, or there were at least signs that President Mugabe intended a more positive policy. Regrettably, ICG has determined that the situation is deteriorating. Violent occupations of white-owned farms and forced displacement of thousands of black farm workers continue in violation of the Abuja agreement. Violence and intimidation continue to be used by the ruling party to capture political by-elections, to shackle what remains of a free press and to convert the country’s once highly respected and independent judiciary into a reliable instrument for implementation of the president’s policies.

Everything which has brought Zimbabwe to the verge of collapse and first excited the concern of its neighbours in southern Africa, its partners in the Commonwealth, and its friends around the world continues to be done in order to lay the groundwork, by any means necessary, for a Mugabe and ZANU-PF victory in next year’s presidential election.<sup>2</sup>

<sup>2</sup> The presidential election is scheduled to be held some time between January and April 2002.

ICG's mission revealed that, assuming no new elements, there is little chance for free and fair 2002 presidential elections, which is the central objective of most domestic efforts to bring about positive change.<sup>3</sup> ICG interviewed dozens of displaced farm workers, civil society activists, shopkeepers, politicians, lawyers, businesspersons, housewives, taxi drivers, and civil servants, all of whom argued that only new international pressure has a chance of improving this prospect.

President Mugabe has tried to confuse the international community about the source of Zimbabwe's problems, articulating the central issue as a historic grievance regarding land distribution, with racial roots. The opposition and broader civil society articulate the central issue as one of human rights, with roots in the need for constitutional reform (to check presidential abuse of power), stronger democratic institutions, free and fair elections, lawful land reform, and rule of law. In fact, the government has used serious issues such as land redistribution cynically as pawns in an effort to cling to power. Human rights and the need for lawful land redistribution are inextricably linked; one cannot exist without the other.

ICG's conclusion is that it is time for the international community to raise its pressure to the next level by instituting "smart" sanctions against Mugabe and the ZANU-PF leadership and providing direct aid to the opposition and civil society organizations. The purpose of these measures is to encourage positive policy changes in Zimbabwe while time remains and to give encouragement to the people of that country who are working for such change. It is all the more important that they be undertaken now lest the international community's concentration on the crisis provoked by the terrorist attacks of 11 September in the United States, which led to postponement of the Commonwealth Summit that was to have considered the Zimbabwe case this month, cause President Mugabe to believe that he has free run to continue his disastrous policies.

<sup>3</sup> International efforts, by contrast, often focus on the land issue, without recognizing fully that the land issue is symptomatic of the larger breakdown in the rule of law in Zimbabwe. See below.

## I. NEW FRAMEWORKS FOR INTERNATIONAL ACTION

There are a number of indications that the international community is increasingly concerned about the implications of events in Zimbabwe. For example, the European Parliament passed a resolution on 6 September 2001 that concluded "fine words are unlikely to persuade President Mugabe to mend his ways and that visible and tangible action now needs to be taken, focusing directly on President Mugabe and his close associates whilst sparing the people of Zimbabwe".<sup>4</sup> When EU foreign ministers meet in the General Affairs Council of 29 October, they are expected to discuss decisions about Zimbabwe in the wake of unsuccessful efforts to engage President Mugabe's government in serious consultations about human rights abuses under the Cotonou Agreement that governs EU assistance.

The U.S. House of Representatives may also soon take a decision on the Zimbabwe Democracy and Economic Recovery Act, which contains a number of strong steps and has been passed by the U.S. Senate. The Bush administration is concurrently considering measures that could be imposed on the president's own authority. Potentially most dynamic are African-led initiatives that have developed in recent months. These are sponsored by the Commonwealth and by SADC, two associations widely considered to have importance for President Mugabe and his government.

The first was the meeting of a select group of Commonwealth foreign ministers in Nigeria on 6-7 September, which resulted in the Abuja agreement. Mugabe was again urged to stop political violence and restore the rule of law at the summit of SADC heads of state in Harare on 10-11 September.

### A. COMMONWEALTH ABUJA AGREEMENT

A special delegation consisting of the foreign ministers of Britain, Kenya, South Africa, Jamaica, Canada, Nigeria, and a senior representative of Australia met with Zimbabwe's foreign minister in

<sup>4</sup> See "European Parliament resolution on the situation in Zimbabwe", 6 September 2001 and further discussion below.

Abuja 6-7 September to pursue discussions primarily about the land problem, but in the broader context of the Commonwealth's Harare Declaration of 1991 that pledged member states to "work for the protection and promotion of the fundamental values of the association, namely democracy, democratic processes, fundamental human rights, the rule of law and the independence of the judiciary," and the Millbrook Action Program of 1995 that committed them to "deal with serious or persistent violations" of the Harare principles by member states.<sup>5</sup> Nigeria's foreign minister, Sule Lamido, set the tone by pointing out at the opening session that Zimbabwe should stop creating the impression that it is "incapable of enforcing its own laws, thereby fostering the image of lawlessness and lack of respect for the rule of law".<sup>6</sup>

The agreement announced at Abuja attempted to create a *quid pro quo* between Zimbabwe and Britain. Zimbabwe agreed to end farm invasions and violence on occupied farms and restore rule of law. Foreign Minister Stan Mudenge promised that his government would take firm action and reiterated its commitment to abide by the Harare and Millbrook covenants. Zimbabwe further undertook to implement land reform in a gradual, fair, and transparent manner.

In turn, Britain agreed to make substantial funds<sup>7</sup> available to Zimbabwe to compensate displaced farmers and finance infrastructure in the resettled areas provided Zimbabwe met its commitments.<sup>8</sup> The elements of this agreement are not new. The British government and other donors had, at least since 1998, offered funds for acquisition of white-held farmland subject to essentially the same conditions.<sup>9</sup>

Commonwealth Secretary-General Don McKinnon characterised himself as "very optimistic" and the Zimbabwe delegation's commitment as "very

strong." He said he believed Zimbabwe would implement the deal, adding, "Of all of us who were there we have given it [the agreement] a pass mark. It might not be an A plus but it's certainly in the B category". Mr. McKinnon later noted that "Our principle objective has been to engage in a productive way at a senior level with the Zimbabwe government to achieve the kind of results that people would want to see". Zimbabwe's commitment was, he added, "a very powerful statement in terms of being prepared to internationalise the land redistribution issue, for recognition of the rule of law and human rights and freedom of the press".<sup>10</sup>

President Mugabe hailed the agreement as a victory for both his government and the commercial farmers.<sup>11</sup> Speaker of the Assembly Emmerson Mnangagwa told ICG that Harare "agreed with Abuja because it brought the Brits on board with our program....This way we can better influence the war vets to be orderly."<sup>12</sup>

Reality is more complex. The Abuja agreement provides a new standard by which both the Commonwealth and the broader international community can judge Zimbabwe's good faith about ending violence and restoring rule of law. However vague some of its language, it "ties the question of land to governance," something land-only initiatives failed to do. The government commits to taking "firm action against violence and intimidation."<sup>13</sup>

On the other hand, the agreement can be considered a tactic through which a beleaguered government could anticipate escaping the critique of its record and the rebuke – possibly including suspension of membership as provided for under Millbrook – that had been anticipated at the Commonwealth Heads of Governments Meeting

<sup>10</sup> *Reuters Business Briefings*, 7 September 2001 and 21 September 2001.

<sup>11</sup> "Comment", *Financial Gazette*, 13-19 September 2001.

<sup>12</sup> ICG interview, Harare, 20 September 2001. The "war vets" referred to are those informal shock troops, in many cases veterans of the independence struggle, whom President Mugabe and the ZANU-PF have used to carry out farm seizures and other acts of violence and intimidation. See ICG Report *Zimbabwe in Crisis*, op.cit.

<sup>13</sup> ICG interview with Zimbabwean civil society leader, 20 September 2001.

<sup>5</sup> For a fuller discussion of the Commonwealth's dialogue with Zimbabwe and of the land issue, see ICG Report *Zimbabwe in Crisis*, op. cit.

<sup>6</sup> *Daily News*, 7 September 2001.

<sup>7</sup> Widely reported to be £36 million.

<sup>8</sup> *The Guardian*, 7 September 2001. See also BBC News web site at:

[http://news.bbc.co.uk/hi/english/world/africa/newssid\\_1530000/1530132.stm](http://news.bbc.co.uk/hi/english/world/africa/newssid_1530000/1530132.stm).

<sup>9</sup> *Financial Gazette*, 13-19 September 2001.

(CHOGM) in Brisbane in October. That summit, however, was postponed until March 2002 as a consequence of the crisis produced by the 11 September terrorist attacks in the U.S. "It is no coincidence that the government agreed to this so close to the Brisbane meeting," observed one civil society activist.<sup>14</sup> President Mugabe would have argued in Brisbane that he was responding to international concerns, and it was too soon to judge results.

Whatever the tactical considerations, the agreement is weak on several counts. It fails to spell out conditions for restoring rule of law and holding free and fair elections, and it condones previous farm invasions and occupations provided the properties concerned have been listed for redistribution.<sup>15</sup> Indeed, the agreement gives the erroneous impression that the crisis results purely from the government's pursuit of land reform. It fails to address adequately that most of the violence and lawlessness in Zimbabwe is state sponsored<sup>16</sup> and aimed at ensuring an electoral victory for the government. The agreement also allows for fair land reform "within the law and constitution of Zimbabwe". The leading association of civil society organisations in the country points out that these laws "are those passed by [the government] to allow for its wholesale land grab".<sup>17</sup>

Nevertheless, despite weaknesses, the Abuja agreement effectively sets Mugabe a dilemma. To access funding for land reform, he must end state violence and restore rule of law. If he does not, he will not only injure his own people, but also violate a direct pledge to the Commonwealth, one of the few international bodies that appear to matter to him. A Zimbabwe weekly put it this way:

... the reality on the ground is that the President has been trapped by the international

community to finally show his true colours by fully delivering on the last-ditch accord or be typecast by the entire world as a leader who refused all reasonable measures aimed at resolving his country's crisis.<sup>18</sup>

## B. THE SADC INITIATIVE

A SADC delegation travelled to Harare immediately after Abuja. Led by Malawi's president and current SADC chairman, Bakili Muluzi, it included the president of South Africa, Thabo Mbeki, as well as the presidents of Namibia, Botswana, and Mozambique and ministers from Angola, Nigeria, and Tanzania.<sup>19</sup> The actions of the delegation, which gave strong support to the Abuja agreement, represented a major change from the attitude of embarrassed silence which most African leaders had previously adopted toward Zimbabwe. A local weekly referred to the "unprecedented criticism" of the president as a "diplomatic public flogging".<sup>20</sup>

The SADC leaders appointed a ministerial-level committee to monitor the restoration of rule of law and effectively gave Mugabe one month within which to address the land crisis or face isolation.<sup>21</sup> President Muluzi said, "we are very concerned about the worsening economy, the decline in the rule of law, and the spread of violence and political instability in Zimbabwe". He added, "of great concern to all of us is that, if the land issue is not urgently resolved amicably and peacefully, the economic and political problems Zimbabwe is facing now could easily snowball across the entire southern Africa region".<sup>22</sup>

Mugabe was embarrassed by the two-day summit. The SADC leaders took the unprecedented step of demanding a meeting with Zimbabwe's opposition party, the Movement for Democratic Change (MDC), white farmers and others. The government agreed but handpicked 22 civic groups – primarily its known supporters – to make

<sup>14</sup> ICG interview, September 2001.

<sup>15</sup> The agreement states that invaders are to be moved off farms that are not officially designated for seizure. As the government has listed 90 per cent of the farms for seizure, this does not leave many from which at least current occupiers are to be moved.

<sup>16</sup> See, for example, an article in the *Daily News*, 7 September 2001, that describes police involvement in the looting of commercial farms in the Mhangura area.

<sup>17</sup> "Abuja – A Briefing Paper", Zimbabwean NGO Crisis Conference Committee, 1 October 2001.

<sup>18</sup> *Financial Gazette*, 13-19 September 2001.

<sup>19</sup> The foreign minister of Nigeria, which is not a SADC member, reported on the just-concluded Abuja agreement.

<sup>20</sup> *Zimbabwe Independent*, 14-20 September 2001.

<sup>21</sup> *Ibid.*

<sup>22</sup> "African heads rebuke Mugabe", *The Guardian Weekly*, 13-19 September 2001, and "African warning for Mugabe", BBC News, 10 September 2001.

submissions to the SADC leaders.<sup>23</sup> Zimbabwe's largest civil society umbrella organisation, the Crisis Conference Committee, was barred from making a presentation. Nevertheless, in a press conference outside, the Committee stressed that it was wrong to separate the land issue from the breakdown in rule of law and the escalation of state-sponsored violence. President Muluzi indicated that he concurred when he said in his opening statement that state-sponsored violence and land invasions were at the core of the increasing economic problems of the southern African region.<sup>24</sup>

The government-dominated Zimbabwe media retaliated for SADC's criticism, for example by alleging that Muluzi's comments were written by the British government. New farm invasions and violence at occupied farms continued even during the summit,<sup>25</sup> and a leading war veteran, Joseph Chinotimba, defiantly threatened to continue the activity until all injustices had been addressed.<sup>26</sup>

The willingness of SADC leaders to break ranks with Mugabe, however, indicated that Zimbabwe's president is increasingly isolated internationally. Political analyst Masipula Sithole argued that "Mugabe has pretended to the world that his colleagues in the region support his politics, but after this summit, no amount of gloss or spin-doctoring can change the fact that his colleagues are angry with him and embarrassed by his conduct."<sup>27</sup>

The SADC leaders pointed out to Mugabe that his actions were damaging their own economies.<sup>28</sup> They insisted on restoration of rule of law as the necessary condition for release of British funds for land acquisition, as envisaged at Abuja. The SADC initiative created a tangible mechanism – the ministerial action group – to monitor Zimbabwe's return to normalcy.

However, the SADC initiative failed to gain an unambiguous guarantee from Mugabe or to establish clear benchmarks. Afterward, a Nigerian

diplomat expressed disappointment with an outcome he considered inconsistent with the Commonwealth's approach that normalisation should precede land redistribution. "To us the agreement means conditions have to be created for the implementation of the reform program, and paramount to that is the restoration of law and order in the country", he said.<sup>29</sup>

<sup>23</sup> *Daily News*, 12 September 2001.

<sup>24</sup> *South African Sunday Times*, 16 September 2001.

<sup>25</sup> *Daily News*, 12 September 2001.

<sup>26</sup> *Daily News*, 13 September 2001.

<sup>27</sup> *Daily News*, 12 September 2001.

<sup>28</sup> *Financial Gazette*, 6-12 September 2001.

<sup>29</sup> *South African Sunday Times*, 16 September 2001.

## II. NON-IMPLEMENTATION OF THE ABUJA AGREEMENT

The immediate question, therefore, is whether the twin international initiatives have produced improvement, or reasonable expectation of improvement, in a badly deteriorating situation. Unfortunately, all evidence to date indicates that President Mugabe's government is ignoring the conditions of the Abuja agreement and SADC's requests. ICG's findings and numerous other eyewitness accounts concur that violence on Zimbabwe's commercial farms has only intensified, as has violence directed against opposition supporters.

The Commercial Farmers Union of Zimbabwe reports that more than twenty commercial farms have been invaded since the Abuja agreement was concluded.<sup>30</sup> For example, on 24 September 2001, nearly three weeks after signature, a farm 28 kilometres north of Harare, Treadour Farm, not previously "listed" for resettlement, was invaded by war veterans and other ZANU-PF supporters, who destroyed property and erected structures to settle on the property. The invaders ordered all work stopped and told the farm owner and his 500 labourers to leave within 30 days.<sup>31</sup> The order to stop work under threat of violence has become a regular tactic of the farm invaders, according to the Commercial Farmers Union.

Zimbabwe's vice president, Joseph Msika, has said that all who invade farms after the signing of the Abuja agreement will be removed<sup>32</sup> but ICG is aware of no case in which this has happened. Mr Msika said nothing about the continuing violence on thousands of farms previously occupied illegally. A government-controlled national daily reported that police had been instructed to deal swiftly with violence on occupied farms, both those seized pre-Abuja and those newly invaded,<sup>33</sup> but ICG visited areas in late September where farms had been newly occupied by groups that included police personnel.

As ICG witnessed first-hand:

- ❑ Thousands of acres have been burned; driving hundreds of miles, one sees no area untouched. In one area east of Harare ICG witnessed residents trying desperately to put out a fire started by farm invaders. The widespread destruction has left large areas unplanted and will likely result in even steeper agricultural production declines than projected.
- ❑ On farms visited by ICG, workers were being actively discouraged – sometimes violently – from doing any farming by the invaders, who usually included at least one police or army representative.
- ❑ The army and police<sup>34</sup> are patrolling the farm areas to ensure that the invasions are not rolled back and to intimidate any opposition to or outside witnesses of the government's agenda.
- ❑ Farm workers interviewed indicated that a high level of displacement driven by violence and intimidation continues. Some have returned home, some live by the roadside, some have been driven into the bush, some have moved to other farms, and some have been arrested. One farm worker interviewed by ICG had moved three times until he returned to his original farm. In a tactic that has emerged since the Abuja agreement was signed, the invaders beat him when he arrived as an example to colleagues of their fate if they stayed, and – as ICG visited – he was subjected to intimidation. Another farm worker interviewed was living in an abandoned shack with 40 other displaced agricultural labourers and families. He said they survived through the labour of kin, and the police were heavily involved in pushing farm workers off the land.

The inescapable conclusion is that farm invasions and related violence have escalated significantly since ICG reported in July and continue unabated post-Abuja. The most dramatic events in the three-month period occurred in the Chinhoyi area. When about fifteen white farm owners went to help a family besieged by more than 50 war veterans on 6

<sup>30</sup> *Financial Gazette*, 20-26 September 2001.

<sup>31</sup> *Daily News*, 26 September 2001.

<sup>32</sup> ZBC/TV News at Eight, 22 September 2001.

<sup>33</sup> *The Herald*, 21 September 2001.

<sup>34</sup> Residents used the phrase ZANU Republic Police, rather than Zimbabwe Republic Police, to describe the politicisation of law enforcement in both farm areas and high-density suburbs visited by ICG.

August, a scuffle broke out and several people were injured. War veterans and Zanu-PF supporters rampaged through farms and Chinhoyi town the following day. Fifty farms were abandoned, their houses looted as police stood by. War veterans killed dogs and other domestic pets and destroyed crops, according to the Commercial Farmers Union.

That events do not seem to have been affected by the Abuja agreement is probably not surprising since the farm invasions are undertaken for political reasons. Violence has been the centrepiece of ZANU-PF's electoral strategy. Forcible land redistribution remains a central plank of the election platform. Mobilising voters through racism or xenophobia is a fundamental campaign strategy. Displacing farm workers and their families effectively disenfranchises over a million voters in a constituency-based system, most of whom are viewed as probable MDC supporters.<sup>35</sup>

An opposition activist argued to ICG: "This has nothing to do with genuine land reform".<sup>36</sup> A Zimbabwean academic concluded: "The effect of the occupations was to connect with a popular grievance around land reform, but in ways that removed the land issue from the arena of broader public accountability, and consolidated ZANU-PF's waning support through violence".<sup>37</sup>

## A. ELECTORAL VIOLENCE AND MANIPULATION

Pressure likewise has not been relaxed on other rule of law elements since Abuja and the SADC Summit. The government continues to use violence

<sup>35</sup> Farm workers driven off the land remain technically eligible to vote, at least if they stay in the territorial confines of the constituency in which they were registered. However, it is widely believed that they will actually go to the polls in much smaller numbers if they have lost their fixed residence and employment and, in effect, become a floating population. Under legislation passed earlier this year (Amendment of March 2001 to the Zimbabwean Citizenship Act), the government has also threatened to withdraw the citizenship, and thus the right to vote, of many of these farm workers, who frequently have origins in neighbouring countries.

<sup>36</sup> ICG interview, September 2001.

<sup>37</sup> Brian Raftopoulos, "Politics in Zimbabwe – 2001", paper presented at the Crisis in Zimbabwe Conference, 4 August 2001.

as a central tactic to win elections that are key preliminaries to the 2002 presidential vote. Indeed, violence associated with the electoral process remains omnipresent.<sup>38</sup>

The violence and voting irregularities carried out by President Mugabe's supporters and widely documented in the June 2000 parliamentary elections continued in three recent parliamentary by-elections and one municipal election. More than two weeks after the Abuja accord, state-sponsored violence, torture, intimidation and vote rigging marred the Chikomba district by-election on 22-23 September. Primary school headmaster Felix Mazava was beaten to death on 12 September after being accused of supporting the MDC, and seven cases of torture of suspected MDC supporters were documented.<sup>39</sup> Numerous voting irregularities were reported on polling days, such as Zanu-PF officials and war veterans staying at polling areas and organising people to vote. The Chikomba district, near the north central town of Chivhu, has long been a centre of political violence. It was the constituency of Chenjerai "Hitler" Hunzvi, chairman of the Zimbabwe National War Veterans Association, who died in June 2001.

The MDC has threatened to boycott further by-elections because of violence and intimidation. "The feeling is that we have been giving legitimacy to these elections, which are being stolen by ZANU-PF", said MDC spokesman Learnmore Jongwe.<sup>40</sup>

The Makoni West by-election, on 8-9 September 2001, experienced relatively low levels of pre-election violence by recent Zimbabwe standards. No deaths were recorded but there were reports of abductions and torture of MDC supporters. On 9 September, Zanu-PF youths stormed the Mupanguri Anglican church and ordered

<sup>38</sup> Senior government officials frequently threaten political opponents. For example, the late Defence Minister Moven Mahachi told a rally in 2000, "We will move door to door, killing...I am the minister responsible for defence, therefore I am capable of killing", *The Guardian*, 20 August 2001. Ironically, Mahachi was considered a moderate within ZANU-PF circles.

<sup>39</sup> "Report on Election-Related Violence in Chikomba" by the Zimbabwe Human Rights NGO Forum, 19 September, 2001, as well as reports in the *Daily News*, 14 September 2001 and *The Herald*, 15 September 2001.

<sup>40</sup> BBC News, 25 September 2001.

parishioners to vote for Zanu-PF.<sup>41</sup> The by-election in Bindura in northern Zimbabwe, on 28-29 July 2001, saw widespread violence. Shots were fired at MDC president Morgan Tsvangirai's motorcade in Bindura on 21 July.<sup>42</sup>

The last five by-elections have been won by ZANU-PF, but all were marred by serious violence. The MDC, however, has won the last two municipal elections, in Bulawayo and Masvingo. This trend apparently reinforces conventional wisdom of a rural-urban split between ZANU-PF and the MDC.<sup>43</sup> However, it may rather reflect the greater opportunity for major violence and intimidation, free of international observation, in rural constituencies.

The targets are MDC supporters and officials in both urban and rural areas, farm workers, farm owners, and traditional leaders – the latter beaten in order to send messages to other leaders that they are expected to deliver votes. Least visible is the violent campaign waged by war veterans against MDC supporters in rural areas. A consortium of Zimbabwean civic organisations concludes: "Teachers, doctors, and nurses in rural areas have been attacked because the war veterans believed they were influencing people to support the MDC. The lives of rural people have been severely disrupted by the ongoing violence".<sup>44</sup>

Violence has been perpetrated against rural residents who support the MDC in areas such as Muzarabani, in the north-west, and Mount Darwin in the north-east.<sup>45</sup> Responding to the escalation of lawlessness, the Zimbabwe Council of Churches strongly criticised the government in its pastoral letter in August 2001:

A very frightening culture of politically motivated violence has emerged [since the

2000 elections] and has been part of all subsequent elections...Many people have fallen victim to this monster. We are witnessing murders, rapes, beatings and abductions. As church leaders, we are convinced that the President of Zimbabwe has the capacity to stop this violence.<sup>46</sup>

Although most victims of political violence are not well known, Gibson Sibanda, vice president of the MDC, was shot at outside his offices in Bulawayo.<sup>47</sup> An opposition activist summarised his view of the government's tactics, "The by-elections demonstrate the strategy: if you can't buy them, beat them. If you can't beat them, burn their houses. If that doesn't work, then kill someone."<sup>48</sup>

Top officials of ZANU-PF have candidly confirmed that they will use any means to ensure that President Mugabe wins re-election. A very senior such official, for example, recently told a Western diplomat that "If it takes violence, then we will use violence. If you thought the parliamentary elections were violent, they will seem like nothing compared to the presidential elections".<sup>49</sup>

Recent events give the above comments a ring of truth. Six MDC supporters charged they were tortured on 3-4 October 2001 in the central Gokwe region by Zanu-PF campaigners. "They are preparing for the presidential campaign and they say 'We don't want to see MDC supporters in this area'", said Max Mutiri, an MDC official from Midlands Province, who spoke in a vehicle that carried him and two relatives to Harare for medical treatment on 9 October. Displaying severely swollen feet and burn marks, Mutiri said he and his relatives had been beaten with iron bars, and he was held over a fire. MDC supporters in the Gokwe area have reported several similar incidents. The Zimbabwe Human Rights Association reported that in Gokwe South police were arresting MDC supporters while ignoring Zanu-PF supporters, about 500 of whom are

<sup>46</sup> Zimbabwe Council of Churches, "Zimbabwe in Crisis", pastoral letter, 27 August 2001.

<sup>47</sup> ICG interview with Gibson Sabanda, 19 September 2001.

<sup>48</sup> ICG interview, 21 September 2001.

<sup>49</sup> Reported by a Western European diplomat in conversation with ICG, September 2001. The official was Didymus Mutasa a member of the ZANU-PF leadership.

<sup>41</sup> *Daily News*, 10 September 2001.

<sup>42</sup> *The Standard*, 22 July 2001.

<sup>43</sup> BBC, 25 September 2001.

<sup>44</sup> Zimbabwe Human Rights Non-Governmental Organisations Forum, "Political Repression Disguised as Economic Justice", July 2001, p. 3. The report concludes: "The Zimbabwean government has approved, sponsored, encouraged or condoned the political violence perpetrated by the war veterans and their militias".

<sup>45</sup> *Daily News*, 25 August 2001. In this specific case, some 24 families had been driven from their homes. A court order to the police to restore them to their homes went unheeded.

alleged to have established a camp at Tenda Primary School where MDC adherents are brutalised.<sup>50</sup>

Poll rigging is also alleged.<sup>51</sup> The government has reportedly distributed public funds to selected groups in areas where by-elections and local government elections were being held. "No elements of the state have not been subverted to achieve electoral victory", charges one European diplomat.<sup>52</sup>

Unsolicited distribution of money – vote buying on a grand scale – did not succeed, however, at the Bulawayo municipal elections.<sup>53</sup> The opposition MDC won all seven council seats and the mayor's office despite ZANU-PF's distribution of funds to selected local civic groups.<sup>54</sup> Following announcement of the results, Zanu-PF unleashed a wave of violence in the city, which was in effect a follow-up to the violence inflicted by war veterans prior to election day.<sup>55</sup>

On 13 September 2001, two researchers from the International Foundation for Election Systems (IFES) were forced to leave the country. The next week, an EU election team was told it would not be welcome in Zimbabwe.

All of this, of course, suggests how difficult prospects are likely to be for free and fair elections in 2002. Adding concern are statements from Justice Minister Patrick Chinamasa and Information Minister Jonathan Moyo that voter education can only be performed by the government-controlled Electoral Supervisory Commission, and no NGOs will be permitted to help.<sup>56</sup> The Zimbabwe Electoral Support Network, a non-governmental umbrella organisation

representing 38 civic groups, has protested that this violates the constitution as well as international conventions, including the UN Declaration of Human Rights, the African Charter on Human and Peoples Rights and the International Covenant on Civil and Political Rights.<sup>57</sup>

## B. PRESSURE ON THE INDEPENDENT MEDIA

Attacks on Zimbabwe's remaining independent media also have not ceased. In Bulawayo, following the opposition MDC's strong September 2001 victory, ZANU-PF supporters beat up vendors of the independent newspaper *Daily News* and seized copies of the paper.<sup>58</sup> In Mudzi district war veterans stopped "distribution of the *Zimbabwe Independent*, its sister paper the *Standard*, and the South African *Sunday Times* on the grounds they were fuelling support for the opposition Movement for Democratic Change".<sup>59</sup> War veterans leader Joseph Chinotimba had warned shortly before: "We will come to your offices and teach you how to write. If you do not comply, we will close you down indefinitely".<sup>60</sup>

A week before the Bulawayo elections, police details harassed the *Zimbabwe Independent*'s chief reporter. The paper's acting editor said they "were on a political mission to instil fear in journalists".<sup>61</sup> The Department of Information and Publicity in the President's office has set up a Media Ethics Committee whose tasks are vague but which, some journalists believe, may include ensuring they will face criminal charges if they publish stories hostile to the government. When the committee's composition was announced, the MDC accused the minister of creating a partisan body to support

<sup>50</sup> ICG interviews in Gokwe, at the offices of Amani Trust, September and October 2001; see also *Agence France-Presse*, 9 October 2001, and *The Daily News*, 10 October 2001.

<sup>51</sup> *Daily News*, 10 September 2001. Rigging of polls was reported in both Bulawayo and Makoni West constituency.

<sup>52</sup> ICG interview, 22 September 2001.

<sup>53</sup> See also *Daily News*, 13 September 2001. Some of the cheques issued to selected groups prior to the elections were not honoured by the banks.

<sup>54</sup> *Daily News*, 11 September 2001. The MDC mayoral candidate obtained 60,988 votes to 12,783 for the ZANU-PF candidate.

<sup>55</sup> *Zimbabwe Independent*, 7-13 September 2001.

<sup>56</sup> *Hansard*, 25 June 2001.

<sup>57</sup> *Daily News*, 25 September 2001. The organisation said: "The ZESN believes that civil society must continue its constitutional and moral obligation to participate fully in the electoral process. An informed electorate is a prerequisite for democracy. To realise this goal, the ZESN calls for the setting up of a Code of Conduct for political parties, the media and non-partisan elections monitors from civic society organisations".

<sup>58</sup> *Daily News*, 12 September 2001. The police initially refused to assist the victims of this violence. When they eventually tried to help, they were dismissed by the war veterans, who refused to co-operate.

<sup>59</sup> *Zimbabwe Independent*, 14 September 2001.

<sup>60</sup> UN IRIN Update, 30 August 2001.

<sup>61</sup> *Zimbabwe Independent*, 7 September 2001.

Zanu-PF.<sup>62</sup> There are also allegations that the new Broadcasting Authority of Zimbabwe (BAZ) has no intention of issuing licenses to independent broadcasters before the 2002 presidential elections.<sup>63</sup>

### C. UNDERMINING AN INDEPENDENT JUDICIARY

In recent months the government has substantially eroded the independence of the court system. “This is a deliberate and sustained campaign to change the outlook of the courts, to intimidate judges to be compliant or resign, to put people on the bench that diminish its stature”, says a legal activist. On 16 August 2001, President Mugabe swore in Godfrey Chidyausiku as Chief Justice of the Supreme Court, the country’s highest court.<sup>64</sup> Chidyausiku has been regarded as subservient to Mugabe since he served as chairman of the president’s Constitutional Commission in 1999-2000.<sup>65</sup> Mugabe had earlier installed three new Supreme Court justices: Vernanda Ziyambe, Luke Malaba and Misheck Cheda.

The widely held view that the Supreme Court is no longer independent appeared to receive support when the case brought by the Commercial Farmers Union against the farm invasions opened on 17 September 2001. Chief Justice Chidyausiku named the new judges to the case even though two – Cheda and Malaba – had been cited by the press (*Financial Gazette*, *The Times* of London) as renting cattle ranches from the state.<sup>66</sup> On 2 October, the Court authorised the government to proceed with its land reform program, reversing an earlier ruling that it was unconstitutional.<sup>67</sup> Chief Justice Chidyausiku is expected to ensure that sympathetic judges will hear other key cases on land reform and elections.

Numerous legal experts anticipate that the Supreme Court will no longer be a check on government

policies.<sup>68</sup> “We no longer have an independent judiciary here, but we still have some independent judges”, observed a leading Zimbabwean lawyer.<sup>69</sup>

Angered by earlier rulings from both the High Court (the second most senior court, which, in the first instance, hears most serious cases) and the Supreme Court, the Mugabe government has strong interest in ensuring that the judiciary endorse its actions, particularly on land seizures and elections.<sup>70</sup> The Rural Land Occupiers (Protection from Eviction) Act, signed into law 5 June 2001, retroactively declared that all those who invaded and settled on privately owned land before 1 March 2001 are legal occupants and ordered the police not to remove them. Leading lawyers and law professors say the act is unconstitutional but they fear the new Supreme Court will rule otherwise.

The opposition MDC party has submitted documentation of violence, intimidation, vote rigging and other gross irregularities in 39 constituencies during the 2000 Parliamentary elections. If the results were overturned in nineteen of those constituencies, and the MDC won the new elections, it would control parliament. Again, the ruling of the revamped Supreme Court will go far toward determining whether the government can argue plausibly that it is acting within the law.

### D. INTENSIFYING HUMANITARIAN CRISIS

The impact of Zimbabwe’s deepening economic crisis on their nations explains much of the new willingness of southern African leaders to confront Mugabe publicly. Zimbabwe faces a shortage of its staple food, maize, and needs to import an estimated 600,000 tons. Ordinarily, it exports maize, but the 2001 harvest was down by nearly 30 percent.<sup>71</sup> Although erratic rainfall was partly responsible, much of this reduction was caused by the violence

<sup>62</sup> *Daily News*, 26 July 2001. The committee includes well-known ZANU-PF supporters.

<sup>63</sup> *Zimbabwe Independent*, 21 September 2001.

<sup>64</sup> *The Herald*, August 17, 2001

<sup>65</sup> ICG interview with a prominent member of the Zimbabwe media, 21 September 2001.

<sup>66</sup> List produced by the Ministry of Agriculture of people leasing land from the state.

<sup>67</sup> IRIN, 2 October 2001. Supreme Court interim ruling, Civil Application No. S.C. 204 of 2001.

<sup>68</sup> ICG interviews, September 2001.

<sup>69</sup> ICG interview, September 2001. Judicial independence loses a champion when Supreme Court Justice Nick McNally reaches mandatory retirement at age 70 later in 2001.

<sup>70</sup> *Zimbabwe Independent*, 22 September 2001.

<sup>71</sup> SADC Regional Famine Early Warning Unit, Food Security Quarterly Bulletin, April and July 2001.

that disrupted planting on commercial farms.<sup>72</sup> This food shortfall is having a major impact on nutritional intake.

In September 2001 ICG visited high-density Harare suburbs where many urban poor reside. Although the official inflation rate is approximately 70 per cent, shopkeepers and roadside vendors indicated that the real rate for basic commodities like maize is 300-400 per cent. They testified that purchasing power has collapsed, and people are surviving on fewer and smaller meals. Fuel price increases make transport costs to and from work prohibitive so poor Zimbabweans often walk hours, morning and evening. A serious housing shortage, resulting in the cramming of ever more families into what are intended as single-family dwellings, is a relatively little known facet of the accumulating economic pressures, each with potential to spark urban unrest.

There were food riots in 1998, when conditions were not nearly as bad as today. The present lack of protests appears to result from several factors: threat of armed reprisals; opposition and civil society leaders' calls for patience and non-violence lest the government have an excuse to impose a state of emergency; and hope the MDC can win elections next year if they are free and fair. Of course, if the 2002 elections are rigged, severe violence, driven by economic desperation and the political situation, would become entirely possible.<sup>73</sup>

### III. CONCLUSION

As when it reported in detail in July 2001, ICG concludes that if Zimbabwe's crisis is not to lead to internal collapse, greater violence, and broad regional repercussions, the international community must apply strong, coordinated pressure on President Mugabe to create conditions for free and fair elections in 2002 and consequent reestablishment of rule of law.

Zimbabwe's civil society leaders agree. "Pressures should be full throttle and not stopped until the people say that things are O.K.," said one activist.<sup>74</sup> A newspaper editor added: "Anything short of a Milosevic strategy would be meaningless. Half measures won't work now".<sup>75</sup> A genuine war veteran with a long history of interaction with ZANU-PF's leadership, advised: "The only language Mugabe understands is pressure".<sup>76</sup>

The most important opportunity to exert meaningful pressure following the Abuja agreement and SADC visit had appeared to be the Commonwealth Summit (CHOGM) scheduled for Brisbane in early October. With its postponement to March 2002 because of new priorities resulting from the terrorist attacks in the U.S., there is real risk Zimbabwe's government will feel itself free of outside restraints as it prepares for the decisive elections.

In addition to multiple signs that it is ignoring its Abuja commitments, outlined above, the following may be significant. Foreign Minister Mudenge had promised at Abuja that a Commonwealth ministerial delegation could visit Zimbabwe on 27-28 September to consider implementation of the agreement in advance of the CHOGM. However, Mudenge reneged on the invitation, to the disappointment of key Commonwealth foreign ministers.<sup>77</sup>

International donors should, of course, proceed with efforts discussed in ICG's previous report to provide limited institutional support, such as office and transport and communications equipment, to Zimbabwe's political opposition and its civil society organisations to the extent they desire. This will

<sup>72</sup> ICG interviews with officials of the Commercial Farmers Union, farm owners, and displaced farm workers, September 2001.

<sup>73</sup> Numerous ICG interviews, September 2001.

<sup>74</sup> ICG interview, 19 September 2001.

<sup>75</sup> ICG interview, 21 September 2001.

<sup>76</sup> ICG interview, September 2001.

<sup>77</sup> ICG interview with Kenyan Foreign Minister Chris Obure, 25 September 2001.

help level the political playing field. To the same purpose, training and related support and increased development and possibly financial and technical assistance in areas where moderate opposition forces have elected MPs or control local government should be provided.

Ways to underwrite or subsidise high newsprint costs should be explored to buttress the independent press. International civil society organisations should also be active, sponsoring investigative missions over the next months to buttress the efforts of Zimbabwe's civil society.<sup>78</sup>

However, most urgent is for the international community to ensure that a vacuum does not develop on direct outside pressure. A sustained follow-up by SADC presidents to their September discussions with President Mugabe is imperative. In particular the ministerial-level committee that was appointed to monitor the restoration of the rule of law in Zimbabwe should put teeth into its one-month deadline on the land crisis and begin to implement Mugabe's regional isolation.

It is essential that the Commonwealth, even if does not meet for months at head-of-government level, not dissipate its Abuja momentum. It should establish a ministerial action group, perhaps led by Nigeria, that would set benchmarks for Zimbabwe to meet before the summit on land reform, restoration of rule of law, and conditions for free and fair elections. An essential element would be a monitoring group on the ground, reporting regularly to the Commonwealth secretariat, the ministerial action group, and member states. If there is not adequate progress toward full implementation of these benchmarks by the time the CHOGM convenes – in March 2002, a full half-year after Abuja – the Commonwealth should suspend Zimbabwe.<sup>79</sup>

<sup>78</sup> For example, Amnesty International, Human Rights Watch and other leading human rights organisations should coordinate more frequent visits to Zimbabwe, building on their existing work.

<sup>79</sup> Nearly every interviewee during the ICG field visit concluded that it is imperative for the Commonwealth to spell out the benchmarks clearly, in measurable terms, so that international observers can make unambiguous judgements as to compliance. Postponement of the summit means that when it does convene, an argument that it is too early to judge Abuja's results, such as President Mugabe was expected to make in October 2001, will have lost any plausibility.

The European Union, however, is first in line for meaningful action. EU foreign ministers in March 2001 expressed concern at Zimbabwe's direction and initiated consultations under Article 8 of the Cotonou Agreement governing EU assistance to ACP – Africa, Caribbean and Pacific – nations, including Zimbabwe. On 25 June the ministers said the dialogue had produced no results and they would monitor the situation for two further months after which, without substantial progress, they would take measures.<sup>80</sup>

This deadline was, in effect, pushed back so the EU could await the Commonwealth Summit. Since that event has, however, been moved into 2002, the EU foreign ministers are expected to discuss Zimbabwe at their next General Affairs Council, on 29 October. Postponement of action would feed President Mugabe's suspicion that he is free to act as he desires in the run-up to elections because world attention is elsewhere.

The EU has several options for possible action. It could cut off aid under Article 96 of the Cotonou Treaty. This would have little immediate practical effect since, under Cotonou rules, implementation would take a further three months, but also because most EU aid at this point is humanitarian and would, presumably, be exempt. More significant would be for the EU to target Zimbabwe's political leadership, as suggest by the European Parliament, without impinging on the general population.

The "smart" sanctions that ICG believes would send an appropriate message include a freeze on assets of ZANU-PF officials (including President Mugabe) and their families and travel restrictions on the most senior and responsible Zimbabwe government officials and their families. The U.S. should impose similar sanctions at the same time as the EU, whether by law, if Congress passes the Zimbabwe Democracy Act, or executive order.

There will always be countervailing arguments, of course. Information available to ICG suggests there is some inclination in the British government, which earlier had strongly urged international action, to counsel delay to give the Abuja agreement more time. As understandable as such caution is, however, there is a clear enough record already to conclude that delay would only play to the inclinations of those in Zimbabwe who are prepared

<sup>80</sup> See ICG Africa Report *Zimbabwe in Crisis*, op. cit.

to continue doing whatever is necessary to retain their own power.

Such a course would be tragic for the country, fraught with peril for the southern Africa region and, ironically, injurious to the standing in Africa's history of the strong leader, Robert Mugabe, who brought Zimbabwe to independence. For all these reasons, Zimbabwe's neighbours and other international friends need to act quickly, while the country is still at its crossroads.

**Harare/Brussels, 12 October 2001**

## APPENDIX A

### MAP OF ZIMBABWE



Base 505386 (544636) 10-82

## APPENDIX B

### ABOUT THE INTERNATIONAL CRISIS GROUP

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The International Crisis Group (ICG) is a private, multinational organisation committed to strengthening the capacity of the international community to anticipate, understand and act to prevent and contain conflict. ICG's approach is grounded in field research. Teams of political analysts, based on the ground in countries at risk of conflict, gather information from a wide range of sources, assess local conditions and produce regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports are distributed widely to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's internet site.

ICG works closely with governments and those who influence them, including the media, to highlight its crisis analysis and to generate support for its policy prescriptions. The ICG Board - which includes prominent figures from the fields of politics, diplomacy, business and the media - is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; former Australian Foreign Minister Gareth Evans has been President and Chief Executive since January 2000.

ICG's international headquarters are at Brussels, with advocacy offices in Washington DC, New York and Paris. The organisation currently operates or is planning field projects in nineteen crisis-affected countries and regions across four continents: Algeria, Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone, Sudan and Zimbabwe in Africa; Burma/Myanmar, Indonesia, Kyrgyzstan, Tajikistan, and Uzbekistan in Asia; Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia in Europe; and Colombia in Latin America.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Canada, Denmark, Finland, France, Germany, Ireland, Japan, Luxembourg, the Netherlands, Norway, the Republic of China (Taiwan), Sweden, Switzerland and the United Kingdom. Foundation and private sector donors include the Ansary Foundation, the William and Flora Hewlett Foundation, the Charles Stewart Mott Foundation, the Open Society Institute, the Ploughshares Fund, the Sasakawa Foundation, the Smith Richardson Foundation, the Ford Foundation and the U.S. Institute of Peace.

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