

ZIMBABWE: DANGER AND OPPORTUNITY

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ZIMBABWE: DANGER AND OPPORTUNITY

EXECUTIVE SUMMARY AND RECOMMENDATIONS

The economic meltdown, government-created food crisis, and deepening state-sponsored violence that have plagued Zimbabwe in the year since President Robert Mugabe's ruling party rigged the presidential election continue to point in one ominous direction: potential state collapse.

One of Africa's most highly developed formal economies is disappearing. Despite price and wage controls, the inflation rate may hit 500 per cent before the year is out. Severe food shortages resulting from the destruction of the commercial farm sector and the use of food as a political weapon have turned one of Africa's breadbaskets into a beggar nation subject to localised famines. There is real risk that deterioration of command and control over the war veterans and youth militias the government has used against its opponents will lead to a rapid increase in unstructured violence generally throughout society.

While the crisis deepens, the international response has become more divided. The Commonwealth's very purpose is being called into question. Though the principles upon which it is based are being flouted, leading members, South Africa and Nigeria, are arguing against all the evidence that Zimbabwe's suspension should be lifted because the situation has improved. The relevant regional and continental international organisations (SADC and the African Union respectively) have yet to engage meaningfully while South Africa and Nigeria set the tone. The European Union is rent by divisions, with France's invitation to Mugabe to participate in a pan-African summit in Paris having engendered a controversy that nearly put an end to the targeted sanctions regime that was established shortly before Mugabe's re-election. The U.S. remains a weak actor, able to implement a promised asset freeze component in its own targeted sanctions regime only after nearly a year's delay because of internal mid-level policy disagreements. Western nations still need to break down suspicions

about their agenda that have hindered common action with Africa on Zimbabwe, not least by demonstrating that they understand the emotive aspects of the land issue across the continent.

The international community's inaction deprives it of a chance to influence what increasingly appears to be the onset of a serious succession battle within President Mugabe's ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) party. Leading officials are engaged in bitter debates – and some clandestine diplomacy – about how to move beyond Mugabe. The tensions, which might well lead to a ZANU-PF break-up, are driven primarily by the accelerating erosion of the state and the economy, which threatens the viability of the spoils system from which the party leaders have benefited. They result partly, however, also from international pressure and isolation – as divided and inconsistent as these have been.

Reducing international pressure on ZANU-PF now, just when it appears that there is some prospect the political situation inside Zimbabwe is moving, would be a great mistake, one that would only lower the chance that the change will be peaceful or positive. New efforts to coordinate both African and wider international efforts are called for, with a practical focus on restarting, ideally under new sponsorship, the negotiations between ZANU-PF and the Movement for Democratic Change (MDC) opposition that South Africa and Nigeria fitfully facilitated and then abandoned in the first half of 2002.

RECOMMENDATIONS:

To the African Union:

1. Invite the wider international community to create with it a new mediation effort, built on the previous Nigerian and South African-sponsored

talks, that involves all relevant Zimbabwean stakeholders and aims at restoring legitimacy to the Harare government.

2. Focus on creating a transitional administration, restoring the rule of law, finding an electoral compromise, reforming economic policies, ensuring a more orderly land reform program, and crafting an exit strategy for President Mugabe.

To the European Union and the United States:

3. Work with African leaders to create a fresh inter-party negotiations process aimed at resolving the political crisis in Zimbabwe.
4. Implement fully existing or promised targeted sanctions, including asset freezes, travel bans and financial transfers, and expand the list of those targeted to include additional ZANU-PF officials, their business associates, military and police officials, war veterans responsible for human rights abuses, and the family members of all those targeted.
5. Provide direct budget and operational support to Zimbabwean civil society and opposition groups working for political and economic reform.
6. Undertake concerted efforts to improve coordination of policy towards Zimbabwe among relevant international actors, including by demonstrating greater understanding of African views about the land issue.

To the Commonwealth:

5. Send a fact-finding mission from the Commonwealth Ministerial Action Group

(CMAG) to meet with all relevant stakeholders in Zimbabwe (including civil society and opposition leaders) and investigate the real political situation in the country.

6. Determine options, through the CMAG, for moving beyond the current stand-off within the Commonwealth with the aim of maintaining Zimbabwe's suspension.
7. Prepare to facilitate inter-party talks if the African Union does not or cannot do so.

To ZANU-PF and the MDC:

8. Engage seriously and in good faith with a new inter-party negotiations process.

To the Government of Zimbabwe:

9. Stop politicising food aid delivery through the Grain Marketing Board, including channelling commercial deliveries toward ZANU-PF supporters and away from MDC followers.
10. Halt the use of war veterans, youth militias, police and others in attacking opposition supporters and civil society representatives.

To UN Secretary General Kofi Annan and UN World Food Programme head James Morris:

11. Authorise a UN monitoring mission to ensure the distribution of food in Zimbabwe.
12. Prioritise food for work activities, rather than free distributions, in order to protect rural livelihoods and reduce food aid dependency.

Harare/Brussels, 10 March 2003

ZIMBABWE: DANGER AND OPPORTUNITY

I. INTRODUCTION

In the year since President Robert Mugabe's ruling ZANU-PF party stole the presidential election, Zimbabwe's economic and political crises have intensified to the point that state collapse, with extensive regional consequences, is an increasing prospect. A high-ranking South African official commented: "The signs are that Zimbabwe is getting close to the mortuary stage. State collapse is now the issue".¹ The spokesperson for the South African Catholic Bishops Conference, Buti Thlagale, concurred: "There are deeply disturbing signs that Zimbabwe is on the brink of a total breakdown into civil war".²

The forces responsible include:

- ❑ economic mismanagement and state looting that are creating extreme hyperinflationary pressures (an inflation rate upwards of 400 per cent³ and an International Monetary Fund prediction that it may surpass 500 per cent this year) and ravaging the formal economy to the point that the state has insufficient resources to maintain itself;⁴
- ❑ a man-made food crisis that has led to increased mortality, dislocation and instability and is further eroding weakened rural structures, and is accelerating death rates from an HIV/AIDS pandemic that has infected one-third of the

adult population⁵ and may be killing 2,500 Zimbabweans a week;⁶

- ❑ a breakdown in patronage networks – particularly in the informal security sector inhabited by war veterans and youth militia – that may well fuel an increase in unstructured violence throughout the country;⁷ and
- ❑ a continuing culture of impunity that has further encouraged abuses – attacks against opposition and civil society members are increasing – and may reduce the incentive of ruling party leaders to compromise.

A recent Gallup International survey found Zimbabwe the most pessimistic of 65 countries surveyed for the second year in a row.⁸ Though the

⁵ One estimate is that at least a million Zimbabweans have already died of HIV/AIDS. Glenys Kinnock, "Zimbabwe on the Brink". February 2003. According to UNAIDS and the World Health Organisation, Zimbabwe is one of four southern African countries where the national adult HIV prevalence rate has exceeded 30 per cent: Botswana (38.8 per cent); Zimbabwe (33.7 per cent); Swaziland (33.4 per cent) and Lesotho (31 per cent). The food crisis faced in the latter three countries is linked directly to the HIV/AIDS epidemic, especially among young, productive adults. UNAIDS, "AIDS Epidemic Update", December 2002.

⁶ This figure comes from Stephen Lewis, the UN Special Envoy on HIV/AIDS, who visited Zimbabwe in January. *SABC News* (South Africa), 25 January 2003.

⁷ Competition between war veterans, youth militias and members of the army and police is a major wild card that could lead to localised instability and challenges to the regime's authority as the spoils available for state looting diminish. This is exacerbated by competition among these groups for control of local food distribution networks, newly expropriated farms, and other elements of the overextended patronage system. Divisions within the war veterans' organisation also are intensifying.

⁸ *The Standard*, "Zimbabweans Most Pessimistic People on Earth", 19 January 2003. Probe Market Research conducted interviews with 600 Zimbabweans in late November and December 2002. According to the survey, 72 per cent felt 2003 would be worse than 2002 and more than 65 per cent that 2003 would bring greater economic hardship and higher

¹ ICG interview in Pretoria, December 2002.

² Southern African Catholic Bishops Conference, Media Statement, 6 February 2003.

³ The Zimbabwean government estimates current inflation to be 208 per cent but it uses official prices for fuel, food and other products. Since the real prices are much higher, the inflation rate is likely up to 400 per cent. ICG correspondence, February 2003.

⁴ Central Statistical Office, *Stats Flash*, "Inflation for January 2003", and International Monetary Fund, quarterly review for Zimbabwe's third quarter.

mood of public despair is palpable, The opposition Movement for Democratic Change (MDC) and civil society organisations have yet to harness it into the kind of sustained campaign of mass protest that they have intermittently threatened.

The international response has been divided, overstated, under-implemented, and largely ineffectual. Since ICG's last report,⁹ divisions have widened, not just between Africa and the West, but also increasingly within the West. The issue of Zimbabwe is dividing international organisations and creating embarrassing public debates over trivial issues, such as participation in a cricket championship, that deflect attention from the serious erosion occurring within the country.

These international cleavages come inopportunistically since they undercut ability to influence the succession battle that has erupted within ZANU-PF and the fault lines about a post-Mugabe scenario that threaten to split the ruling party.¹⁰ Indeed, the failure to strike a common position has contributed to the largely static nature of the current stand-off, with President Mugabe continuing to calculate that he can stay in power despite criticism from abroad.

Any effort by the international community to take the heat off ZANU-PF, or to lessen credible demands that Zimbabwe's leadership will be held accountable for its actions, will only reduce the likelihood of peaceful and positive change. However, the fermentation evident within the ruling party over succession has created an opportunity for engagement to help resolve the crisis if the international community can agree at least on working toward a common fundamental objective: restoring the legitimacy of the Zimbabwean government. This report concludes that the most effective mechanism for achieving this objective

would be renewed ZANU-PF and MDC talks, with civil society input, that seek a negotiated agreement on political transition, and it suggests a framework for organising and facilitating such talks.

unemployment. Results in rural and urban areas were consistent. Kenya – apparently buoyed by pre-election expectation that democracy would bring a change of leadership – emerged as the most optimistic country with 76 per cent predicting a better 2003 than 2002.

⁹ ICG Africa Report N°52, *Zimbabwe: The Politics of National Liberation and International Division*, 17 October 2002.

¹⁰ After expropriating and assuming control of a large percentage of the asset base of the country in the form of farms, houses and businesses, leading ZANU-PF and army officials who are the new owners are losing money and need fundamental political and economic policy change to reverse the free-fall.

II. THE CONTINUING SLIDE

A. THE ECONOMY

While the internal political situation has garnered the most international attention, the precipitous economic decline is driving the crisis. The South African Institute of International Affairs concludes that the ZANU-PF government “has engineered an economic decline of increasingly drastic proportions in a record four years which is underpinned by a breakdown in the rule of law and an attack on property rights”.¹¹

The problems include high domestic debt, a weakened financial sector, decaying infrastructure, a growing AIDS problem and a general crisis of confidence.¹² Zimbabwe has had four consecutive years of negative growth, during which GDP has declined by more than 25 per cent.¹³ The inflation rate was 198.9 per cent in December 2002, and 208.1 per cent in January 2003 according to the government’s own statistics,¹⁴ which are believed to be gross underestimates. The anticipated inflation rate in 2003 ranges from 281.7 per cent (the Economist Intelligence Unit) to 500 per cent (the IMF).¹⁵

These are not dry statistics but hard facts of life acutely touching virtually every citizen: from the poor rural farmer who cannot afford to buy maize seed and fertiliser, to the taxi driver who must wait in a line for eight hours to get half a tank of petrol, to the office worker who cannot afford staple foods for the family, to the businessperson who cannot operate a factory at even half capacity for lack of raw materials. Drastic drops in living standards also feed growing resentment toward President Mugabe,

whom, surveys indicate, most Zimbabweans blame for the country’s economic hardships.¹⁶

Zimbabwe’s diversified economy was once one of the most prosperous in Africa. Now it is one of the continent’s smallest and least productive.¹⁷ While Zimbabwe’s inflation rate is in triple digits, the average among its neighbours is below 10 per cent.¹⁸ Likewise, those neighbours have positive GDP, from 2 per cent for South Africa to more than 8 per cent for Mozambique.¹⁹

One of the government’s most destructive policies has been stubborn insistence on a fixed exchange rate of U.S.\$1 to Z\$55 for more than two years – an approach that has been driven by direct efforts to distort the economy in order to enrich the ruling elite.²⁰

The distorted exchange rate has hit exporters the hardest, including those who were traditionally the largest earners of foreign currency such as tobacco producers, gold mining firms and industrial manufacturers. The money they generated had to be brought in at the official rate but when they needed to purchase imported raw materials such as fertilisers and chemicals, they were forced to meet prices set by the country’s thriving black market which pegs the U.S. dollar at nearly 30 times the official rate.²¹

Former Finance Minister Simba Makoni was one of the few government officials to recognise publicly the harm done by the old exchange rate regime, particularly the disincentives for exporters. Makoni made some reforms that allowed gold producers and tobacco exporters to use a modified exchange rate. While these changes brought limited relief, they did not improve the situation significantly. Consequently, Zimbabwe’s gold mines have reduced output at a time when international prices are high.

¹¹ Dianna Games, “The Zimbabwe Economy: How Has it Survived, and How Will it Recover?”, South African Institute for International Affairs Report N°30, December 2002.

¹² “Zimbabwe at a Glance 2003-2004, Country Report”, Economist Intelligence Unit, January 2003, p. 3.

¹³ Figures from both the Central Statistical Office and the Economist Intelligence Unit (Quarterly Country Report for December 2002) indicate that Zimbabwe’s economy has suffered four consecutive years of economic decline.

¹⁴ Central Statistical Office, *Stats Flash*, December 2002, and “Zimbabwe at a Glance 2003-2004, Country Report”, Economist Intelligence Unit, January 2003, p. 3.

¹⁵ “Zimbabwe at a Glance 2003-2004, Country Report”, Economist Intelligence Unit, January 2003, p. 3.

¹⁶ ICG interviews in January 2003 with Zimbabwean workers, peasant farmers, businessmen and consumers. Also see polls by Gallup International and the Mass Opinion Institute in Harare.

¹⁷ Economist Intelligence Unit, quarterly country report, June 2002.

¹⁸ Economist Intelligence Unit, Africa report.

¹⁹ Economist Intelligence Unit, comparison of regional economies.

²⁰ See ICG Africa Report N°52, *Zimbabwe: The Politics of National Liberation and International Division*, op. cit.

²¹ ICG interview with economist John Robertson, 21 January 2003.

Makoni recommended that the Zimbabwe dollar be devalued by nearly 40 per cent and then be allowed to revalue regularly.²² Mugabe responded to Makoni's calls for a rational exchange rate and other reasonable economic policies by calling him "a saboteur".²³ In August 2002 when he named his new cabinet, the president replaced the minister with a former diplomat Herbert Murerwa, who has a reputation for being far more compliant.

A closer look at the exchange system explains why Mugabe saw these policy proposals as a direct threat to his interests. A privileged few benefit from the controlled exchange rate, primarily those in the government or with solid political connections. Those so connected are usually first in line at the Reserve Bank of Zimbabwe to convert their Zimbabwe dollars into hard currency at the official rate. For example, Z\$55 million converts to only U.S.\$36,000 at the more realistic black market rate. But if the Z\$55 million is changed by the Reserve Bank at the official rate it comes to U.S.\$1 million. Such exchanges allowed fortunes to be amassed in foreign currency by a few, while the economy was increasingly impoverished.

Finally, in mid-February 2003, the government partially devalued the currency for exporters, allowing them to convert half their foreign currency at a more competitive 800:1 rate.²⁴ There were economic imperatives behind this move. With foreign exchange earnings likely to decline sharply in 2003 owing to a reduced tobacco crop and declining gold exports, the government was unlikely to have been able to maintain the old fixed rate much longer.²⁵ This change was largely a result of lobbying by top ZANU-PF officials, however. Until recently most of these individuals had wanted to keep the cheap exchange rates in order to make windfall profits on the black market. But over the last few years they increasingly became large-scale owners of expropriated assets such as commercial farms, industrial firms, and other businesses, and exporting at the official rate was financially unviable for them also. However, if no other reforms – such as a rational

interest rate policy – are forthcoming, this one action will only further ignite inflation.

Since December 2002, Zimbabwe has been crippled by a fuel shortage. Lines of cars, vans and trucks often stretch a mile while waiting eight or more hours at filling stations. The foreign exchange shortage has limited the import of fuel, and the country has been subsisting on 50 per cent of its average consumption.²⁶ The National Oil Company of Zimbabwe (NOCZIM), a state body with an import monopoly on all petroleum-based fuels, was created by the ZANU-PF government in the mid-1980s and has been rocked by a series of corruption scandals. The government has forced it to keep fuel prices artificially low, despite mounting inflation. Consequently, petrol currently costs about Z\$75 per litre, which is U.S.\$1.36 per litre at the official exchange rate, but only pennies per litre at the black market rate – cheaper than a litre of bottled water (Z\$250) or a litre of Coca-Cola (Z\$350). Fuel shortages have forced businesses to curtail production and deliveries, further dampening an already struggling economy. The lengthy lines for fuel have frequently become impromptu political rallies with blacks and whites alike complaining about the government.

After negotiations failed to extend Libya's concessionary oil exports, Anglo American Corp. rescued the government in mid-February 2002 with a U.S.\$30 million loan for the purchase of fuel. Questions were immediately raised in parliament about the lack of transparency surrounding the deal, and the likelihood that major kickbacks were involved. The company first declined to comment,²⁷ then said that it was not bailing the government out or otherwise supporting it but making a routine currency swap to support its local operation.²⁸ There are likely similar deals to help other companies export profitably, presumably with favourable exchange rates. They extend for a short time the government's ability to import fuel but add to the debt. "[P]rocurring forex [foreign exchange] on the black market and selling fuel at a giveaway price is bad business practice", said an industry source.²⁹

²² Simba Makoni, speech to parliament, 2001, The Hansard. Reports on the speech are in *The Daily News*, *Financial Gazette* and *Zimbabwe Independent*.

²³ Robert Mugabe's address to parliament, January 2003.

²⁴ *Financial Gazette*, "Government eases stance on devaluation", 13 February, 2003.

²⁵ Zimbabwe at a Glance 2003 -2004, Country Report, Economist Intelligence Unit, January 2003pg. 6.

²⁶ ICG interviews with business executives in the fuel sector in February 2003. Report in *The Zimbabwe Independent*, 7 February 2003.

²⁷ *Sunday Mirror*, 16 February 2003.

²⁸ *The Star* (South Africa), 25 February.

²⁹ *Zimbabwe Independent*, 14 February 2003.

President Mugabe's commitment to damaging central control policies is likely driven both by the fact that his cronies benefit and by his ideological dislike for the market. The repercussions are gathering momentum throughout the region, most visibly so far in terms of illegal aliens. In Botswana, for example, detention centres are overflowing. The government repatriates 1,600 Zimbabweans every month while many more slip through illegally to create a domestic political issue.³⁰ South Africa is arresting more and more "border jumpers", many very young. Many migrants collapse from hunger after their cross-border journey. Those who have no family in South Africa are quickly rendered destitute, leaving them to beggary or criminal activity. South Africa plans to impose a fine of 40,000 Rand (nearly U.S.\$4,500) for the employment of illegal aliens.³¹ The UN's World Food Programme (WFP) predicts that the continuing decay of Zimbabwe's economy, combined with another year of expected food shortages will produce a "dramatic increase" in migration throughout the region.³²

B. THE FOOD CRISIS

Widespread food shortages have emerged as Zimbabwe's most pressing problem.³³ Despite international relief efforts and because of state policies, they have become more widespread and acute in the rural areas where an estimated 65 per cent of the country's 12 million people live. The WFP estimated that 6.7 million were at risk of starvation in 2002 and increased this in January 2003 to 7.2 million. The government's own estimates put 8 million at risk.³⁴

The problems are likely to be long-lasting. The Famine Early Warning Systems Network (FEWS NET) has warned that the area planted with crops in Zimbabwe today is less than 50 per cent of the average under cultivation in 1990-91, an especially dangerous factor considering that yields have also dropped.³⁵ Another major impediment to an early

return to agricultural productivity is a chronic shortage of seeds and fertilisers needed by farmers. Agriculture Minister Joseph Made admitted the shortages in January 2003³⁶ but far too late for the current season. In past years the government helped facilitate the purchase of seeds and fertilisers by farmers in October.

The government has awarded a contract to a Chinese company to produce food crops on over 100,000 hectares of land seized from black farmers.³⁷ However, relief agencies are warning that the March/April harvest will again be poor, thus ensuring the need for at least another year of major relief assistance. The government estimates a one million metric ton deficit for 2003/4. FEWS NET projects that Zimbabwe will have to import up to 1.3 million metric tons of maize for 2003/4 and says rural families are turning increasingly to last-ditch coping mechanisms such as selling wild fruits, panning for gold, or commercial sex.³⁸ The continuing erosion of coping strategies, combined with the weakening of people who have HIV/AIDS, ensures that the difficulties faced by Zimbabwe's civil population will only deepen.³⁹

Because of the urgency, WFP director James Morris visited Zimbabwe in late January as the special envoy of UN Secretary-General Kofi Annan. In unusually blunt language, Morris blamed the government for an escalating food crisis that he said could have been avoided and was "almost beyond comprehension": "[The fast track resettlement program] along with restrictions on private sector food marketing and a monopoly on food imports ... are turning a drought that might have been managed into a humanitarian nightmare".⁴⁰

³⁰ *Mail and Guardian*, 30 January 2003.

³¹ UN World Food Programme, "WFP Assessment of Zimbabwean Migrants in RSA's Limpopo Province", 31 December 2002.

³² *Ibid.*

³³ See ICG Report, *Zimbabwe: The Politics of National Liberation and International Division*, op. cit.

³⁴ United Nations, "Zimbabwe: Humanitarian Situation Report", 13 January 2003.

³⁵ FEWS NET report, 25 February 2003.

³⁶ Joseph Made quoted in *The Herald*, 20 January 2003.

³⁷ *The Independent* (UK), 12 February 2003. President Mugabe announced that Zimbabwe will seek to deepen ties with Asian investors and no longer work with the World Bank and IMF.

³⁸ FEWS NET report, 25 February 2003.

³⁹ IRIN, 12 February 2003. HIV/AIDS reduces household capacity to produce and purchase food, depletes their assets, and erodes social safety nets. In households that have suffered an AIDS-related death, output diminished by nearly half for vegetable production and by 61 per cent for maize. The death of an adult female hastens the dissolution of the family. One survey found that two thirds of the households that had lost a key adult female had disintegrated or dispersed. UNAIDS/WHO, AIDS Epidemic Update, December 2002, p. 31.

⁴⁰ BBC, 26 February 2003.

Morris pressed Mugabe to reverse policies hampering the import of food, in particular to scrap the state monopoly on importation of maize and wheat.⁴¹ The state's Grain Marketing Board (GMB) has a legal monopoly that prevents the private sector from bringing in those staple grains. It has been amply documented that the GMB has channelled the scarce food to supporters of ZANU-PF, and has denied it to people suspected of supporting the MDC.⁴²

Morris and other UN officials had asked Mugabe in vain to lift the state monopoly in 2002 so that the UN could create a U.S.\$85 million fund supported by donors from which private companies could borrow to import more than 400,000 tons of grain. Government restrictions have prevented the Catholic Fund for Overseas Development from delivering maize that sits at the border.⁴³ The government also confiscated maize that the MDC attempted to bring in for relief purposes and held it in a warehouse in Matabeleland South for five months until it was given to the GMB to sell in February 2003.

Morris further requested that food relief be channelled to the former commercial farm workers and their families who have been displaced by the land seizures and to hungry people in the cities. The number of commercial farm workers affected by the fast-track resettlement program increased from nearly 500,000 in August 2002 to 1 million in December.⁴⁴ The government views this population as a centre of support for the opposition and so a low priority for food deliveries.

Morris and WFP officials based in Zimbabwe have been diplomatic and largely non-confrontational with the government but their patience has worn thin. During his January 2003 visit, Morris was quoted in the government-controlled *Herald*, in a banner front page headline, as saying that Mugabe's controversial land redistribution was "irreversible" and must be supported by the international community. An irate Morris the next day declared the story to be "100 per cent lies". In a letter to the newspaper, he maintained:

⁴¹ *Financial Gazette*, 23-29 January 2003, "UN envoy to meet Mugabe, Tsvangirai".

⁴² ICG interviews with food aid recipients in Seke, Rusape, Hwedza, Matobo, Nkayi, Binga. Further interviews with World Food Programme, Save the Children (UK) and World Vision. See also ICG Report, *Zimbabwe: The Politics of National Liberation and International Division*, op. cit.

⁴³ ICG interview with Catholic Archbishop of Bulawayo, Pius Ncube.

⁴⁴ IRIN, 13 February 2003.

My comments should not have been interpreted as "accepting the irreversibility of land reform", as was reported. In fact, I did not say this....The issue of resettled farmers was raised by government officials in subsequent meetings, and I responded by stressing the importance of the United Nations being able to assess and deliver humanitarian relief to the most vulnerable groups in the country. I, particularly, stressed the importance of reaching former workers, as well as vulnerable populations in resettlement lands and those living in urban areas".⁴⁵

Morris subsequently indicated that he had requested dispatch of a UN team to determine if food aid was being distributed fairly. The government is cool to this idea⁴⁶ but the international community should back it since UN monitors would reduce the potential for the government to use food as a political weapon.⁴⁷ The UN should also undertake food-for-work programs rather than simple food distributions in order to protect rural livelihoods and reduce dependency on food aid.⁴⁸

A clear UN line is needed because it is increasingly likely that Zimbabwe will be reliant on international food relief at least through 2004. The UN's lead agency in Zimbabwe, UNDP, has been accused by donor governments, NGOs, and Zimbabwean civil society organisations as being too close to the government, even for UN agencies which, by definition, have the host government as their principal interlocutor.⁴⁹ Secretary-General Annan, however, remains one of the few international leaders well positioned to place effective pressure on Mugabe.⁵⁰

⁴⁵ *The Herald*, 28 January 2003, Letters column, "I was misquoted".

⁴⁶ *The Financial Times* (London), 28 January 2003.

⁴⁷ See ICG Report, *Zimbabwe: The Politics of National Liberation and International Division*, op. cit., for details on the government's use of food as a political weapon.

⁴⁸ FEWS NET report, 25 February 2003.

⁴⁹ ICG interviews and correspondence, January and February 2003.

⁵⁰ The MDC leader, Morgan Tsvangirai, urged the secretary-general on 31 January 2003 to send a special rapporteur to investigate both misuse of food aid and torture allegations.

C. LAND SEIZURES

The government repeatedly stated in early 2003 that the land seizures were over, and the resettled farmers must simply be settled in order to make agriculture productive again.⁵¹

This is far from the truth. Of the 4,500 commercial farmers active in 2000, mostly white, 2,500 are still in the country, and over 1,000 still have their properties. Only about 650 are still trying to farm, however, and only about half are doing so successfully. The rest are in the cities or towns waiting to see what the government does and whether legal action or negotiations with the Commercial Farmers Union will result in a new situation. More than 300 commercial farmers were arrested in 2002 for defying orders to vacate their farms.⁵²

The seizure process has continued, with the best farms still going principally to officials in the ruling party and military.⁵³ Many small-scale farmers who were originally resettled from communal areas are being kicked off farms because ZANU-PF figures covet the property. Throughout December 2002 and January 2003, the government continued to publish notices of compulsory acquisition of farms in its gazette and in the *The Herald*.⁵⁴ A Zimbabwean farmers group, Justice for Agriculture, claimed that 77 farms had been listed for seizure in January and February 2003, and that ZANU-PF youth militias were enforcing illegal evictions.⁵⁵ Even those farms not issued with acquisition orders are having problems with war veterans, army officers and other prominent government supporters demanding that they vacate.⁵⁶ Because stability and rule of law

have not been re-established, a return to agricultural productivity remains distant. As *Time Magazine* wrote when it named President Mugabe its African Newsmaker of the Year for 2002:

His personal victory has resulted in a national tragedy. He did get one thing right, though: in Zimbabwe, the economy is the land. And this year Mugabe managed to destroy both.⁵⁷

D. RULE OF LAW

The government's reliance on violence to win elections, control the opposition, and deter mass action has required it to maintain a large network of security forces, both formal (army, police and intelligence) and informal, (war veterans and youth militia). Three years of playing these groups off against each other to prevent any one from acquiring dominance is beginning to wear thin. Public disputes and even some armed clashes between them are on the upswing, driven by the fear each has that the government and ruling party would be prepared to sacrifice its interests in favour of one of the others.

While this represents a potentially new threat to public order, most violence continues to be directed by the state against the opposition and civil society. The Zimbabwe Human Rights Forum identified 1,061 cases of torture and 58 political murders in 2002. Most victims were MDC supporters.⁵⁸ This has continued into 2003 as the following examples indicate:

- MDC Parliamentarian Job Sikhala, his lawyer, Gabriel Shumba, and two others were arrested by police in January 2003. Sikhala and Shumba testified in court that police tortured them by administering electric shocks to their genitals, toes, hands and mouths, and also beat and clubbed them, particularly on the soles of their feet. Independent medical examinations confirmed injuries consistent with their allegations.
- Also in January 2003, three members of the Combined Harare Rate Payers Association were subjected to similar treatment after arrest. Two officials of the MDC in Harare's Kuwadzana

⁵¹ *Sunday Mail*, 19 January 2003. ZANU-PF Secretary for Information Nathan Shamuyarira, interview with the BBC, 20 January 2003.

⁵² BBC, 7 November 2002.

⁵³ The Zimbabwean government itself has produced an audit of the fast-track resettlement program that found many abuses by senior ZANU-PF and military officials of the "one man, one farm" principle, often at the expense of small farmers who were resettled and then driven off the land by powerful government officials. *Financial Times* (UK), 20 February 2003 and *Africa Confidential*, 21 February 2003.

⁵⁴ *The Herald*, numerous issues. Government gazettes for December 2002 and January 2003

⁵⁵ *News24* (South Africa), 19 February 2003.

⁵⁶ Situation reports from the Commercial Farmers Union and Justice for Agriculture amply demonstrate the threats of violence and arrest that farmers continue to face. In most cases, the police have failed to help.

⁵⁷ *Time Magazine*, 22 December 2002.

⁵⁸ IRIN, 21 January 2003.

area were reportedly arrested and subjected to electric shocks at the end of the month.⁵⁹

Even when it did not necessarily extend to the level of torture, police harassment of opposition political activity and public meetings was heavy in January and February 2003. Zimbabwean lawyer Brian Kagoro said out that such action against public meetings held by civic organisations increased dramatically in that period. For example:

- When the Mayor of Harare, Elias Mudzuri, attempted to hold a public meeting with city residents to explain problems with the city water supply in January 2003, he was arrested by police, treated roughly in front of the crowd and bundled into a police van. Twenty other city councillors and municipal employees were also arrested. Mudzuri was kept in jail for 48 hours before he was released without charges. Numerous other civic leaders, including Dr. Frances Lovemore, medical director of Amani Trust, have been arrested by police, held in jail for two nights and then released without charges. These appear to be arbitrary arrests designed to intimidate civic leaders and discourage them from criticising the government.
- During the first week of February 2003, MDC parliamentarian Tendai Biti was arrested in Harare with some of his constituents for holding a public meeting. He spent two nights in jail for violating the Public Order and Security Act. At the same time, MDC parliamentarian Gabriel Chaibva and MDC advisor Ian Makoni, were held by the police in Hwange for five hours for holding a workshop for MDC councillors.
- On 13 February 2003, police dispersed a meeting at a Harare church to discuss the role of the church in Zimbabwe's crisis and arrested seven people, including civic leader and prominent academic Dr. John Makumbe, who was beaten while handcuffed. Makumbe announced he would sue the police for his abuse. "This is blatant harassment and intimidation",

said Makumbe following the incident. "Any one who thinks torture is no longer being practised in Zimbabwe needs only to look at my face".⁶⁰ Others arrested, after they left the church and were at a public restaurant for refreshments, included Bishop Trevor Manhanga, president of the Evangelical Fellowship of Zimbabwe and Brian Kagoro, coordinator of the Crisis in Zimbabwe Coalition. "The heavy handedness of certain police details was unnecessary and a clear case of harassment", said Bishop Manhanga. "This was a meeting addressed by church leaders and Christian commentators in a church hall. This is a serious affront on our freedom of worship and assembly".⁶¹

"The ink is not yet dry on Obasanjo's letter to John Howard, claiming that all is normal in Zimbabwe", said Kagoro. "And yet the clampdown on democratic voices is worsening. Is this naked aggression against civil liberties and freedom what Obasanjo and Mbeki condone"?⁶² A U.S. diplomat was also arrested during the incident, sparking a strong reaction from the U.S. government.

- On 14 February 2003 72 demonstrators, including MDC parliamentarians Trudy Stevenson and Evelyn Masaiti, were arrested in Harare and Bulawayo during a Valentine's Day march for peace and love while handing out red roses as a symbol of their appeal to end state violence. Father Nigel Johnson was severely beaten as part of this demonstration, and an 83-year old nun was also arrested.⁶³

These cases involve prominent citizens who have experienced the breakdown of the rule of law. There are many more ordinary Zimbabweans, in both urban and rural areas, who have been treated in similarly brutal ways by government agents, whether the police and army or unofficial but state sponsored groups like the war veterans and youth militia. After being severely beaten by a ZANU-PF youth militia,

⁵⁹ These charges of police torture have been documented by the Zimbabwean NGO Amani Trust and reported by the *Daily News* (Harare). The state-controlled *Herald* reported Sikhala's torture allegations. Most recently, the MDC has charged that in early March 2003, 26 of its activists were tortured in State House by members of the presidential security detail, and five later were taken to the hospital as a result of the beatings they received. ZWNNews, 3 March 2003.

⁶⁰ Statement issued by Crisis in Zimbabwe Coalition, 14 February 2003.

⁶¹ Statement issued by Crisis in Zimbabwe Coalition, 14 February 2003.

⁶² Press conference by Crisis in Zimbabwe Coalition, 14 February 2003. The reference is to the argument made by the Nigerian president to the Australian prime minister that Zimbabwe's suspension from the Commonwealth should be ended. See Section III (A) below.

⁶³ *Daily News* (Harare), 15 February 2003.

one civil society activist told ICG: “This is a bold first experience of the occupational hazards associated with the fight for good governance and democracy”.⁶⁴

The press has also come under rough treatment. After a court in July 2002 acquitted a foreign journalist charged under the highly restrictive Access to Information and Protection of Privacy Act of 2002 with “publishing a falsehood”, the government established a Media and Information Commission, which has begun the process of accrediting all journalists, newspapers and media houses. Without that accreditation – which the Commission can revoke – it is illegal for journalists or newspapers to publish. Minister of Information Jonathan Moyo, a hard line confidant of the president, appointed the members of the Commission, and it is widely suspected that it will follow his directions.

The government offered amendments to the restrictive new media law in mid-2002 that it said proved it did not intend to crack down on the press. But media and legal experts judged the changes to be only cosmetic,⁶⁵ and by mid-February 2003 they had not yet been signed into law.

Moyo spelled out his attitude toward the privately owned Zimbabwean press and the journalists who write for the foreign media in February 2003. He told the state-controlled *Sunday Mail* that Harare’s *Daily News* was a “British-sponsored paper with the support of British homosexuals such as the gay gangster Peter Tatchell and many of the local homosexuals in the legal fraternity and the media, especially among foreign correspondents who work with the *Daily News* to oppose Zimbabwe. One of these days we will have to flush these homosexuals out because they are doing unnatural things, a fact that makes them worse than pigs”.⁶⁶

On 3 February 2003 the treason trial of MDC President Morgan Tsvangirai, MDC secretary-general Welshman Ncube and MDC parliamentarian and shadow agriculture minister Renson Gasela opened at the High Court in Harare. Police tried to prevent diplomats and journalists from attending, threatening U.S. Ambassador Joseph Sullivan with

truncheons and forcefully shoving British and German diplomats. Journalists were beaten and two were arrested and released without charges 24 hours later.⁶⁷ High Court Judge Paddington Garwe ultimately issued a court order to allow diplomats, journalists and the interested public to attend.

The state’s case relies on the testimony of an Israeli/Canadian lobbyist, Ari Ben Menashe, who claims the defendants hired him to have Mugabe assassinated. Ben Menashe produced a four-and-a-half-hour videotape, which shows him asking a series of leading questions and Tsvangirai talking of elections, a transition to democracy, the constitution and other legal means of achieving a change of government. Only one sentence from Tsvangirai – “Now Mugabe is eliminated, what is the transition arrangement”? – could be construed to mean Tsvangirai was plotting an assassination. But its meaning is ambiguous and, in the context of the entire tape, circumstantial at best. Tsvangirai has stated that the discussion never focused on the elimination of Mugabe; rather, it concerned post-election outcomes. The MDC leader’s defence team, led by renowned South African advocate George Bizos, cross-examined Ben Menashe for two weeks and appeared to damage his credibility seriously. It brought out, for example, that he is under contract to the Mugabe government and has been charged with fraud by other African governments, including Zambia.⁶⁸ The defendants face the death penalty if found guilty.

High Court Judge Benjamin Paradza was arrested on 17 February 2003 after rendering judgements against the government in a few high profile cases. The UN Special Rapporteur on the independence of judges and lawyers responded that the cumulative impact of this and similar government actions “have left Zimbabwe’s rule of law in tatters”.⁶⁹

⁶⁷ ICG witness, reports on the BBC and in *The Daily News*, 4 February 2003, and *The Herald*, 4 February 2003.

⁶⁸ *Mail and Guardian* (South Africa), 7 February 2003.

⁶⁹ IRIN, 19 February 2003.

⁶⁴ ICG correspondence, January 2003.

⁶⁵ Assessment of the amendments to AIPPA by the Media Institute of Southern Africa.

⁶⁶ *The Sunday Mail*, “I’m not flattered by *Daily News* – Moyo”, 2 February 2003.

III. INTERNATIONAL DISCORD

Key members of the international community have decidedly softened their tone toward the ZANU-PF government in recent months. Internal divisions within the European Union (EU), the Commonwealth, and the U.S. government have played into the hands – once again – of those in Harare who are resistant to change. As a Zimbabwean civic leader warned, “Each time Mugabe gets some sort of indication – be it from Europe or Africa – that seems to be legitimising him, it is those fighting for democracy on the ground who pay”.⁷⁰

A. THE COMMONWEALTH

In what must be counted a major diplomatic victory for President Mugabe, South Africa and Nigeria are working actively to persuade the Commonwealth that it should lift the suspension it imposed on Zimbabwe after the March 2002 presidential election. Their active lobbying has had impact beyond the Commonwealth, particularly within the EU. Yet, as a Zimbabwean civil society activist noted:

The Harare regime has done nothing to correct the anomalies that led to the sanctions, elucidated by the Commonwealth Observer Mission, the SADC⁷¹ Parliamentary Forum, or the Zimbabwe Election Support Network – comprising 33 Zimbabwean civil society organisations – which monitored the electoral process in Zimbabwe. These facts should not be overlooked when the decision on suspension is reviewed in March.⁷²

The same Commonwealth “troika” that made the original determination – South African President Thabo Mbeki, Nigerian President Olusegun Obasanjo and Australian Prime Minister John Howard – was to have decided in March 2003 whether to continue or lift the suspension or to expel Zimbabwe permanently. Deep divisions, however, have compromised its decision process.

In the week of 20 January 2003, the Nigerian and South African foreign ministers visited Harare. The Nigerian minister, Sule Lamido, met on 20 January

with President Mugabe and government ministers but not members of the MDC or civic society. He was quoted in the state-run *Herald* newspaper as warning Australia not to allow itself to be used by Britain and its allies to isolate Zimbabwe, “If they put their kith and kin ahead, we will put our kith and kin ahead, too”. He urged a new Commonwealth approach to Zimbabwe and said, “The land reform program is now over, it’s a case of Zimbabwe’s prosperity, peace and stability”.⁷³ The South African minister, Nkozasana Dlamini-Zuma, met on 21-22 January 2003 only with government leaders and made broadly supportive remarks regarding the Mugabe government.⁷⁴ The visit of the two influential foreign ministers represented the beginning of a clear effort to change the terms of the debate about Zimbabwe in the Commonwealth, from a governance question to a land issue.

Presidents Mbeki and Obasanjo met in South Africa on 6-7 February, following which Obasanjo said that “We must help Zimbabwe out of its predicament and problem. We cannot do that if we become unduly and unnecessarily critical and antagonistic to Zimbabwe. We must remain constructively engaged with Zimbabwe”.⁷⁵ The South Africans indicated that Mugabe had pledged to revise the press and public order laws, and Obasanjo said that the Zimbabwean leader would negotiate with the MDC as soon as it dropped its court case contesting the legitimacy of the March 2002 election.⁷⁶

Obasanjo then visited Zimbabwe briefly on 8 February to talk with Mugabe but also, for twenty minutes, with the MDC’s Tsvangirai. The Nigerian president did not say much publicly during his stay but on 10 February he wrote to Australia’s Howard saying that he and Mbeki felt the situation in Zimbabwe had improved. The rule of law had been restored, the land seizures had ended, the land redistribution was successful, and the Mugabe government was easing up on its press restrictions.⁷⁷ Presidents Mbeki and Obasanjo indicated to their

⁷⁰ ICG interview, February 2003.

⁷¹ Southern African Development Commission

⁷² ICG correspondence, February 2003.

⁷³ *The Herald*, 21 January 2003. The Commonwealth decision to suspend Zimbabwe’s membership in March 2002 was a result not of the fast-track land resettlement program, but rather the violations of the Commonwealth’s democratic norms and standards, in particular with respect to the presidential election that had just been held. As noted above, the suggestion that land seizures have ended is not accurate.

⁷⁴ *The Herald*, 22 and 23 January 2003.

⁷⁵ *The Independent* (London), 8 February 2003.

⁷⁶ *The New York Times*, 14 February 2003.

⁷⁷ *The Herald*, 12 February 2003.

troika colleague that they would work to have Zimbabwe fully reinstated in the Commonwealth, and that there was, therefore, no need for their special body to meet. Obasanjo said that because he and Mbeki had cancelled the troika session, Zimbabwe's suspension would automatically expire.

Howard replied that he would oppose this attempt to present Zimbabwe's re-entry to the Commonwealth as a fait accompli, and he was backed immediately by New Zealand. He is now likely to refer the issue to the Commonwealth Heads of Government Meeting (CHOGM) in December 2003. There is thus a stand-off, with South Africa and Nigeria contending that the suspension automatically lapses at the end of March 2003 since it will not have been renewed while Australia insists it remains in place, in the absence of a decision to the contrary, until the CHOGM meets.⁷⁸

The Commonwealth Secretariat in London gave some support to the Australian position by stating that Zimbabwe's suspension could not be lifted simply by the decision of the two African leaders to cancel the troika meeting.⁷⁹ The threat that the Commonwealth would divide along white/black lines diminished when Foreign Minister Kalonzo Musyoka of the new Kenyan government on 13 February 2003 in effect rejected the Obasanjo/Mbeki argument and said no decision should be made until the CHOGM gathers in Abuja at the end of the year. Musyoka suggested that democratic elections of the kind that swept his government to power in December 2002 could solve Zimbabwe's problems:

The continent must seriously listen to the wishes of its people. What we have gone through in Kenya is like a velvet revolution. Kenyans discovered they can change a whole government without the necessity to fire a bullet. The way forward for the whole continent, if we are to avoid conflict, is to listen to our people and give them what they want.⁸⁰

Based on public statements, Australia may also have support from Botswana, which would suggest that African solidarity may be breaking up, along the lines of elected governments rooted in non-violent pro-democracy struggles on the one hand,

and governments with origins in armed liberation movements on the other hand.⁸¹

Zimbabweans worry that South Africa and Nigeria are compromising their ability to help broker a solution. Civil society leaders were quick to point out that Presidents Obasanjo and Mbeki had not adequately investigated the situation in Zimbabwe and had taken President Mugabe's pledges at face value. They stated that abuse of the rule of law, press repression, misuse of public security laws and police brutality were all increasing, not decreasing, as Obasanjo had suggested.⁸² "By openly siding with and advocating for ZANU-PF, impartiality can no longer be claimed", one activist said.⁸³ The MDC's Tsvangirai said that the South African and Nigerian leaders could produce a violent reaction from the MDC: "Their action is contrary to the peaceful resolution of the crisis in Zimbabwe and may trigger a rebound against the ongoing repression".⁸⁴

One way to widen the discourse beyond the stand-off within the troika would be to send a Commonwealth Ministerial Action Group fact-finding mission to Zimbabwe to consult widely among stakeholders and to determine what action the organisation should take, ideally well in advance of the end-of-year CHOGM.

B. THE EUROPEAN UNION

The EU, which has had targeted travel and financial sanctions in place against President Mugabe and other senior government and ZANU-PF figures since shortly before the March 2002 presidential election, is in disarray over Zimbabwe. In late January 2003, it became known that France and Portugal had invited Zimbabwe's leader to attend multilateral heads of state and government meetings in their respective capitals in apparent violation of those sanctions. France invited Mugabe to the Franco-African summit on 19-22 February in Paris, and Portugal invited him to the summit of EU leaders and their African, Caribbean and Pacific (Cotonou Agreement) partners, in April in Lisbon. The UK, Germany, the Netherlands and Sweden disliked the invitations but were concerned that if they formally opposed them, France and Portugal

⁷⁸ IRIN reports, February 2003.

⁷⁹ Ibid.

⁸⁰ *The Times* (London), 14 February 2003. The minister spoke at a press conference in London.

⁸¹ *Business Day* (South Africa), 3 March 2003.

⁸² ICG interviews, February 2003.

⁸³ ICG interview, February 2003.

⁸⁴ *Financial Gazette* (Harare), 13 February 2003.

(perhaps joined by Italy and Greece) would refuse to extend the sanctions regime when it came up for renewal in February.⁸⁵

On 11 February 2003, the EU renewed the sanctions against 79 members of the ZANU-PF leadership but allowed Mugabe to travel to France for the summit. On 20 February, Mugabe was greeted in Paris by protests and press criticism.⁸⁶ His hosts were further embarrassed by Grace Mugabe's shopping sprees during the summit.

The sanctions renewal allows exceptions to the travel ban when approved by a qualified majority.⁸⁷ The Cotonou Agreement, which governs EU development assistance with the other parties, also provides grounds for a waiver. "These loopholes undermine the very basis of the sanctions", claimed a Zimbabwean civil society leader. "France and Britain are perceived in Africa as competing to have control over Zimbabwe".⁸⁸ That perception is unfair but the internal dispute is certainly another example of the difficulties the EU still faces in forging a more than lowest denominator common foreign policy among fifteen countries with often distinct national interests.⁸⁹

Later in February, the EU postponed the Lisbon summit because of the reciprocal threats that African leaders would boycott if Mugabe was not able to attend and the UK, Germany, Sweden and others would boycott if he did attend.

EU policy on Zimbabwe is suspect in much of Africa because of the perception that the UK, the former colonial power, is leading a campaign against Mugabe. "Putting Britain in front only helps Mugabe in his propaganda that this is a colonial issue", observed a top MDC official. "The dispute is

between Mugabe and the people of Zimbabwe, not Mugabe and Britain".⁹⁰ As a matter of credibility and relevance, however, now that the targeted sanctions regime has been renewed, its coverage should be widened by adding more names. The EU, along with the U.S., should also step up its diplomatic engagement with key African states in the pursuit of a process to resolve the crisis.

C. THE UNITED STATES

The Bush administration quickly indicated at the highest levels that it did not recognise the legitimacy of the March 2002 presidential election and would act vigorously in response to its violation of democratic norms. Members of Congress were equally robust in their condemnations and statements about repercussions that would result. These threats were noted in Harare, Pretoria and other regional capitals.

Although over 200 ZANU-PF officials were relatively quickly banned from travelling to the U.S., the Bush administration held off implementing a promised asset freeze on senior ZANU-PF leaders until 7 March 2003 because of a dispute between the State Department and the National Security Council Africa staff. Key members of Congress, angered by the delays, are stepping up their activism but the damage has been done. The threat of an asset freeze followed by no action has diminished U.S. credibility and given time for all relevant assets to be moved out of Washington's reach should the freeze eventually be implemented.

The U.S. should now work with the EU and other interested countries to expand the lists of affected individuals in a coordinated fashion. It should also sanction financial transfers. This would make life more difficult for those on the lists, since many international financial transfers pass through London or New York.⁹¹

⁸⁵ ICG interviews with European Union diplomats, 23, 24 and 26 January 2003.

⁸⁶ *Le Monde*, 20 February 2003, for example editorialised that: "Robert Mugabe's presence is an insult to the victims of his arbitrary regime".

⁸⁷ Qualified majority is a technical device by which certain EU decisions can be made by voting rather than unanimity. Each member state has a weighted number of votes, established in the EU treaties, that roughly reflects its size.

⁸⁸ ICG correspondence, February 2003.

⁸⁹ Some critics inside Zimbabwe suggested that France's significant new commercial deals with Zimbabwe, such as the lease of aircraft to Air Zimbabwe, were not unrelated to the invitation to the Paris summit. *Financial Gazette*, 13 February 2003.

⁹⁰ ICG interview, February 2003.

⁹¹ ICG interviews with diplomats, February 2003. The assets freeze was announced as applying to President Mugabe and 76 other senior figures. "Bush Orders Sanctions Imposed Against Leaders of Zimbabwe", *The New York Times*, 8 March 2003.

D. SADC AND THE AU

Neither the Southern African Development Commission (SADC) nor the African Union (AU) has moved in any meaningful way since the beginning of the year to address the crisis in Zimbabwe. In 2002, SADC held a series of summits that aimed to encourage President Mugabe to restore the rule of law and to pressure the MDC to compromise. The lack of any meaningful follow-up on Harare doomed that initiative but SADC retains leverage that it has yet to utilise.

The AU, a new body, seeks to leave behind the legacy of non-intervention of its predecessor, the Organisation of African Unity (OAU) but it has largely deferred to SADC on Zimbabwe. Given its proclaimed emphasis on crisis prevention, however, the AU should deepen its engagement there. No solution will be possible unless at least one of these organisations steps forward to play a meaningful role.

IV. AN EXIT FOR MUGABE AND A NEW POLITICAL OPENING?

A. THE SUCCESSION STRUGGLE

The one new element that suggests early and positive change in Zimbabwe's critical situation may just be possible involves reports that began to surface in January 2003 that senior ZANU-PF officials were seriously exploring possible retirement scenarios for President Mugabe.⁹² Widespread enthusiasm greeted the notion that Mugabe might step down.⁹³ The news of a potential deal boosted Zimbabwe's stock exchange.⁹⁴ A subsequent poll by the Harare-based Mass Public Opinion Institute found 65 per cent of respondents wanted Mugabe, who is 79 and whose term runs to 2008, to announce his plans for retirement immediately.⁹⁵

As the story of ZANU-PF manoeuvring began to emerge, it was learned that in November 2002, Fr. Fidelis Mukonori, a Jesuit priest in Harare, approached Morgan Tsvangirai on behalf of Mugabe, with a message that the president was considering retirement and wanted to meet with the MDC leader. Although nothing came of it, retired Zimbabwean Army Colonel Lionel Dyck confirmed to ICG that he spoke to Tsvangirai a month later on behalf of Speaker of the House and former head of the security services Emmerson Mnangagwa and armed forces chief General Vitalis Zvinavashe.⁹⁶

Both men have been close to Mugabe and appeared to indicate that they could offer assurances that he would accept early retirement and possibly exile. Since Mugabe was known to have been saying privately that he was willing to step down, and key elements within the ruling party had indicated a desire to break the political impasse, this initiative appeared somewhat credible. Colonel Dyck, at the behest of the two, inquired if Tsvangirai would be willing to agree that, if he retired, the president and

⁹² See *The Times* (London) 13 January 2003, and *The Guardian* (London) 13 and 14 January 2003. An earlier story appeared in *The Daily News* (Harare), 19 December 2002.

⁹³ This conclusion results from extensive ICG discussions with Zimbabweans in queues for petrol and bread, in supermarkets, and interviews with lawyers, doctors, professors and government employees.

⁹⁴ *The Financial Gazette*, 30 January 2003

⁹⁵ *San Francisco Chronicle*, 3 February 2003.

⁹⁶ ICG interview in Zimbabwe, January 2003.

other top ZANU-PF officials would have immunity from prosecution for human rights abuses and corruption. Tsvangirai was also reportedly asked if he would be willing to join a transitional authority if Mugabe left power.⁹⁷

Tsvangirai rejected this offer and, concerned that a trap was being set and he was being used in a power struggle within ZANU-PF, revealed it to journalists and civic leaders.⁹⁸ Tsvangirai told ICG that the offer was unacceptable and Zimbabwe would need to return to democracy through a process that was transparent and accountable, not a backroom deal that presupposed Mnangagwa as the new president.⁹⁹

The MDC and most civil society leaders have consistently argued that top officials of Mugabe's government must be held accountable for their actions, particularly Mnangagwa and Zvinvashe, who were involved in the mass killings in Matabeleland in the 1980s and, more recently, in the looting of diamonds in the Congo.¹⁰⁰ Tsvangirai has told ICG, with some ambiguity, that the MDC would not pursue the prosecution of Mugabe should he step down, but also that any decision would need to be fully and openly debated in a national forum.¹⁰¹ He has not extended any kind of promise to other members of ZANU-PF.

There are two problems with any amnesty or non-prosecution assurance. First, it would be a difficult sell to some members of the MDC, who want Mugabe held accountable. Secondly, Mugabe does not trust the Tsvangirai's ability to make good on immunity since he knows there are Zimbabweans who would pursue action against him whatever deal was struck. At the least, any arrangement would probably not preclude the possibility that Mugabe could be investigated and the likely highly embarrassing results made public.

The revelations surrounding Dyck's mission brought into the open long-suspected divisions within the ruling party. Two camps have emerged in the

struggle for post-Mugabe leadership of ZANU-PF. Mnangagwa and Zvinvashe are on one side, while on the other are retired Army Commander Solomon "Rex" Mujuru, Defence Minister Sydney Sekeramayi, current Army Commander Constantine Chiwenga, Air Force Commander Perence Shiri, sacked Finance Minister Simba Makoni (whom Mujuru has been pushing as successor to Mugabe), former Home Affairs Minister John Nkomo, ZANU-PF businessman Ibbo Mandaza, and elder statesman Eddison Zvobgo.¹⁰²

This second group seeks initially to consolidate its control of the army by ensuring that Shiri succeeds Zvinvashe when the latter retires this summer, though the impatience of the top military brass over the political stalemate is growing, adding to the general aura of uncertainty. If this manoeuvre succeeds, the group will then concentrate on ensuring that Mnangagwa is not well positioned to succeed Mugabe.

A third group will ultimately play only a spoiler role at most. It is led by the trio of Information Minister Jonathan Moyo, Agriculture Minister Joseph Made and Justice Minister Patrick Chinamasa. None of these has a major support base inside the party, much less in the broader public, but they have retained President Mugabe's favour due to their vociferous defence of his policies.

Conventional wisdom has always had Mnangagwa as Mugabe's hand-picked successor, but the recent events have placed this in doubt. It appears that his faction approached the MDC without the president's blessing on something of a fishing expedition. Recent Mugabe statements ("there are those that seek to divide us from within") indicate that some things have gone on behind his back. He said that the plot to exile him could have been orchestrated by ZANU-PF officials: "Those rumours came from people who wanted to reverse our land reform program, or maybe it came from some of our party members who want to sow seeds of division".¹⁰³

As *Africa Confidential* concluded, "Mugabe's greatest fear is an exit strategy he doesn't control: that the mass food and fuel shortages, along with the rising death toll from starvation and HIV/AIDS, will finally propel his opponents onto the streets for a Ceausescu-

⁹⁷ ICG interviews and correspondence, January and February 2003.

⁹⁸ *The Times (London)*, 13 January 2003.

⁹⁹ ICG interview in Harare, January 2003.

¹⁰⁰ On the diamonds, see UN Security Council, "Interim Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo", S/2002/565, 22 May 2002.

¹⁰¹ ICG interview in Harare, January 2003.

¹⁰² ICG interviews and correspondence, January and February 2003.

¹⁰³ *Bulawayo Chronicle*, 30 January 2003.

like showdown".¹⁰⁴ If Mugabe directed the feelers to Tsvangirai, it is likely he is indeed ready to retire; if not, then it is probable that the long knives are already being drawn in the succession battle.

Mugabe may also see these events as a plot by the Karanga ethnic group, to which Mnangagwa, Zvinavashe, Mutumwa Mawere (a key business associate of Mnangagwa in Zimbabwe and the Congo), and Foreign Minister Stan Mudenge belong.¹⁰⁵ Other factions within ZANU-PF are stoking his fears about the intentions of Mnangagwa and Zvinavashe. The degree to which Mugabe will be able to control the fallout from these manoeuvres is uncertain.

General Zvinavashe raised the stakes early in 2003 by announcing that the "military will assist" in addressing the economic crisis in Zimbabwe. "[W]e must do something about it ... it is not right to keep quiet and let nature take its course".¹⁰⁶ While this could be a bluff to cow opposition to the planned elevation of Mnangagwa to the presidency, his proposal to form a national task force to find solutions to the country's problems was widely taken in Zimbabwe as an extraordinary admission of awareness of widespread dissatisfaction with Mugabe. It probably is just the tip of the iceberg, however, in terms of the unhappiness within the military, particularly those who have returned from the Congo, and segments of the ZANU-PF leadership that are experiencing diminishing benefits as a result of Zimbabwe's political isolation and weakening economy. These forces want to manage a process of change that builds a bridge back to international legitimacy, aid, debt relief, trade and investment, while maintaining their personal authority. There is increasing belief, at least within the ruling party, that Mugabe's retirement is the only way to accomplish that goal.

The Mujuru faction is vehemently opposed to Mnangagwa as Mugabe's successor. In the first week of February 2003, Mujuru and Air Marshall Shiri asked Mugabe when he intended to retire and conveyed their desire for a more open succession process.¹⁰⁷ It should be remembered that in Kenya a pattern of ignoring the will of the party leadership on the Moi succession issue resulted in the recent

decisive election defeat. Party pressure on Mugabe to devise an exit strategy is thus likely to continue to build. If an acceptable process does not materialise, Mujuru's faction might bolt from ZANU-PF, form its own party, and try to attract others as the Rainbow Coalition did in Kenya. Some of the less radical war veterans also are organising and could provide another point of independent opposition to ZANU-PF over the coming months.

Both major factions within ZANU-PF believe that the other faction will try to make a deal with the MDC that would leave them out in the cold. The one thing that unites them, however, is their desire to see Mugabe off the scene. Their leaders share the view that he is a liability to the party, the country, and, most importantly, their personal fortunes. "They are aware that with Mugabe at the helm the entire regime is pushed to their last supper", observed a Zimbabwean analyst. "The sacrificial game has now begun".¹⁰⁸ Some ZANU-PF officials will attempt to place all blame on Mugabe but no one should be fooled that Zimbabwe's problems result from one person. Any solution will have to deal with reform of the entire system, not just changing the guard.¹⁰⁹

South Africa is active behind the scenes in promoting a succession plan. Its preference appears to be a quiet deal that would be arranged within and primarily by ZANU-PF with a relatively minimal role for the opposition.¹¹⁰ It has severely alienated the MDC by not meeting directly with it while pushing it to drop its court challenge to the legitimacy of the March 2002 presidential election.¹¹¹ It has been working on behalf of one specific successor, Mnangagwa, who has spent considerable time in South Africa and was embraced by President Mbeki recently at

¹⁰⁸ ICG interview in Harare, February 2003.

¹⁰⁹ ICG interviews conducted in March 2003 suggest that some in the ruling party are considering the possibility of using the constitutional amendment procedure to facilitate their concept of a smooth transition to the post-Mugabe era. A two-third majority in the 150-member parliament is required to amend the constitution. At present, ZANU-PF controls 95 votes and the MDC 55. The ruling party is pulling out all stops to capture by-elections during 2003 in Kuwadzana, Highfield, Harare Central and elsewhere to reach the 100-seat figure.

¹¹⁰ Tsvangirai claims that the plan Dyck presented him was endorsed by South Africa and the UK. *Daily News* (Harare), 19 December 2002. There have been other allegations of quiet South African interactions with MDC officials. ICG interviews, February 2002.

¹¹¹ The case will likely be heard by Zimbabwe's High Court in April 2003. *SABC News*, 24 February 2003.

¹⁰⁴ *Africa Confidential*, Vol. 43, N°25, 20 December 2002.

¹⁰⁵ *Africa Confidential*, Vol. 44, N°2, 24 January 2003.

¹⁰⁶ IRIN, 17 January 2003.

¹⁰⁷ ICG correspondence, February 2003.

the African National Congress (ANC) annual conference.¹¹² Mnangagwa has given the South Africans the questionable assurance that he has the army on his side.¹¹³

However, South Africa may have initially underestimated the unpopularity of Mnangagwa, who in 2000 lost the parliament contest in his hometown of Kwekwe and later in the year the ZANU-PF chairmanship to John Nkomo. It has now widened its search for a credible replacement for Mugabe, recently hosting, for example, Simba Makoni, a member of the ZANU-PF politburo and the Mujuru faction's apparently preferred candidate. Makoni is increasingly viewed in Zimbabwe and the region as a viable alternative to Mugabe, someone not tainted with the scandals, state looting, and human rights violations of the last two decades. One ZANU-PF parliamentarian said, "People applaud him before he even speaks. They say, 'He has new ideas, let him try'. They say he is a decent person without so many rumours and scandals about his wheeling and dealing. But he may not be strong enough to cope with the ZANU-PF heavyweights".¹¹⁴

After the meetings in South Africa, Makoni said that the ruling and opposition parties should work together: "[A] country should have a national government mandated by the people of that country to govern it. There is a difference between a government of national unity and a national government".¹¹⁵ Notwithstanding Makoni's admonition, President Mbeki continued his pursuit of a government of national unity, and received support from France at the Franco-African Summit.¹¹⁶

B. INTER-PARTY TALKS

The MDC and many Zimbabwean civil society leaders believe that South Africa seeks to pull off a backroom deal that would produce a new, legitimised, post-Mugabe government still led by most of the same ZANU-PF officials, but with a few MDC officials as token participants. Such an outcome,

most in the opposition believe, would result in the same assimilation and then destruction of the MDC as ZAPU (Zimbabwean African People's Union) experienced during a government of national unity in the 1980s. The MDC continues to demand instead that a transitional authority be established to hold a re-run of the March 2002 election.

The backroom deal, in other words, is unlikely to work because it would lack support within Zimbabwe from much more than ruling party loyalists. The alternative method for breaking the political stalemate and moving beyond the Mugabe era would seem to be a genuinely open process built around negotiations between ZANU-PF and the MDC. "Talks between ZANU-PF and the MDC provide the best chance for resolution of the problems by Zimbabweans themselves", said one Zimbabwean civil society leader.¹¹⁷ Because of the deep suspicion that divides those two parties, such negotiations would seem to require international assistance.

This is, of course, the concept that was tried and failed, under South African-Nigerian sponsorship, shortly after the March 2002 election.¹¹⁸ The MDC's growing resentment of South Africa's manoeuvres has led the party leadership to conclude that it is incapable of playing the role of honest broker even if it were to attempt to resuscitate inter-party talks, which it appears not interested in doing. What is needed, therefore, is a new African initiative that learns lessons from the past effort.

All manner of informal contacts have been taking place. They need to be formalised into one mediation channel that is fully backed by the region and the broader international community. A new, broader African Union (AU) initiative should be constructed that endeavours to broker a transitional administration that significantly involves the opposition and civil society, restores the rule of law, and prepares the ground for early elections. Part and parcel of the solution would have to be an exit strategy for President Mugabe and some of his close advisors who have been obstacles to any change.

An AU initiative should involve – or even be led by – a country such as Ghana, Senegal or Kenya that has undergone a recent transition of power from a

¹¹² *Africa Confidential*, Volume 44, N°1, 10 January 2003.

¹¹³ ICG interviews and correspondence, January and February 2003.

¹¹⁴ ICG interview, February 2003.

¹¹⁵ *Daily News* (Harare), 25 February 2003.

¹¹⁶ *Business Day* (Johannesburg), 24 February 2003. A South African government spokesman announced that South Africa, Nigeria and France would work together to address the Zimbabwean crisis

¹¹⁷ ICG correspondence, February 2003.

¹¹⁸ See ICG Report, *Zimbabwe: The Politics of National Liberation and International Division*, op. cit., and ICG Africa Report N°47, *Zimbabwe: What Next?*, 14 June 2002.

liberation-era party to the opposition. An AU effort without such countries would not be seen as impartial by the MDC. An AU diplomatic effort should, of course, consult closely with South Africa and Nigeria since they remain too important to a negotiated solution to be marginalised.

If the AU is not able to organise such a mediation, the Commonwealth should step in, work closely with the AU, and in particular with South Africa and Nigeria, and name a negotiating team to facilitate the process.

None of this will work without increased pressure from outside Africa on ZANU-PF and its commercial supporters. Among other things, this means extending targeted sanctions (asset freezes and travel bans) to a wider group of senior ZANU-PF officials, their family members studying abroad, business associates who maintain the viability of the regime, safari operators who front for its economic interests, key army and police officials, and war veteran leaders responsible for state violence.¹¹⁹ The objective would be to break the consensus between businesses that gain from instability and the political leadership that lives off corruption. At the same time, support for civil society and the political opposition should be increased as a counter to ZANU-PF's assault on independent organisations and an investment in democracy.

Increased citizen pressure from within Zimbabwe may also be necessary to influence calculations within ZANU-PF. The limited mass action efforts to date of the MDC, unions, and civil society groups have been ineffective. Work stay-aways, until now the preferred strategy, are self-defeating in that participants lose jobs in the midst of an economic crisis. Non-violent street protests, not yet tried in earnest, would require prior coordination with elements of the security sector, as the ZANU-PF leadership will be inclined to use overwhelming force against any such public display. Such understandings in turn depend on the level of dissatisfaction within the military, the degree of conflict between and among youth militia and war veteran elements, and the degree to which the patronage networks sustaining their loyalty to the government are eroding.

“The government is afraid of a mass uprising”, noted a Zimbabwean civil society leader. “They print something about it in the papers every two weeks. They are strengthening their party structures in order to react to it”.¹²⁰ If mass action efforts continue to fail, public cynicism may increase and ZANU-PF may be emboldened to resist any compromise. The success or failure of mass action may be the most important determining factor for the future of the MDC. While ZANU-PF will surely attempt to test the MDC's cohesiveness, an effectively managed campaign would increase the pressure on the ruling party to negotiate fairly for the establishment of a new political order.

¹²⁰ ICG correspondence, January 2003.

¹¹⁹ See ICG Report *Zimbabwe: The Politics of National Liberation and International Division*, op. cit.

V. CONCLUSION

The central problem in the international community's approach to Zimbabwe is the lack of a shared, universally recognisable objective. A representative sample of Africans, if asked what the international community seeks, would respond with any number of answers, from punishment of Mugabe, to protecting white farmer interests, to promoting human rights, to invalidating the March 2002 election, to supporting free enterprise and the securing investments. This is a fundamental deficiency of the discourse between Africa and the West, and why Mugabe has been winning the public relations contest.

However, if the key countries in the West and Africa could agree on a basic objective and then work together to achieve it, there would be a new dynamic. Most countries – even those with some sympathy for Mugabe – would agree that his regime lacks legitimacy, both in certain important international quarters and among significant domestic constituencies, and that the continuing stand-off harms Africa's efforts to build its new institutions. That basic objective could, therefore, be to resolve the political and economic crisis in Zimbabwe by restoring the legitimacy of its government.

This would best be achieved by inter-party talks aimed at producing a negotiated agreement between ZANU-PF and the MDC – with civil society input – on the political transition. The transitional arrangement would by definition need to be inclusive, and deal with electoral, rule of law, and economic policy issues, as well as President Mugabe's retirement. The specific details would be up to Zimbabweans. The international community – the region and beyond – would support the outcome of such a process and should make clear that rapid normalisation would follow.

Such a broad but general understanding would allow for a division of labour between the West and Africa. The African Union – building on the lessons from the previous efforts of South Africa and Nigeria – should initiate a fresh and transparent process of inter-party negotiation, while Western nations should intensify pressure on ZANU-PF and its commercial allies to bring them to the table. The West and Africa could agree, furthermore, on a package of incentives to be delivered once the transitional arrangements were in

place, to include re-engagement of international financial institutions, serious development aid, and normalisation of diplomatic relations.

In pursuit of such a division of labour, the U.S. and EU in particular should engage in more intense regional diplomacy. There is need for greater engagement and frank, but quiet discussions with governments throughout southern Africa that would spell out the reality of declining aid and investment in a scenario of state collapse in Zimbabwe and perceived regional acquiescence.¹²¹ The discussions should also be directed at persuading regional governments that Western nations are aware of the real and urgent need for land reform and that they will contribute constructively to the implementation of a genuine program in the context of an agreed settlement in Zimbabwe. A subsequent ICG report will be devoted to the issue of land ownership and reform in Zimbabwe and the wider southern Africa region.¹²²

The strategy would have to include high-level engagement with South Africa in pursuit of a partnership approach to dealing with Zimbabwe. Understanding South Africa's complicated relationship with its neighbour is essential if there is to be progress on this.¹²³ Pretoria's willingness to place quiet pressure on ZANU-PF in the context of serious inter-party negotiations would do much to enhance their prospects.

At the end of the day, the three most contentious issues will involve elections, land reform, and the

¹²¹ Until now, much U.S. and EU – particularly British – pressure has been aimed primarily at South Africa, rather than at the smaller neighbours who might be more responsive to negative swings in aid, trade and investment. There is a great diversity of views on Mugabe throughout southern Africa, ranging from strong support from Namibia's President Sam Nujoma to active efforts to seek his retirement from former Zambian President Kenneth Kaunda and open frustration from Botswanan President Festus Mogae.

¹²² As noted in earlier ICG reporting, although President Mugabe has used anti-colonial sentiments that remain strong throughout Africa as a smokescreen to permit him to conduct a land seizure program that has little to do with either justice or development, there is a genuine requirement for land reform, which is perceived as an issue of the first magnitude about which Western intentions are suspect. ICG Report, *Zimbabwe: The Politics of National Liberation and International Division*, op. cit.

¹²³ For a discussion of South Africa's motivations in Zimbabwe, see ICG Report, *Zimbabwe: The Politics of National Liberation and International Division*, op. cit.

status of Mugabe. The MDC will press for early elections, while senior ZANU-PF officials will oppose, fearing their own thin electoral base. The parties would likely agree to restore a legal process to the land issue and try to find a way to draw back in some of the commercial farmers, thus demonstrating that Zimbabwe was again safe for foreign investment. The disposition of Mugabe will be vexing. The MDC and some within ZANU-PF will want him to retire, while others would accept a ceremonial presidency that allowed him to serve his full term but with truncated powers. The outcome of the immunity issue would be highly uncertain, not only on Mugabe but also his major allies within the ruling party and the military. On all these issues, international activism could help advance compromises now that important elements in both parties seem to be groping for a way out of the stalemate.

A negotiated resolution would satisfy no one completely, but everyone enough to get Zimbabwe moving again. Alternative scenarios – including state collapse, armed opposition, and increased unstructured violence – make the effort imperative and failure unthinkable.

Harare/Brussels, 10 March 2003

APPENDIX A

MAP OF ZIMBABWE



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