

**ZIMBABWE'S OPERATION MURAMBATSVINA:  
THE TIPPING POINT?**

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## TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY AND RECOMMENDATIONS.....</b>	<b>i</b>
<b>I. INTRODUCTION: OPERATION MURAMBATSVINA.....</b>	<b>1</b>
A. WHAT HAPPENED .....	1
B. WHY IT HAPPENED .....	3
1. The official rationale.....	3
2. Other explanations .....	4
C. WHO WAS RESPONSIBLE?.....	5
<b>II. INTERNAL RESPONSE.....</b>	<b>7</b>
A. THE GOVERNMENT: OPERATION GARIKAI .....	7
B. ZANU-PF .....	8
C. THE MDC.....	9
D. A THIRD WAY?.....	11
E. CIVIL SOCIETY .....	12
<b>III. THE REGIONAL RESPONSE .....</b>	<b>13</b>
A. SOUTH AFRICA AND SADC .....	13
B. THE AFRICAN UNION .....	14
<b>IV. THE WIDER INTERNATIONAL RESPONSE.....</b>	<b>15</b>
A. THE UNITED NATIONS .....	15
B. THE WEST .....	17
C. THE EAST: CHINA'S ROLE .....	18
<b>V. CONCLUSION: A TIME TO ACT .....</b>	<b>19</b>
<b>APPENDICES</b>	
A. MAP OF ZIMBABWE.....	22

## ZIMBABWE'S OPERATION MURAMBATSVINA: THE TIPPING POINT?

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

Operation Murambatsvina (Restore Order) cost some 700,000 Zimbabweans their homes or livelihoods or both and otherwise affected nearly a fifth of the troubled country's population. Its impact, as documented in a scathing UN report, has produced a political shock that has returned Zimbabwe to the international spotlight and made the quality of its governance almost impossible for its regional neighbours to ignore, however difficult they find it to be overtly critical. While an immediate requirement is to reverse as thoroughly as possible the disastrous humanitarian effects of the operation, action is urgently needed to address Zimbabwe's larger governance problem. This will require efforts on three parallel tracks -- the maintenance of overt international pressure, support for building internal political capacity and, above all, active regional diplomacy to facilitate political transition.

Kofi Annan's initiative to send Anna Tibaijuka, the Tanzanian director of UN Habitat, as his Special Envoy to report on the two-month military style campaign, has explicitly confronted the international community, in Africa and beyond, with its responsibility to help protect the people of Zimbabwe. Her findings show that the Zimbabwe government collectively mounted a brutal, ill-managed campaign against its own citizens. Whatever its intent -- the urban clean-up claimed by authorities, or more sinister efforts to punish and break up the political opposition lest resentment explode into revolution -- that campaign has exacerbated a desperate situation in a country already sliding downhill for a half-decade.

That much is clear, as is Zimbabwe's need for outside engagement, both for the sake of its own people and because the implosion that Murambatsvina has brought dramatically nearer would shatter the stability of southern Africa. The government lacks the resources, and has yet to prove it has the genuine will, to repair the immediate humanitarian damage. While this is not the time to be offering it any concessions, and certainly no development aid should flow until there is significant political and economic reform, traditional humanitarian relief principles require that donors offer assistance to those needing it. But they should take care that any such assistance is not diverted to serve ZANU-PF's political purposes.

Zimbabwe's own political forces are increasingly stalemated. The ZANU-PF party, already discredited in the eyes of many inside and outside the country for what the UN report starkly described as a decline in the rule of law as well as egregious economic mismanagement and human rights abuse, is deep into a fight for succession to Robert Mugabe, and playing an internal blame game on Murambatsvina as part of that internecine struggle.

The opposition Movement for Democratic Change (MDC) is preoccupied with leadership controversies of its own and existential strategy debates in the wake of defeat in March in yet another rigged election. Inability to influence Murambatsvina has cost it much confidence in itself and among its supporters, and the party badly needs to refocus and reform. Some important backers in Zimbabwe's business community are showing interest in exploring a new "third force" party, but there is little sign of that gathering momentum.

Non-Africans, whether the U.S., the European Union and its Member States, or members of the Commonwealth, lack leverage to do much about this immediate situation. They can and should maintain international pressure for change by the mostly symbolic means at their disposal, including tougher targeted sanctions against key ZANU-PF figures, and rigorous monitoring of human rights abuses with a view to pursuing remedial measures in the appropriate international forums: such efforts force the ZANU-PF government to pay at least some cost for misdeeds and help keep Africa committed to genuine resolution of the problem. They should also seek ways, in consultation with local and regional players, to build up the long-term political capacities of Zimbabwean civil society.

But the heavy lifting -- if it is to be done -- must come from African states and institutions. They should receive understanding and support from the wider international community to conduct regional diplomacy in their own preferred quiet way -- provided that diplomacy is real and not just an excuse for allowing a dangerous situation to drift. Pretoria and other key African capitals should work, preferably under African Union auspices, to put together a team of distinguished former presidents to

mediate a genuine and generous compromise that could start Zimbabwe toward new governance and new elections.

## RECOMMENDATIONS

### To pursue constructive change through regional diplomacy:

1. South Africa should work with Nigeria and other African states, if possible through the African Union's Peace and Security Council and with the support of other African institutions, to establish a mission of distinguished former African presidents to explore with President Mugabe, ZANU-PF, the MDC and other political forces in Zimbabwe a political transition strategy, which might involve a dignified option for withdrawal of President Mugabe from an active political role, creation of a credible government of national unity, a period for new or revised political groupings to form and, ultimately, properly internationally supervised elections.
2. The Zimbabwe government, ZANU-PF and the Movement for Democratic Change (MDC) should adopt open and constructive attitudes to efforts by South Africa, Nigeria, other African states and African institutions to mediate an end to the national political stalemate.
3. South Africa should also apply conditionality concerning at least economic reform to the credit line it proposes to extend to Zimbabwe and require a monitoring mechanism so it can assure itself that the conditions are being met and the money is being used for the intended purposes.
4. The United States, the European Union and its Member States, the members of the UN Security Council, and the wider international community should support the efforts of South Africa, other African states and African institutions to conduct meaningful regional diplomacy with Zimbabwe, including efforts to pursue political mediation such as that outlined in recommendation 1 above.

### To build political capacity:

5. South Africa and other African states, African institutions, the United States, the European Union and its Member States, and other interested members of the international community should engage in stepped up programs of assistance to democratic forces with a view to developing over time a stronger civil society, a more democratic polity and a generally more effective political class.

6. Zimbabwe civil society should seek the unity and regeneration of the pro-democracy movement, including by supporting elections for the leadership of the opposition at the earliest possible time.

### To maintain international pressure for constructive change:

7. The United States, the European Union and its Member States, the members of the UN Security Council, and the wider international community should:
  - (a) expand targeted sanctions such as visa refusals and asset freezes against senior government and ruling party figures and implement them more rigorously until there is meaningful progress on human rights and political reform;
  - (b) encourage independent expert investigations, including by special rapporteurs, of allegations of serious human rights abuse, such as misuse of food aid for political purposes and torture of detained political opponents, with a view to pursuing remedial measures in the appropriate international forums; and
  - (c) give no developmental assistance until there has been some meaningful progress toward political and economic reform, and then only upon the condition that specific further benchmarks are met.

### To reverse the immediate humanitarian impact of Operation Murambatsvina:

8. The Zimbabwe government should take comprehensive action to implement in full the recommendations of the report of the UN Secretary General's Special Envoy (the Tibaijuka Report), including:
  - (a) compensating those whose property was unlawfully destroyed, creating an environment for effective relief, reconstruction and resettlement, and ensuring unhindered access of humanitarian workers and delivery of aid to victims of the operation;
  - (b) holding to account those responsible for planning and executing the operation, including through prosecution where laws were broken; and
  - (c) respecting its international obligations to protect the rights of refugees and granting

- full citizenship to former migrant workers residing for a long period in Zimbabwe and their descendants.
9. The African Union, Southern African Development Community (SADC) and Zimbabwe's regional neighbours should make clear their expectations that Zimbabwe will implement fully the recommendations of the Tibaijuka Report.
  10. The African Union should encourage the African Commission on Human and Peoples' Rights to investigate whether Operation Murambatsvina breached Zimbabwe's obligations under the African Charter on Human and Peoples' Rights.
  11. The World Bank should conduct a comprehensive investigation of the economic consequences of Operation Murambatsvina with a view to assessing reconstruction, resettlement and recovery needs.
  12. The United States, the European Union and its Member States, the members of the UN Security Council and the wider international community should insist that the Zimbabwe government implement fully the Tibaijuka Report recommendations, place the matter on the agenda of the Security Council for periodic review, and offer humanitarian assistance to the extent necessary, provided such aid can be delivered to the needy without unacceptable government interference and adequate monitoring mechanisms are in place to prevent diversion.

**Pretoria/Brussels, 17 August 2005**

## ZIMBABWE'S OPERATION MURAMBATSVINA: THE TIPPING POINT?

### I. INTRODUCTION: OPERATION MURAMBATSVINA

On 25 May 2005, the government of Zimbabwe launched Operation Murambatsvina<sup>1</sup>, allegedly to "clean up" its cities. Executed with the combined force of the police, the army and youth militias, it started in the capital, Harare, but quickly was extended to practically all urban centres, including Bulawayo, Chinhoyi, Gweru, Kadoma, Kwe Kwe, Marondera, and Mutare. While originally targeting vendors in Harare's central districts, it soon included demolition of illegal structures of informal traders, shanty homes of the poor and unauthorised residential extensions of more well-to-do residents of low density suburbs. Government sources indicated it was planned also to cover rural areas, especially formerly white-owned commercial farms.<sup>2</sup> Bulldozers played a major role in flattening structures, but frightened residents were also forced to pull down their own property. Those who did not do so fast enough or offered resistance were often beaten by the police.<sup>3</sup>

<sup>1</sup> "Murambatsvina" is a Shona verbal noun which breaks down to "muramba" meaning "one who refuses" and "tsvina" which means "dirt" or "filth". In this sense, Murambatsvina would mean "the one who refuses dirt". It is commonly used in a derogatory sense to refer to a person who is too particular about his appearance. Murambatsvina was coined by ZANU-PF as an exhortation to reject the dirt and chaos associated with slums, shacks, and informal markets and trading. Devised as a two-step process -- the clean-up phase followed by a rehabilitative phase -- the operation has also been dubbed "Operation Tsunami", because of the violence and destruction it has produced. Crisis Group interview with Action Aid official, Harare, 20 July 2005; Tafi Murinzi, "In the midst of restoring order -- chaos," Reuters, 3 June 2005. We have accepted here the neutral translation "Restore Order" adopted by the UN Special Envoy in her report, cited below in footnote 4.

<sup>2</sup> Minister of Local Government, Public Works and Urban Development Igantius Chombo said, "this exercise is a national exercise and will go to rural areas. We are not going to spare any pocket which is illegal". Crisis Group telephone interview, June 2005. However, Murambatsvina appears to have been essentially concluded before reaching the formerly white-owned commercial farms. Chombo is often referred to as the Housing Minister, since that is part of his ministry's portfolio.

<sup>3</sup> Crisis Group interviews with officials of the Zimbabwe Human Rights Forum, Harare, July 2005. See Zimbabwe

The first hint came on 18 May, when Dr Gideon Gono, Governor of the Reserve Bank of Zimbabwe, in a statement on "Post Election and Drought Mitigation Monetary Policy", called for reorientation of law enforcement bodies to fight widespread corruption and indiscipline that he blamed for the country's economic and financial problems. The next day Sekesai Makwavarara, chairperson of the government-appointed Harare City Commission, explained that the government planned a sweeping operation to "enforce bylaws, to stop all forms of illegal activities...in conjunction with Zimbabwe Republican Police (ZRP)". On 24 May, the City of Harare called on owners to pull down unauthorised residential structures in the outer suburbs by 20 June 2005 but the government operation began just one day later.

### A. WHAT HAPPENED

The best and most thorough account of the devastation wrought by Murambatsvina has been produced by Anna Kajumulo Tibaijuka, the Tanzanian director of the UN Centre for Human Settlements (Habitat), whom UN Secretary General Kofi Annan appointed as his special envoy to investigate once news accounts began to make clear that something extraordinary was happening. Following an intense two weeks of travel and meetings in Zimbabwe, Tibaijuka published her detailed report on 18 July 2005.<sup>4</sup> Crisis Group's own extensive research, including inside Zimbabwe, has unearthed no basis for disagreement with her findings that:

- as of 7 July, 92,460 housing structures had been destroyed, affecting 133,534<sup>5</sup> households<sup>6</sup> at more than 52 sites;

Human Rights NGO Forum, "Order out of chaos, or chaos out of order? A preliminary report on Operation Murambatsvina", June 2005.

<sup>4</sup> Mrs. Anna Kajumulo Tibaijuka, "Report of the Fact-Finding Mission to Zimbabwe to Assess the Scope and Impact of Operation Murambatsvina by the UN Special Envoy on Human Settlements Issues in Zimbabwe", 18 July 2005, available at [www.unhabitat.org/documents/ZimbabweReport.pdf](http://www.unhabitat.org/documents/ZimbabweReport.pdf).

<sup>5</sup> The figures on housing structures and households are those given by Minister Counsellor Pritchard Zhou of the Zimbabwe High Commission in a public address at the Institute of Security Studies, Pretoria, on 7 July 2005 and accepted by

- ❑ "...some 700,000 people in cities across the country have lost either their homes, their source of livelihood or both";<sup>7</sup>
- ❑ an estimated 500,000 children were forced out of school or had their education seriously disrupted;
- ❑ at least six people, including four children, were dead as a result of demolitions and prolonged exposure to cold; and
- ❑ some 2.4 million persons -- 18 per cent of Zimbabwe's population have been directly or indirectly affected.<sup>8</sup>

Vice President Joyce Mujuru announced on 27 July 2005 that Murambatsvina had ended. This seems basically accurate, at least with respect to large-scale actions,

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Tibaijuka. Some NGOs put the number of people displaced at between 750,000 and 1 million. Crisis Group interview with Jonah Mudehwe, chairman of umbrella non-governmental organisations group, Harare, 6 July 2005. In any event, there was some increase due to continuing demolitions for at least a time after the UN research was completed.

<sup>6</sup> The average size of a household according to the 2002 census, accepted by Tibaijuka and used to produce her figure of 700,000 rendered homeless is 4.2 persons; some organisations, however, consider that average to be conservative and use figures between 5 and 5.8 persons, which would produce a correspondingly higher estimate of the newly homeless. Crisis Group interview with Jonah Mudehwe, chairman of a group of Zimbabwe NGOs, Harare, 6 July 2005.

<sup>7</sup> Tibaijuka, *op. cit.*, p. 7. This figure is an estimate but probably a conservative one. Tibaijuka (p. 33) explained: "While there is a degree of overlap between those who lost their homes and those who lost their businesses, the total figure of 650,000 to 700,000 people directly affected by the Operation is considered plausible. This takes into account other reports of the number of people arrested for alleged illegal or criminal activities (40,000), the substantial number of street vendors and hawkers who were omnipresent in all cities and towns prior to the Operation, and discrepancies noted between the figures provided by the Central Government, and those provided directly to the mission by Resident Ministers (Governors) and Mayors in the course of on-site visits".

<sup>8</sup> Tibaijuka explained (pp. 33-34) that the 2.4 million figure includes in addition to those who lost homes or businesses, "those whose livelihoods are indirectly affected by, for example, loss of rental income and the disruption of highly integrated and complex networks involved in the supply chain of the informal economy. The upstream and downstream linkages include, for example, transport and distribution services, suppliers of foodstuffs from rural areas and, conversely, suppliers of inputs to rural areas, formal and informal micro-credit institutions, and a wide range of part-time and casual labour". The resulting total estimates of the affected range between 2.1 million and 2.56 million persons. Tibaijuka concluded that 2.4 million was an appropriate adjustment but added on 18 July, "This figure ... is still increasing owing to ongoing evictions and destruction of structures..."

though it appears the police are still arresting as many as 200 informal traders a day in remote areas,<sup>9</sup> and on 15 August 2005, Harare City Council spokesman Lesley Gwindi told reporters that municipal authorities would shortly act to remove street children and illegal traders who had returned to the capital and were again operating from unapproved sites.<sup>10</sup>

Following quickly upon the flawed 31 March 2005 parliamentary elections,<sup>11</sup> the operation has intensified the country's political polarisation and five-year human rights, governance and economic crisis. Referring to the country's devastating record of negative growth, a World Bank official remarked, it is hard to "think of a country that has experienced such a decline in peace time".<sup>12</sup>

Although Zimbabwe suffers from recurring drought and the AIDS pandemic, its problems, as Crisis Group has frequently detailed, are primarily man-made, a mixture of failed governance, food insecurity and manipulation of food for political ends, and economic meltdown, including triple digit inflation, over 70 per cent unemployment, and large shortages of consumer items, fuel and foreign currency.<sup>13</sup> Murambatsvina has intensified many of these factors, especially the number of people in need of humanitarian assistance, since orphans, widows, women, the chronically ill, elderly and disabled persons and households headed by children bore its brunt. For example, the operation seriously disrupted services to many of the 24.6 per cent of the adult population that is infected by the HIV virus and the country's 1.2 million orphans -- both categories with limited mobility to cope with evictions.<sup>14</sup>

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<sup>9</sup> "Clean-up over: Mujuru", *The Herald News*, 28 July 2005; "Zimbabwe police arresting 200 daily", *Mail & Guardian*, 8 August 2005.

<sup>10</sup> MacDonald Dzirutwe, "Zimbabwe says to resume clean-up blitz in capital", Reuters, 16 August 2005.

<sup>11</sup> See Crisis Group Africa Report N°93, *Post-Election Zimbabwe: What Next?*, 7 June 2005.

<sup>12</sup> Lesley Wroughton, "Zimbabwe slump deepest for non-war nation," Reuters, 26 July 2005.

<sup>13</sup> See, for example, Crisis Group Africa Reports N°85, *Blood and Soil: Land, Politics, and Conflict Prevention in Zimbabwe and South Africa*, 17 September 2004; N°78, *Zimbabwe: In Search of a New Strategy*, 19 April 2004; N°60, *Zimbabwe: Danger and Opportunity*, 10 March 2003; N°52, *Zimbabwe: The Politics of National Liberation and International Division*, 17 October 2002; N°47, *Zimbabwe: What Next?*, 14 June 2002; and N°41, *Zimbabwe at the Crossroads: Transition or Conflict?*, 22 March 2002.

<sup>14</sup> Crisis Group interview with UN official, Pretoria, July 2005. The Zimbabwe Association of Doctors for Human Rights noted that the evictions disrupted HIV/AIDS treatment programs and left the sick exposed to the elements, resulting in increased

Murambatsvina has also generated a new problem -- large numbers of internally displaced persons (IDPs) -- since lack of adequate infrastructure or a sufficient support plan, including relocation sites and services, has left many thousands without proper protection. Nearly 20 per cent (114,000) of those displaced by the operation slept in the open at the mercy of winter temperatures as low as 8°C at night, risking sickness or even death through exposure.<sup>15</sup> Another 20 per cent returned to rural areas while nearly 30 per cent (170,000) sheltered with family and friends in urban areas. The remaining 30 per cent took temporary refuge in churches across the country or are moving around cities, sleeping mainly in parks, on the roadside, or in other open places.<sup>16</sup> Police have been rounding up this latter category, either detaining them or sending them to unspecified destinations.<sup>17</sup>

Thousands of those whose homes the government condemned and demolished as uninhabitable are now living in tents and shacks without proper sanitation in "transit centres" hastily fabricated by the government, such as Caledonia Farm near Harare, which holds about 5,000.<sup>18</sup> The status of such centres is still unclear, complicating planning by humanitarian organisations that wish to offer assistance.<sup>19</sup>

Some 80 per cent of Zimbabwe's 10,000 registered refugees and asylum seekers from other African countries have been living in urban areas despite a government policy that sought to restrict them to camps. Murambatsvina has exposed these "free livers" to arrest and eviction. Job Sikhala, a member from the opposition Movement for Democratic Change (MDC) told parliament that in his constituency (St. Mary's) 95 per cent of the refugees from such countries as Malawi and Zambia had been displaced.<sup>20</sup> Nearly half of the 1,500 families evicted from Porta Farm were from Malawi and Mozambique but have come to consider Zimbabwe their home. In July, most were re-located to the Caledonia

Transit Camp, where their future is uncertain. Harare authorities are insisting that the UN High Commissioner for Refugees (UNHCR) relocate refugees to the Tongogara refugee camp but its capacity (4,000) would be seriously overstretched by the likely numbers.<sup>21</sup> The dispute over what to do about the refugees is symptomatic of much else in Murambatsvina, namely the almost total lack of planning and allocation of resources for dealing with the consequences of massive and rapid displacement.<sup>22</sup>

## B. WHY IT HAPPENED

### 1. The official rationale

The government has insisted that Murambatsvina had no political motivations and was justified as a long overdue "clean-up to remove the dirt that was becoming a nuisance in the cities".<sup>23</sup> The authorities referred frequently to a need to "reassert the rule of law" and halt the chaos resulting from rapid urbanisation in the 1980s and 1990s.<sup>24</sup> The urban poor and informal traders were blamed for deteriorating standards of health, housing and other services, the spiralling crime rate, hoarding and disappearance of basic commodities from shops, and a swelling black market including for foreign currency, all of which the government argued, cost it considerable revenue and undermined the country's economic turnaround.<sup>25</sup>

Murambatsvina has also been described as a strategy to reverse environmental degradation resulting from inappropriate efforts at food growing by the poor in high-density suburbs. The government has accused its critics of mounting propaganda against "a simple clean-up operation and a crackdown on crime", arguing that in countries as diverse as Kenya, Nigeria, South Africa and

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deaths. "Police smash more homes in Harare", *Mail and Guardian*, 5 July 2005.

<sup>15</sup> Crisis Group observation in Harare, Bulawayo and other towns in June-July 2005; see also "Burning down the house to kill a rat! An analysis of the demolitions in Zimbabwe", ActionAid International, July 2005, available at [www.sarpn.org/documents/d0001397/index.php](http://www.sarpn.org/documents/d0001397/index.php).

<sup>16</sup> Tibaijuka, op. cit., p. 35.

<sup>17</sup> "Cleanup victims arrested for speaking to UN Envoy", SW Radio Africa, 29 July 2005.

<sup>18</sup> Crisis Group interviews, Caledonia Transit Camp, Harare 3 July 2005.

<sup>19</sup> Crisis Group interview with a humanitarian worker in Caledonia Transit Camp, Harare, 30 June 2005.

<sup>20</sup> Hon. Job Sikhala, "Oral answer to questions without notice", Parliament, 22 June 2005; Crisis Group was present during the session.

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<sup>21</sup> Crisis Group interview with government and UN officials, Pretoria, July 2005.

<sup>22</sup> See also the discussion of the government's Operation Garikai, Section II A below.

<sup>23</sup> Briefing by Minister Counsellor P. Zhou of the Zimbabwe High Commission, Pretoria, 7 July 2005; see also George Charamba, Zimbabwe's Secretary of Information, "Zimbabwe: Operation Restore Order", *New Africa*, no. 442, July 2005, pp. 36-39.

<sup>24</sup> Speaking to UN Secretary-General Kofi Annan, Mugabe reportedly expressed surprise that such a "mundane" operation would be the subject of a UN investigation. Zimbabwe's neighbours in southern Africa were equally upset that the UN found it necessary to send the envoy to write a report. Crisis Group interview with a senior government official, Harare, July 2005.

<sup>25</sup> Briefing by Minister Counsellor P. Zhou of the Zimbabwe High Commission, op. cit.



Mexico, slum clearance and severe handling of illegal traders is routine.<sup>26</sup> Furthermore, the government argued, it acted legally, pursuant to laws long on the books.<sup>27</sup>

## 2. Other explanations

Other less benign motivations have been suggested, and with Murambatsvina having occurred against the backdrop of five years of government-sponsored political violence, they are rather more persuasive. Although the 31 March 2005 elections occurred in a relatively calm and violence-free environment and produced the two-thirds parliamentary majority which the government sought so it could amend the constitution at will, they left a sizeable opposition and a large, unhappy population in place, particularly in the cities. The MDC took 26 of 30 parliamentary seats in major towns and cities.<sup>28</sup> It also controls local government in the country's six largest cities, with the exception of Harare, where the government disbanded the local council in 2004 in order to replace it with a ZANU-PF commission.<sup>29</sup> There are indications that the ruling ZANU-PF party sought to weaken the MDC further, punish many of its supporters, and lance the boil of dissatisfaction in heavily populated urban centres before it could reach explosive levels.

In the wake of recent popular revolutions triggered by flawed elections in Ukraine, Georgia and Kyrgyzstan and the condemnation Zimbabwe's elections produced in major Western capitals, the ruling party may have feared that its foreign critics would more actively pursue regime change in Harare and that the restive urban population would provide the tinder.<sup>30</sup> Indeed, shortly before Murambatsvina began, Minister of State Security

Didymus Mutasa warned the government of the possibility of spontaneous uprisings in urban areas due to food shortages and other economic problems.<sup>31</sup> And simmering anger in the urban areas was apparent on 11 May when armed police beat up and forcibly dispersed residents of Harare's low-income suburb of Mabvuku, who were protesting three days without water.<sup>32</sup>

It would be an exaggeration to say there was a revolutionary climate -- the MDC had shown little ability or inclination to challenge the security forces -- but urban areas were the last significant zone of resistance to the ZANU-PF government. Moreover, there was a precedent: in the 1970s and 1980s, the white minority government of Ian Smith had used an array of restrictive laws to demolish homes and prevent a possible uprising on behalf of majority rule. Ironically, to the extent that Murambatsvina was conducted on the basis of law, it relied upon the same dubious measures as ZANU-PF's former arch enemies.<sup>33</sup>

The MDC leadership views Murambatsvina as primarily retribution against its urban support base.<sup>34</sup> ZANU-PF had begun to move against opposition party supporters well before that operation opened. In the first half of April, over 100 were arrested in what appeared to be an attempt by ZANU-PF to break up pockets of urban resistance.<sup>35</sup> However, not a few of the structures destroyed

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<sup>26</sup> Charamba, *New Africa*, op. cit., pp. 36-39.

<sup>27</sup> The UN report thoroughly rebuts the argument that the operation, given the way it was carried out, had any legal justification under either domestic or international law. See Tibaijuka, op. cit., pp. 56-63 and discussion in Sections I C and IV A below.

<sup>28</sup> "MDC retains urban support", *The Daily Mirror*, 1 April 2005.

<sup>29</sup> In the 2003 municipal elections, the MDC won 133 of 143 elected council seats: in Harare (44 of 45), Bulawayo (all 29), Chitungwiza (nineteen of 24), Gweru (sixteen of seventeen), Mutare (seventeen of eighteen) and Mashvingo (eight of ten). Zimbabwe Election Support Network, "Urban council election results, 2003". The government disbanded the Harare Council in April 2004 and set up a City Commission run by ZANU-PF members. See Crisis Group Africa Report N°86, *Zimbabwe: Another Election Chance*, 30 November 2004. That ZANU-PF-dominated commission was the only local government body to play an important role in Murambatsvina.

<sup>30</sup> Crisis Group interview with a ZANU-PF member of parliament, Harare, 7 July 2005.

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<sup>31</sup> Crisis Group interview with a senior state security official, Harare, 5 July 2005.

<sup>32</sup> "Riot police quell protest in Harare suburb", *ZimOnline*, 12 May 2005.

<sup>33</sup> Professor Henry Dzinotyiwei of the University of Zimbabwe said ZANU-PF followed in the footsteps of the Ian Smith regime, which routinely used force to reassert its political dominance in "townships" in colonial Rhodesia. Crisis Group interview, Harare, 29 June 2005. Tibaijuka (p. 56) made a related point in noting the inadequacy of the government's domestic law justification: "The legal context is mixed, and seems to reflect a set of conflicting legislation. On the one hand, there is the Regional, Town and Country Planning Act, and attendant municipal bylaws emanating from the colonial era meant to keep Africans out of the cities by setting very high housing and development standards beyond the reach of the majority of the people. On the other hand, there are the international commitments and obligations requiring Governments to provide adequate shelter to all its citizens. The national laws seem to have been subject to inconsistent policy statements that led them to be mostly ignored after independence, leading to the rapid formation of backyard extensions now dubbed illegal. The sudden application of the laws governing towns and cities under Operation Restore Order has exposed the clear conflict of these laws with human rights provisions under both national and international law".

<sup>34</sup> Crisis Group interview with a senior MDC leader, Harare, 7 July 2005.

<sup>35</sup> Crisis Group Report, *Post-Election Zimbabwe*, op.cit.

were in settlements established by the ZANU-PF allied "war veterans" at the height of the land occupations of recent years, such as Kambuzuma near Harare, and in the Mnayame and Harare South constituencies, which ZANU-PF won in March.

It is not clear why the ruling elite sanctioned the demolition of the homes of core supporters, including some in settlements that bore the names of ZANU-PF heroes like the Joshua Nkomo Housing Scheme<sup>36</sup> and largely housed families of war veterans and members of the army, police and civil service.<sup>37</sup> One possible explanation is a desire to counter MDC assertions that the operation was directed at the opposition -- a charge that was attracting international attention. Equally plausible is that the operation began to assume a momentum of its own and so lost whatever careful targeting it began with.

Rural Zimbabwe has long been a ZANU-PF stronghold. Because so many who lost homes or livelihoods during Murambatsvina have returned to the countryside or are likely to do so, many seek explanations for the operation in the politics and economics of those areas. Earlier, the failed land reform process drove many former farm workers into towns where they were exposed to political opinions that ran counter to those of traditional leaders and became MDC supporters. There is some belief that the government may have calculated that returning them to their roots would again bring them under the control, or at least influence of the ruling party. At the least, the hundreds of thousands who return from the cities with scant resources are likely to be dependent upon government-controlled food aid for survival since agricultural production has slumped in consequence of the chaotic land program; less able to communicate and organise against the government; and easier to control through traditional chiefs, youth militias and patronage structures.

The economic aspects of this demographic shift are less clear. Zimbabwe is attempting to address both its economic collapse and its political isolation with a "Look East" policy<sup>38</sup> that includes bilateral agreements, particularly with

China, to invest in commercial agriculture. As a senior official in the Ministry of Lands remarked, "the bottom line is that our preoccupation now is to get the commercial agriculture farming sector working".<sup>39</sup> One element of that policy is to ensure a reliable supply of agricultural workers. Deputy Minister of Local Government, Public Works and Urban Development Morris Sakabuya described Murambatsvina as an attempt to "resuscitate rural areas". On 22 June 2005 Justice Minister Patrick Chinamasa told parliament the government would relocate displaced people "back to where they come from" -- rural areas,<sup>40</sup> and the authorities have been urging IDPs in the holding camps and many urban residents to go back to their country roots. But many of those who lost their homes and have gone to rural areas say they are merely waiting for the dust to settle before drifting back to the cities.<sup>41</sup>

### C. WHO WAS RESPONSIBLE?

The UN report makes clear that Murambatsvina took place in the context of a years-long, serious degradation of the rule of law and moreover that its legal rationale was badly flawed. To the extent that the government relied upon domestic law, it was upon notorious legislation from the colonial era, such as the Regional Town and Country Planning Act of 1976, meant to enforce the racial and social inequalities of that time and inconsistent with Zimbabwe's obligations under international law, including conventions it had ratified. Moreover, it failed to follow even many of the procedures specified in those domestic laws, such as adequate notice, or to respect their allocation of responsibilities to local, municipal officials rather than the central authorities.<sup>42</sup>

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<sup>36</sup> It is named after Zimbabwe's late vice president.

<sup>37</sup> The attempt by Chinx Chingaira, a war veteran and prominent ZANU-PF supporter to commit suicide when police came to demolish his residence drew considerable attention. "War vet house razed", *The Daily Mirror*, 20 June 2005.

<sup>38</sup> Deputy Minister of Information Bright Matonga has remarked that: "In our view, the [EU] sanctions are inconsequential they have never worked. We have established business contacts with Asian countries through our 'Look East' policy, and if they [EU] think they can make us dance to their tune they are certainly mistaken." A five-member delegation of the Communist Party of China visited Zimbabwe in late June 2005 and President Mugabe went to Beijing in July 2005.

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"EU extends targeted sanctions", IRIN, 23 June 2005. See also Section IV C below. The ZANU-PF government is turning to China also for help in maintaining political control. Chinese technology enabled the government to jam the signal of SW Radio Africa, an independent station broadcasting from the UK ahead of the March elections. "Zim 'jamming' SW radio", News 24, 19 March 2005. Crisis Group interview with senior government official, Ministry of Lands, June 2005. See also "Zim-China relations hailed", *The Herald*, 27 June 2005.

<sup>39</sup> Crisis Group interview with senior government official, Ministry of Lands, Harare, June 2005.

<sup>40</sup> Justice Minister Patrick Chinamasa, "Oral answer to questions without notice", Parliament, 22 June 2005.

<sup>41</sup> Crisis Group interview with displaced Zimbabweans, Caledonia Transit Camp, Harare, 3 July 2005.

<sup>42</sup> Tibaijuka, op. cit., pp.56-58, also fn. 31 above. Instead of allowing local authorities to make the decisions and implement the actions for which domestic law appeared to make them responsible, Tibaijuka noted (p. 76), "...none of the Mayors met by the Special Envoy said they had been

Tracking the course of controversial decisions in government and assigning proportional responsibility is never easy, however, and on this important point the UN report steps cautiously. It sensibly observes that ministers and others who broke laws in the course of implementing Murambatsvina should pay appropriate penalties and that "the Government of Zimbabwe is collectively responsible for what has happened". However, it avoids identifying more particular policy responsibility, writing that:

Oral evidence heard from senior Government officials, including Ministers, as well as subsequent reports in the local press and discussions in the Parliament of Zimbabwe, suggest [Murambatsvina] was neither conceived collectively in the Cabinet, nor in the ruling party's (ZANU PF) Politburo and Central Committee....some of the leaders were caught by surprise when it was suddenly initiated as a police and military exercise....It is the firm opinion of the Special Envoy that Operation Restore Order was, in all likelihood, implemented on the basis of improper advice and by over-zealous officials, each with their own agendas. The people and Government of Zimbabwe should hold those responsible for providing this disastrous advice accountable.<sup>43</sup>

The previous discussion of alternate explanations is consistent with this judgement in the sense that a number of different actors and institutions had reason to recommend and advance elements of Murambatsvina for particular purposes, including the Minister of Local Government, the Minister of State Security, the Minister for Home Affairs, the governor of metropolitan Harare, the police commissioner, the chairperson of the City of Harare Commission,<sup>44</sup> as well as various government and ruling party advisers concerned with domestic political issues. In all probability, multiple motivations and objectives rather than a single master plan were in play.

Murambatsvina was of such magnitude, however, that it defies belief it was not discussed and approved in at least broad lines at the highest levels of government, specifically the presidium that includes President Mugabe, his two vice presidents, Joyce Mujuru and

Joseph Msika, and ZANU-PF Chairman John Nkomo. Whatever legal responsibility lesser figures may have, particularly under domestic law, for individual acts and perhaps over-zealous execution of policy, they were implementing a collective decision by the national leadership, which must bear political responsibility.

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advised, orally or in writing, by the relevant Minister. The police simply moved in with demolition orders. Out of fear, local authorities either complied or watched helplessly as informal trades, businesses and homes were destroyed. A good number of businesses and houses torn down were legal and paying local council taxes". With respect to Zimbabwe's international obligations, see Section IV A below.

<sup>43</sup> Ibid, pp. 76-77.

<sup>44</sup> Crisis Group interview with officials of UN agencies and Zimbabwe civil society organisations, Harare and Bulawayo, June-July 2005.

## II. INTERNAL RESPONSE

### A. THE GOVERNMENT: OPERATION GARIKAI

The government asserts that Murambatsvina has been misunderstood by the world, deliberately so by its enemies, and that the operation has been completed successfully. Central business districts of the cities, officials insist, are now clean and peaceful, with street children and illegal vendors removed, congestion reduced, crime down by 25 per cent and basic commodities again in shops.<sup>45</sup> As early as 28 June, Local Government Minister Chombo claimed that 90 per cent of the illegal urban structures had been demolished.<sup>46</sup> At least somewhat embarrassed by the international outcry, however, the government has also acknowledged that Murambatsvina was "carried out without sufficient safety nets to take care of the victims", while claiming it was working around the clock to rectify the situation and provide alternative housing to vulnerable populations.<sup>47</sup>

In an attempt to respond to criticism and probably to pre-empt the report that Tibaijuka was preparing for the UN, Vice President Msika launched Operation Garikai/Hlalani Kuhle (reconstruction/resettlement) at White Cliff Farm on 29 June 2005.<sup>48</sup> President Mugabe announced that Z\$3 trillion (U.S.\$300 million) had been set aside to build 1.2 million houses. The government published in the local press the names of the first 10,000 beneficiaries to receive residential plots,<sup>49</sup> and official sources asserted that the initial instalment of Z\$1 trillion (U.S.\$100 million) was ready for immediate disbursement to finance Phase I Garikai -- 5,000 emergency two-room houses (2,000 in Harare, 500 in Bulawayo, and 2,500 in the rest of the country, to be completed by 17 August).

However, Finance Minister Herbert Murerwa subsequently told first Crisis Group then the parliament that this money was not in the budget for the current fiscal year.<sup>50</sup> Likewise, while Reserve Bank Governor Gideon Gono said the funds were already available to build homes for those who had been evicted, sources within the Bank told Crisis Group this was a ploy to fend off pressure

from the visiting UN team, and no money was budgeted for reconstruction.<sup>51</sup> While the government has erected some model houses at White Cliff Farm and allocated plots to some displaced people, little or no infrastructure is being put in place.

The government announced it would issue bonds so people could finance construction as well as additions to the emergency two-room units, and police, military and National Youth Service (NYS) graduates were brought in to accelerate the pace of reconstruction, while Tibaijuka expressed concern the program was unrealistic and disapproval at the involvement of security services.<sup>52</sup> In an attempt to influence her interviews in the holding camps, state security agents were deployed to pose as displaced persons and speak glowingly about Garikai.<sup>53</sup>

In addition to lack of funding, the reconstruction/resettlement process faces a serious shortage of land on which to settle the displaced. Sources from the Ministry of Land Reform indicate that the government is still identifying idle farms on which to construct cheap rural houses and so is setting up more holding camps.<sup>54</sup> White Cliff Farm, where the government claims to have allocated 20,000 housing plots, is the subject of a legal dispute. Its owner, Eddie Pflugari, has won a High Court order declaring it his land. The Local Government Ministry is trying to negotiate an out-of-court settlement, and no construction will take place until the case is resolved.<sup>55</sup> "Many critical observers doubt that Operation Garikai will actually materialise", the UN report notes.<sup>56</sup>

At the same time, the government has imposed severe restrictions on humanitarian organisations, because, officials say, there is a risk of relief operations "being infiltrated by people and agencies which have a political motive and want to take advantage of the situation and cause destabilisation".<sup>57</sup> Social Welfare Minister Nicolas Goche denies that in some instances, relief agencies have been barred from assisting displaced families but stresses that "there is a government in Zimbabwe, and any organisation which wants to genuinely help has to follow proper channels".<sup>58</sup>

<sup>45</sup> Briefing by Minister Counsellor P. Zhou, op. cit.

<sup>46</sup> Crisis Group interview with humanitarian worker Caledonia Fram, Harare, 6 July 2005.

<sup>47</sup> Crisis Group telephone interview with Minister of State Security Mutasa, June 2005.

<sup>48</sup> "Msika officially launches Operation Garikai", *The Herald*, 30 June 2005.

<sup>49</sup> "UN special envoy jets in", *The Herald*, 27 June 2005.

<sup>50</sup> Crisis Group interview with the Minister of Finance Herbert Murerwa, Harare, 6 July 2005; also see statement by Herbert Murerwa in Parliament, reported by *The Herald*, 7 July 2005.

<sup>51</sup> Crisis Group interview, Harare, 2 July 2005.

<sup>52</sup> Crisis Group with Anna Kajumulo Tibaijuka, Bulawayo, 4 July 2005.

<sup>53</sup> Crisis Group interview with senior state security official, Caledonia Farm, 6 July 2005.

<sup>54</sup> Crisis Group interview, Harare, 2 July 2005.

<sup>55</sup> Crisis Group interview, White Cliff Farm, 6 July 2005. See also "Govt's reconstruction plan dealt a blow", *Zimbabwe Independent*, 1 July 2005.

<sup>56</sup> Tibaijuka, op. cit., p. 48.

<sup>57</sup> Crisis Group interview with Nicholas Goche, Minister of Labour and Social Welfare, June 2005.

<sup>58</sup> Ibid.

## B. ZANU-PF

President Mugabe is 81, and a succession struggle has been under way in the ruling party for some time, most obviously in the manoeuvring that preceded the December 2004 party conference, which saw a number of important promotions and demotions.<sup>59</sup> The decision to launch Murambatsvina was probably not initially a part of that fight but the subsequent controversies engendered by that decision and the manner of its implementation have been used to pursue the internal battle. The rival Mujuru and Mnangagwa blocs have traded accusations of responsibility for the operation's excesses. The fallout from the operation seems to have re-energised the Mnangagwa faction after its defeat at the party conference.

Jonathan Moyo, former Information Minister and convener of the Tsholotsho meeting at which the Mnangagwa group planned its initiative, won a seat in March as an independent member of parliament. He remains influential in the Mnangagwa camp, although he also is actively talking up the notion of a "third force" to open new options in domestic politics.<sup>60</sup> As a prominent figure in the Ndebele community, he is well positioned to line up ZANU-PF dissidents to support the Mnangagwa forces. However, both he and Mnangagwa carry heavy baggage from their years of executing and defending government policy.

As implausible as it may appear, party insiders say the now dominant Mujuru group is increasingly suspicious that Local Government Minister Chombo -- a member of the Tsholotsho group -- intentionally bungled implementation of Murambatsvina to discredit them.<sup>61</sup> The Joint Operations Command, consisting of the army, air force, police and intelligence chiefs -- all members of the Mujuru faction -- told Mugabe in late June that Chombo had gone too far in demolishing houses, leaving people homeless, and that an operation originally intended to target illegal traders had metamorphosed into a nationwide destruction of shacks and illegal residential

extensions.<sup>62</sup> The party has instituted an internal investigation to determine whether Chombo implemented the operation deliberately so as to bring the Mujuru camp into disrepute.<sup>63</sup>

Chombo has fought back, laying the blame for Murambatsvina's excesses on the doorstep of the Mujuru faction. He claims Home Affairs Minister Kembo Mohadi and Police Commissioner Augustine Chihuri, both Mujuru supporters, disregarded two written requests from him to spare a number of housing cooperatives. In the end, only two of the six cooperatives on whose behalf he intervened survived.<sup>64</sup>

While the cracks within are widening, ZANU-PF is not likely to split apart while Mugabe remains at its head. The feuding took a dramatic turn on 1 July 2005, however, when a member of the Central Committee and former Central Intelligence Organisation (CIO) operative, Pearson Mbalekwa, resigned from the party, protesting the "inhumane and callous manner" in which the government conducted Murambatsvina.<sup>65</sup> Some observers interpret the exit of Mbalekwa -- who is also a close relative of Mnangagwa and a key member of the Tsholotsho group -- as a manoeuvre by the faction to link up with elements in the opposition to create a third force.<sup>66</sup> Another member of the Central Committee, Philip Chiyangwa, also resigned his position, though he opted to remain in the party.<sup>67</sup> The Mujuru camp viewed his resignation as further effort by rivals to promote a third force.<sup>68</sup> Extensive defections are unlikely, however, because most members of the Tsholotsho group, including Mnangagwa himself, owe their power and positions to Mugabe -- and know they are vulnerable to serious retribution, including in many cases prosecution for questionable deals from which they have profited.<sup>69</sup>

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<sup>59</sup> At a meeting held in the rural constituency of Tsholotsho, a faction led by the then Speaker of Parliament and present Minister for Rural Housing and Social Amenities Emmerson Mnangagwa drew up plans for a change and a list for party leadership in the post-Mugabe era. The Tsholotsho faction -- essentially palace coup-makers -- were ruthlessly dealt by President Mugabe, who advanced instead supporters of his life-long ally, retired General Solomon "Rex" Mujuru, including Mujuru's wife, Joyce, as First Vice President. See Crisis Group Report, *Post-Election Zimbabwe*, op. cit.

<sup>60</sup> See Section II. C. below.

<sup>61</sup> Crisis Group interview with a senior ZANU-PF politburo member, Harare, 7 July 2005.

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<sup>62</sup> Crisis Group interview with a senior state security official, Harare, 30 June 2005; "Zim army opposed house demolitions", *Mail and Guardian (SA)*, 8 July 2005.

<sup>63</sup> Crisis Group interview with a senior state security official, Harare, 30 June 2005.

<sup>64</sup> "Chombo, Mohadi clash", *The Standard (Zim)*, 10 July 2005.

<sup>65</sup> "Mbalekwa quits ZANU PF", *The Standard (Zim)*, 3 July 2005.

<sup>66</sup> Crisis Group interview with senior ZANU-PF official, Harare, 30 June 2005.

<sup>67</sup> Chiyangwa was recently released from prison, where he served time for involvement in the spy saga that rocked ZANU-PF in 2004. See Crisis Group Report, *Post-Election Zimbabwe*, op. cit.

<sup>68</sup> Crisis Group interview with a ZANU-PF politburo member, Harare, 7 July 2005.

<sup>69</sup> Crisis Group interviews, ZANU-PF Central Committee member, Harare, 7 July 2005, and South African political observer, Johannesburg, 22 July 2005.

Politicians close to Mnangagwa have already been targeted.<sup>70</sup> In July, intelligence agents, police and the army seized irrigation equipment, tractors and ploughs from farms belonging to allies in his home province of Midlands. Those affected included the chairperson of ZANU-PF's Women's League, Elizabeth Xaba, the provincial vice chairperson, Jason Machaya, and Tommy Moyo, a senior provincial executive member, all of whom are believed to have campaigned against the elevation of Joyce Mujuru to the vice presidency in 2004.<sup>71</sup> Former cabinet ministers July Moyo and Frederick Shava, key members of the Mnangagwa camp, have been stripped of power and marginalised in the party. "The whole exercise is being undertaken to demoralise the Midlands provincial leadership and destroy the remaining power points aligned to Mnangagwa", a ZANU-PF parliamentarian said.<sup>72</sup>

A troika of party heavyweights -- Speaker of Parliament John Nkomo and Deputy Presidents Mujuru and Msika -- has also sought to marginalise Mnangagwa loyalists while determining the chairs of committees in the new legislature. The Mujuru camp tightened its control by elevating seven of the nine parliamentarians from the Mujuru home province of Mashonaland East either to deputy or full cabinet positions.

Nevertheless, a senior politburo member says, with an eye for potential further serious in-fighting, "as for now, the greatest threat to ZANU-PF's survival is ZANU-PF itself".<sup>73</sup> If pressure grows on President Mugabe to punish those responsible for Murambatsvina, he is likely to seek scapegoats among those in the party who threaten his own position or that of the Mujuru camp with which, for the moment at least, he has aligned himself.

### C. THE MDC

By creating more dissatisfaction and suffering in the country, Murambatsvina ought to have strengthened the appeal of the single opposition party. However, for the short term at least, the operation has scattered many MDC supporters while highlighting the weakness of a party that was already struggling with existential issues of tactics and leadership.

The MDC has condemned Murambatsvina as an act of revenge by ZANU-PF against urban voters who

overwhelmingly turned their backs on the ruling party during the March elections and a ploy to provoke conditions that would justify a state of emergency that would give it untrammelled powers of detention, seizure and censorship.<sup>74</sup> It endorsed a stay-away from work that a broad alliance of civil society organisations called on 9-10 June to protest Murambatsvina but lost prestige when that effort failed to halt the operation or even to attract much support in the face of government threats. The party's reduced group in parliament was predictably ineffective in trying to influence the government to back down. A resolution introduced by Edwin Mushoriwa, its representative from Dzivaresekwa, calling on the government to halt the operation until alternative accommodations were provided for the displaced, was quickly rejected by the ZANU-PF majority.<sup>75</sup>

Murambatsvina hit as the MDC was struggling to develop new tactics and resolve increasingly serious rifts within its leadership in the aftermath of the controversial decision to contest the March elections rather than boycott them as inherently unfair.<sup>76</sup> That debate in turn had become a factor in the tensions between party President Morgan Tsvangirai and Secretary General Welshman Ncube and their respective supporters,<sup>77</sup> with the Ncube camp accusing Tsvangirai of failing to offer a clear vision. While Ncube insists he does not wish to displace Tsvangirai -- and indeed that for ethnic reasons he would not be acceptable as a national leader<sup>78</sup> -- the disputes have extended to MDC organisations in the provinces well ahead of the January 2006 party congress. Tsvangirai has accused the Ncube camp of seeking to create alternative "centres of power" in the party.<sup>79</sup> After a stormy meeting on 26 June, he threatened to reconstitute the party's leadership structure and create a new leadership committee,

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<sup>70</sup> "Vendetta points to ZANU PF split", *The Mail & Guardian*, 22 July 2005.

<sup>71</sup> Crisis Group interview with a ZANU-PF leader from Midlands Province, 11 July 2005.

<sup>72</sup> Crisis Group interview with a ZANU-PF parliamentarian from Midlands Province, 11 July 2005.

<sup>73</sup> Crisis Group interview with a ZANU-PF politburo member, 15 July 2005.

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<sup>74</sup> Crisis Group Report, *Post-Election Zimbabwe*, op. cit.; see also "Riots spread to poor Harare suburb", *ZimOnline*, 27 May 2005. The notion that a state of emergency was needed to invoke further powers of detention and censorship seems questionable given the extensive legal and extra-legal controls already at the government's disposal.

<sup>75</sup> Crisis Group interview with Edwin Mushoriwa, June 2005. MDC representation in parliament dropped from 57 to 41 seats (27 per cent of the total) as a consequence of the March 2005 elections. ZANU-PF controls all parliamentary committees and can throttle opposition motions at an early stage.

<sup>76</sup> See Crisis Group Reports, *Post-Election Zimbabwe* and *Another Election Chance*, both op. cit.

<sup>77</sup> Some sources attribute the rift within the MDC to manipulation by Zimbabwe's Central Intelligence Organization (CIO). This view is also shared by many in South Africa. Crisis Group interview with a leading Zimbabwe businessman, Johannesburg, 28 July 2005.

<sup>78</sup> South African television interview with Welshman Ncube, 19 July 2005.

<sup>79</sup> Crisis Group interview with a senior MDC official, Harare, 8 July 2005.

and in a reshuffle of his shadow cabinet he replaced some key members aligned to his rival.<sup>80</sup>

His critics accuse Tsvangirai of devoting more attention to the internal disputes than to addressing the problems unleashed by Murambatsvina but party leaders respond that a funding crisis hampers their response to the government operation. While rank and file members suspect that the party's treasury is adequate but has not been used to best effect, a number of important donors are known to have withheld or reduced support recently out of dissatisfaction with the party's course.<sup>81</sup> A broad critique has been levelled by Roy Bennett, the former MDC parliamentarian recently released from prison, who blamed inertia in the face of Murambatsvina on greed and power struggles within the leadership and called on the party to weed out corrupt figures lacking grassroots support who are misleading Tsvangirai.<sup>82</sup>

The recriminations show signs of becoming violent. In an internal memo, MDC shadow Justice Minister David Coltart lamented the growing use of youth militias in internal disputes.<sup>83</sup> In mid-June twenty youths beat up the provincial leader in Mashonaland East, Frank Chamunorwa, accusing him of plotting against Tsvangirai, and threatened to confiscate cars used by Ncube. They were expelled from the party but Coltart wrote:

I cannot believe that the youths involved in these despicable acts acted independently. It is common cause that they were unemployed, and it is equally clear that they had access to substantial funding. The instructions to act must have come from people within the party as no one else would have the detailed knowledge the youths had access to. In expelling these youths and relatively low-ranking members of the security team, we have only dealt with the symptoms of the problem, not its root cause.<sup>84</sup>

The harsh judgement of Brian Raftopoulos, a political analyst at the University of Zimbabwe, is that "the

MDC is paralysed and if this [friction] is not dealt with it will lead to its demise".<sup>85</sup>

The leadership differences have extended to the issue of political compromise with elements of the ruling party. Both Tsvangirai and Ncube are known to be interested in exploring confidential talks with ZANU-PF figures -- a tactic on which considerable hope had been placed several years ago, not least by South Africa and other African states, but which had seemed in abeyance since those earlier discussions produced nothing tangible. Senior members of the Ncube camp (largely ethnic Ndebele) are in contact with relative ZANU-PF moderates led by Speaker of the Parliament John Nkomo and Dumiso Dabengwa, fellow Ndebeles who are Mujuru allies.<sup>86</sup> It is not clear what their agenda is but on 29 June, while Tsvangirai was absent in Nigeria, two Ncube supporters -- MDC Vice President Gibson Sibanda, a Ndebele, and Chief Whip Innocent Gonese -- met President Mugabe at State House in the company of Nkomo, who is an old colleague of Sibanda's from the trade union movement.<sup>87</sup>

The Tsvangirai camp, which is mainly ethnic Shona/Karanga, is reportedly exploring cooperation with the Mnangagwa faction (also Shona/Karanga), although again the actual agenda is unclear. Tsvangirai himself, however, has also reached out to the presently dominant group within the ruling party, meeting secretly in late June with former General Mujuru, to whom he said he would willingly sit down with President Mugabe to resolve the country's problems.<sup>88</sup> ZANU-PF leaders apparently are keeping Tsvangirai at arm's length, however, insisting he should convince "his sponsors" in the West to lift their sanctions against Zimbabwe as a first step toward facilitating a sustainable dialogue.<sup>89</sup>

It is perhaps understandable that the MDC has tended to view Murambatsvina less as a unique crisis to which response must be prioritised than as another problem to be factored into the fundamental policy questions the party faces. Recognising that if it is to survive its present difficulties and emerge stronger, it will need to answer those questions soon, Tsvangirai, Ncube and several of their closest advisers met during the last week of July in Johannesburg with a number of the party's worried financial backers to seek a consensus on the way

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<sup>80</sup> Foreign Affairs Secretary Priscilla Misihairabwi has been replaced by Moses Mzila Ndlovu, Gender Secretary Evelyn Masaiti by Editor Matamisa, Secretary for Lands Renson Gasela by Edward Mukosi, and Local Government Secretary Gabriel Chaibva by Trudy Stevenson. "Misihairabwi out in shadow cabinet reshuffle", *New Zimbabwe*, 14 July 2005. Crisis Group interview with senior MDC official, Harare, 8 July 2005.

<sup>81</sup> Crisis Group interview with a senior MDC official, Harare, July 2005.

<sup>82</sup> "MDC's Roy Bennett says party hijacked by greed, ambition", *Business Day*, 11 July 2005.

<sup>83</sup> Peta Thorncroft, "Gaps widen in the Opposition", *Daily Telegraph*, 24 July 2005.

<sup>84</sup> *Ibid.*

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<sup>85</sup> Crisis Group telephone interview, 25 July 2005.

<sup>86</sup> Crisis Group interviews with MDC and ZANU-PF leaders, Harare, July 2005.

<sup>87</sup> Crisis Group interview, with senior MDC leaders, Harare, 8 July 2005.

<sup>88</sup> Crisis Group interview with senior ZANU-PF leaders, Harare, 8 July 2005.

<sup>89</sup> Crisis Group interview with senior ZANU-PF leaders, Harare, 2 July 2005.

forward.<sup>90</sup> Participants reportedly agreed there is an urgent need to re-organise the party and redefine its strategies, including to make more use of mass-based action -- what is being called "democratic resistance" -- and a South African consultant was enlisted to help.<sup>91</sup> However, they decided not to move the date of party elections forward from the March 2006 MDC congress, which might have been one way to resolve the debilitating leadership issue. "In addition to financial constraints, plunging into elections now as some members suggest would further split our party and undermine the opposition movement. Our focus now is to unite the party and plan for elections early next year", a senior party official told Crisis Group.<sup>92</sup>

#### D. A THIRD WAY?

The MDC's troubles have given currency to the notion of a "Third Way" or "Third Force", particularly after the party's belated decision to support the 9-10 June stay-away and the poor coordination of its partner organisations were blamed for the failure of that action.<sup>93</sup> Some key members of the business community -- the MDC's traditional source of financing -- have shown interest. While persuaded that the authoritarian ZANU-PF is likely incapable of genuinely embracing policies that can promote democracy and economic recovery,<sup>94</sup> there is business concern at recent developments within the opposition party. Some elements are prepared to explore the possibility of a new party because at a time of economic meltdown, "keeping away from politics has proven to be more expensive than taking the plunge and influencing change".<sup>95</sup>

Starting a new party, of course, involves massive problems, of which money is perhaps the simplest, and there has been more talk than consensus, much less action, to date. Many businesspeople argue that the risk of splintering the opposition further is too great and call

instead for sweeping MDC reform. "We must avoid recreating the 'Kenyan problem' in Zimbabwe", one says.<sup>96</sup> While Tsvangirai is criticised as weak, he has mostly held the opposition together. Proponents of the third way know that their biggest challenge is to identify a credible leader who can cut across ideological, party and class divides, counter ZANU-PF's nationalism, and appeal to other African states, South Africa in particular.

Jonathan Moyo, the former ZANU-PF minister who is now an independent member of parliament, has been prominent in making a public case for a new party. On 26 July, he proposed a United People's Movement (UPM) as Zimbabwe's third "Chimurenga" (revolution) to address the country's democracy and governance deficits and its economic chaos. He argues that their internal divisions mean ZANU-PF and the MDC cannot solve the national crisis, individually or collectively.<sup>97</sup> ZANU-PF reportedly is taking the initiative seriously enough to use both bribery and force by state security agents to prevent defections.<sup>98</sup>

Moyo's political talents and capacity for hard work make him an opposition asset but he himself seems to recognise that his past actions in ZANU-PF taint him too much to lead any new party, a judgment that it would be objectively difficult to contest. More fundamentally, those who want serious political and economic change have to decide whether the most realistic path to that goal is a new party or a revitalised opposition.<sup>99</sup> "The idea of a 'Third Way' may be attractive", says one civil society leader, "but building a party from scratch in the face of ZANU-PF's repression may be a taller order than calling for elections to refurbish and revitalise existing opposition structures". The concept is likely to acquire real legs only if the MDC is unable to restore itself by getting back closer to its roots as a movement that brings together civil society, the trade unions, peasants, youth and women's groups, and what remains of the country's intelligentsia.

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<sup>90</sup> Crisis Group discussions with senior MDC figures, July 2005.

<sup>91</sup> Crisis Group interviews with senior MDC leadership, 6 August 2005. Tsvangirai has publicly acknowledged the MDC is considering new strategies of "resistance"; "Zanu (PF) posturing over talks -- MDC", *Business Day*, 8 August 2005.

<sup>92</sup> Crisis Group telephone interview with a senior MDC official, 11 August 2005.

<sup>93</sup> Crisis Group interview with Professor Eldred Masunungure, University of Zimbabwe, Chair of Political Science Department, June 2005; "Zimbabwe opposition calls for strike", *Independent Online*, 5 June 2005.

<sup>94</sup> Crisis Group interview with a senior Zimbabwean business leader, Johannesburg, 28 July 2005.

<sup>95</sup> *Ibid.*; Crisis Group interview with members of the South Africa-based Zimbabwean business community, 27 July 2005.

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<sup>96</sup> The reference is to Kenya's elections in 1992 and 1997, when opposition parties won the most votes but were too divided to take power from President Moi's Kenya African National Union, something they accomplished only in 2002 after they united under the umbrella of the National Rainbow Coalition (NARC). Crisis Group interview with a Zimbabwean businessman, Johannesburg, 28 July 2005.

<sup>97</sup> Jonathan Moyo, "The third way: Zimbabwe's last Chimurenga", *NewZimbabwe.com*, 26 July 2005. Crisis Group interview with Moyo, Harare, 7 July 2005.

<sup>98</sup> "ZANU PF fights to stem mass exodus", *The Independent (Zim)*, 29 July 2005.

<sup>99</sup> Crisis Group interview with a Zimbabwean civil society leader, 24 July 2005.



## E. CIVIL SOCIETY

Civil society sought legal remedies to Murambatsvina. On 3 June 2005, the Zimbabwe Lawyers for Human Rights (ZLHR) applied for an injunction against further demolitions. Judge Tedi Karwi dismissed the case, saying the occupants of demolished homes had failed to file building plans, and the authorities were "within their rights, although a longer period of notice would have been better".<sup>100</sup> ZLHR filed another application with the High Court to stop police from demolishing a food centre for orphans run by a local NGO, Batsiranai Children's Care, but the centre was destroyed after the judge refused a temporary injunction and twice postponed the hearing.<sup>101</sup> ZLHR lodged a further complaint with the African Commission for Human and People's Rights (ACHPR).<sup>102</sup>

Civic groups in the region and further afield have given support to Zimbabwean civil society. The South Africa Council of Churches (SACC) organized a fact-finding mission on 9-12 July led by Archbishop Ndungane of Cape Town. The delegation expressed shock after visiting the displaced families at Caledonia Farm,<sup>103</sup> likening the government-imposed devastation to the December 2004 Tsunami and calling upon South Africa and the African Union to intervene in the "humanitarian crisis".<sup>104</sup> Secretary General Molefe Tsele announced that SACC would send some 6,000 blankets and 37 tons of food, worth R350,000 (\$58,000), to the victims.<sup>105</sup> On 23 June, scores of Zimbabwean NGOs joined Crisis Group, Amnesty International and more than 200 international and African human rights organisations in an urgent "Joint Appeal" to the African Union (AU) and the UN to condemn the forced evictions and call for their end.<sup>106</sup>

Overall, however, Zimbabwe's civil society remains weak, split along ideological lines, poorly coordinated, seriously short of money, largely urban-based and partly co-opted by ZANU-PF. Divisions within the church, for example, undermined the civil society response to Murambatsvina. Some leaders denounced the operation, calling on the government to fight poverty rather than the victims of the economic crisis.<sup>107</sup> Bulawayo Archbishop Pius Ncube, an outspoken critic of the government's human rights abuses, called Murambatsvina "the worst kind of inhumanity".<sup>108</sup> The head of the Catholic Church in Zimbabwe, Archbishop Robert Ndlovu of Harare, described it as "inhuman", and six Catholic bishops termed it "a grave crime", adding that "we warn the perpetrators...history will hold you individually accountable".<sup>109</sup> Bishop Trevor Mananga, of the Pentecostal Assemblies of Zimbabwe was also a vocal critic. When Crisis Group visited Bulawayo in late June, more than 1,000 families were receiving food and shelter at ten churches in the city as they waited for alternate housing from the government.<sup>110</sup> On 20 July baton-wielding police violently removed hundreds of homeless persons from the Anglican Church of Ascension in Bulawayo.<sup>111</sup>

Other church leaders, however, supported the government by calling critics of Murambatsvina "stooges of the British government". Bishop Obadiah Msindo of the Africa Destiny Church described the operation as "a noble exercise".<sup>112</sup> The head of the influential Anglican Church in Harare, Bishop Nolbert Kunonga, accused Ndungane, the Cape Town Archbishop, of "allowing himself to be used by the British in their efforts to effect regime change in Zimbabwe",<sup>113</sup> and described the SACC visit as "part of the British attempts to destabilise the country by painting a false picture of developments here for the international world". Such comments made it easier for the ZANU-PF government to defend itself, if not at home then at least to other governments in the region.

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<sup>100</sup> "New chaos, clampdown in Zimbabwe", *Mail and Guardian (SA)*, 5 June 2005.

<sup>101</sup> "Mugabe-appointed judges ignore eviction mess", *ZimOnline*, 27 June 2005.

<sup>102</sup> "Lawyers appeal to AU over mass evictions", *Financial Gazette (Zim)*, 16 June 2005.

<sup>103</sup> "Church leaders 'shocked' at Zim transit camp", *Mail and Guardian (SA)*, 11 July 2005.

<sup>104</sup> "Christian Aid launches new Zimbabwe appeal", *The Church of England Newspaper*, available at [http://www.churchnewspaper.com/news.php?read=on&number\\_key=5778&title=Christian%20Aid%20launches%20Zimbabwe%20appeal](http://www.churchnewspaper.com/news.php?read=on&number_key=5778&title=Christian%20Aid%20launches%20Zimbabwe%20appeal).

<sup>105</sup> "SA churches dispatch aid to Zimbabwe clean-up victims", *ZimOnline*, 1 August 2005.

<sup>106</sup> For example, Crisis Group President Gareth Evans on 30 June sent a letter to the UN Secretary General, the AU Commission Chairperson, the AU Chairperson, the EU Presidency, the Commonwealth Secretary General, and the leaders of the U.S., UK and South Africa.

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<sup>107</sup> "Fight poverty, not the poor", *Independent Online*, 29 May 2005.

<sup>108</sup> Crisis Group interview with Pius Ncube, Archbishop of Bulawayo, June 2005.

<sup>109</sup> "Bishops voice concern as repression grows", *Catholic Online*, 19 June 2005.

<sup>110</sup> "Church responds to cry of afflicted flock", *ZimOnline*, 28 June 2005.

<sup>111</sup> "Zimbabwe: Baton-wielding police evict homeless from churches", *World View*, 28 July 2005.

<sup>112</sup> Bishop Msindo commented on Murambatsvina during the 8:00 p.m. news bulletin on the state-owned television network, Z-TV, 2 July 2005.

<sup>113</sup> "Christian Aid launches new Zimbabwe appeal", *The Church of England Newspaper*, 10 August 2005. Bishop Kunonga is on the U.S. travel ban list because of his close connections to ZANU-PF. See "Zimbabwe Bishop Banned From Visiting U.S.", *Anglican Journal, Ecumenical News International*, May 2002.

### III. THE REGIONAL RESPONSE

#### A. SOUTH AFRICA AND SADC

As Zimbabwe's most powerful neighbour, South Africa has come under pressure to abandon its quiet diplomacy and take a more forceful position with respect to both the immediate problem of Murambatsvina and the larger problems in the country of which that operation is a symptom. Some of the public dialogue has been quite testy: when, on 22 June, British Foreign Minister Jack Straw said, "bluntly, unless and until African leaders as a whole recognise what is going on and take action, not only to condemn it but to deal with it, we are likely to be in for many more months of this kind of tyranny until President Mugabe moves aside",<sup>114</sup> President Mbeki replied that "South Africa refuses to accept the notion that because suddenly we're going to a G8 summit we must be reminded that we must look good and appease the G8 leaders".<sup>115</sup> But Pretoria has acknowledged the damage done by Murambatsvina, describing it as having justifiable goals but wrongly implemented.<sup>116</sup>

South Africa is increasingly publicly recognising that Zimbabwe presents it with a serious problem. Finance Minister Trevor Manuel recently stated that "the worst thing for South Africa was to have a failed state or a rogue state as a neighbour".<sup>117</sup> President Mbeki has said, "We engage them because we don't want Zimbabwe collapsing next door. South Africa would inherit all the consequences of Zimbabwe collapse".<sup>118</sup> The preference for "quiet diplomacy" and engagement as the primary methods for dealing with its difficult neighbour is based on multiple considerations.<sup>119</sup> One is a conviction that whatever ZANU-PF's failings -- and South Africa realistically views it fundamentally as a force-based mechanism for holding power rather than a democratic institution<sup>120</sup> -- it is vital for preventing Zimbabwe's disintegration into conflict.

There is a strong residue of respect for President Mugabe and his party as fellow fighters for African liberation and sensitivity to outside pressure against members of a special and heroic club. "We have no problem with ZANU-PF losing power to internal forces. But we clearly object to externally induced removal of a liberation party from power", an official told Crisis Group.<sup>121</sup> As a way of articulating that solidarity, President Mbeki told a high-level meeting on South Africa's land issues, that in the early 1990s Zimbabwe had responded to a request from a senior Commonwealth official to delay its own land reform in order not to "frighten the apartheid government" and allow negotiations for a democratic South Africa to reach a successful conclusion.<sup>122</sup>

There is also an element of pride that South Africa -- whatever extensive help it received internationally -- fought for its own liberation, which translates into a somewhat condescending belief that Zimbabwe's citizens want others to do the job for them in dealing with ZANU-PF. The problem with Zimbabwe, a senior South African political figure argued, is that its citizens "haven't reached a stage where they're ready to fight their own wars. Relying on external forces to liberate them is not sustainable".<sup>123</sup> Another official argued that a truly effective opposition leader must convince Zimbabweans that their independence is in their own hands, and "make them see Mugabe not as their liberator, but as their captor".<sup>124</sup>

All this suggests that South Africa is not likely to interpret Murambatsvina as justifying or necessitating a fundamental shift in how it approaches its Zimbabwe problem. Symptomatically, President Mbeki revealed on 24 July that his government was considering extending a substantial credit line to Zimbabwe to allow it to meet its obligations to the International Monetary Fund (IMF) and the African Development Bank and otherwise avert economic disaster.<sup>125</sup> "If the IMF expels Zimbabwe, the country is finished, and the borders between us will collapse", a senior ANC official said.<sup>126</sup> Following a high-

<sup>114</sup> "Straw urges African leaders to get tough on Mugabe", Reuters, 22 June 2005.

<sup>115</sup> "SA 'irritated' at 'bogeyman' approach", *iAfrica*, 23 June 2005.

<sup>116</sup> Crisis Group interview with a senior official of the African National Congress (ANC), South Africa's ruling party, 28 August 2005.

<sup>117</sup> "Beware failed state on SA boarder -- Manuel", *The Business Day* (SA), 29 July 2005.

<sup>118</sup> Carol Hills, "SA 'cannot afford rogue neighbour', says Manuel", *Mail & Guardian*, 28 July 2005.

<sup>119</sup> For more detailed discussion, see especially Crisis Group Report, *The Politics of National Liberation and International Division*, op. cit.

<sup>120</sup> Crisis Group interview with an ANC official, Johannesburg, 27 July 2005.

<sup>121</sup> Crisis Group interview with a senior ANC official, 28 July 2005.

<sup>122</sup> "Mugabe delayed land seizures to help SA's transition to democracy: Mbeki", *ZimOnline*, 30 July 2005.

<sup>123</sup> Crisis Group interview with a South African leader, Johannesburg, 27 July 2005.

<sup>124</sup> Crisis Group interview with an ANC official, Johannesburg, 27 July 2005.

<sup>125</sup> "Zim's debt to ADB balloons to \$300 million", *The Daily Mirror* (Zim), 28 July 2005; "SA to bail out Harare to avoid inheriting crisis", *The Business Day*, 25 July 2005; "SA and Zimbabwe discuss bail-out", BBC News, 4 August 2005.

<sup>126</sup> Crisis Group interview, 28 July 2005. The same source alleged that World Bank President Paul Wolfowitz asked

level meeting with Zimbabwe officials at the beginning of August, South Africa agreed to provide \$470 million, less than the \$1 billion apparently requested but enough to pay IMF debts of \$295 million and to purchase some food and fuel.<sup>127</sup>

South Africa is also apparently renewing and intensifying efforts to broker a political compromise in Harare. Tsvangirai is not a Pretoria favourite<sup>128</sup> but South Africa appears not to have meddled seriously in the MDC's internal differences. Rather, despite the absence of any encouragement from Mugabe, it is again seeking talks between the MDC and ZANU-PF. President Mbeki insisted that "the solution for Zimbabwe rests with ZANU-PF and the MDC talking to each other, not with outsiders. Our view has always been that the problems of Zimbabwe should be solved by Zimbabweans themselves".<sup>129</sup> On 3 July, he met with both Tsvangirai and Ncube to discuss the Murambatsvina evictions.<sup>130</sup> Tsvangirai emerged from the meeting to say of their host, "I can say that he understands the urgency, that there are no longer any excuses he can give (not) to resolve that crisis or at least to be seen to be influencing the Zimbabwean government to come to the negotiating table".<sup>131</sup>

On 13 July, Deputy President Phumzile Mlambo-Ngcuka met with Mugabe and Vice President Joyce Mujuru in Harare, reportedly to urge talks with Tsvangirai.<sup>132</sup>

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President Mbeki to assist Zimbabwe in June, in order to avoid destabilising the southern Africa region; also "World Bank nudged SA to bail out Zimbabwe", *ZimOnline*, 27 July 2005.

<sup>127</sup> Crisis Group interview with senior Zimbabwe Reserve Bank officials, 2 August 2005; see also "SA throws \$500 million lifeline to Harare", *ZimOnline*, 4 August 2005. It is unclear what will be done about the \$300 million Zimbabwe owes to the African Development Bank.

<sup>128</sup> An official told Crisis Group that part of the problem is that Tsvangirai worked in the mines during Zimbabwe's liberation struggle rather than join the armed resistance. This has cost him credibility both within Zimbabwe and with the South African government.

<sup>129</sup> "Mbeki pledges action", *Financial Gazette (Zim)*, 14 July 2005.

<sup>130</sup> The visit represented something of a climb-down for Tsvangirai, who in his disappointment at Pretoria's acceptance of the results of the March 2005 parliamentary elections, insisted that he would no longer accept South Africa as an honest broker. "MDC makes dramatic U-turn on South Africa", *The Sunday Mail (Zim)*, 3 July 2005.

<sup>131</sup> "Tsvangirai says Mbeki has seen the light", *ZimOnline*, 5 July 2005. Those remarks deepened South African reservations about the MDC leader since they considered them a breach of confidentiality. Crisis Group interview with South African political figure, Johannesburg, 22 July 2005.

<sup>132</sup> "Mlambo-Ngcuka 'nudging Mugabe'", *Business Day*, 14 July 2005.

However, both the MDC and ZANU-PF have rejected South Africa's call for a government of national unity, with the MDC saying that a coalition government is out of the question until Zimbabwe is fully democratised.<sup>133</sup> President Mugabe has also vowed that he will never share governing powers with the MDC and has said talks with Tsvangirai are not imminent.<sup>134</sup>

The South African Development Community (SADC) is not likely to act on Zimbabwe without a sign from its most influential member, South Africa. It has remained quiet about Murambatsvina, and many of its member governments are known to feel that the ZANU-PF government has been unfairly singled out for criticism because of its expropriation of white-owned farmland.<sup>135</sup>

## B. THE AFRICAN UNION

The AU has been largely silent about Murambatsvina. In late June, its acting head of communications, Desmond Orjiako, said the institution had to prioritise the situations in which it intervened, implying that the African Commission for Human and Peoples Rights (ACHPR) was more appropriate to consider the case.<sup>136</sup> Zimbabwe was not on the agenda of the AU's Sirte summit in July, despite urging by G8 states and civil society organisations.

Under pressure to respond in some fashion, AU Commission Chairman Alpha Konare announced on 29 June that he was sending a special envoy, Bahare Tom Nyanduga, to assess the situation in Zimbabwe. Through a combination of Commission missteps and government suspicion, however, Nyanduga never got beyond a hotel room in Harare. He had been dispatched without prior clearance from or even notice to Zimbabwe, thus giving its foreign ministry the opportunity to stonewall the mission on protocol grounds.<sup>137</sup>

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<sup>133</sup> "MDC refutes coalition claims", *The Independent (Zim)*, 29 July 2005.

<sup>134</sup> "MDC will never be a partner party -- Mugabe", *Independent Online (SA)*, 1 August 2005. President Mugabe has also insisted that he would not accept talks with Tsvangirai as a condition for the South African line of credit, adding that as the MDC were British "stooges", it would only be worthwhile to talk directly with Prime Minister Blair. MacDonald Dzirutwe, "Mugabe says he wants talks with Blair", Reuters, 8 August 2005; "Envoy named for Zimbabwean talks", BBC News, 10 August 2005.

<sup>135</sup> Crisis Group Report, *Post-Election Zimbabwe*, op. cit.

<sup>136</sup> "African Union refers crackdown to human rights body", *Voice of America*, 21 June 2005.

<sup>137</sup> Crisis Group interview with Nyanduga, Harare, 7 July 2005. African Union press release, 29 June 2005. Mugabe

Foreign ministry officials told Crisis Group they were concerned that Nyanduga was a member of the African Commission on Human and Peoples' Rights (ACHPR), a body that had issued two critical reports on Zimbabwe's human rights record. Moreover, the government was already trying to limit the damage it anticipated from the UN mission (Tibaijuka was in-country conducting her research), and believed Konare was attempting to embarrass it as part of a plan to produce a second negative document, perhaps even to prepare the way for condemnation at the G8 summit and then in the Security Council.<sup>138</sup>

At Sirte, President Mbeki and his Nigerian counterpart, Olusegun Obasanjo, held closed-door talks with Mugabe, after which the Nigerian announced that Zimbabwe's leader had (reluctantly) agreed to meet with Tsvangirai, at talks to be brokered by Mozambique's former President, Joaquim Chissano.<sup>139</sup> Tsvangirai had accepted this formula when he met with Obasanjo in Nigeria earlier in July<sup>140</sup> but Mugabe's spokesman, George Charamba, subsequently denied his president had agreed to sit down with him.<sup>141</sup> In an attempt to give the initiative some momentum, Obasanjo has sent copies of the formal letter charging Chissano with arranging talks between ZANU-PF and the MDC to Mugabe and Tsvangirai.<sup>142</sup>

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accused the AU at the Sirte summit of breaching protocol with the Nyanduga mission.

<sup>138</sup> Crisis Group interview with senior officials in the Ministry of Foreign Affairs, Harare, 7 July 2005.

<sup>139</sup> "African heads force Mugabe into talks", *Sunday Times (UK)*, 10 July 2005.

<sup>140</sup> Ibid.

<sup>141</sup> "Mugabe will only talk to opposition in parliament", *SABC News*, 12 July 2005.

<sup>142</sup> "Obasanjo appoints Chissano Zim mediator", *The Herald Online*, 10 August 2005; "Envoy named for Zimbabwean talks", *BBC News*, 10 August 2005.

## IV. THE WIDER INTERNATIONAL RESPONSE

### A. THE UNITED NATIONS

Much of the credit for focusing the international community on the need to move Zimbabwe up on its priority list belongs to Secretary General Kofi Annan who on 20 June 2005 sent Tibaijuka as his special envoy. He characterised the report he received from her and released on 18 July as "profoundly distressing" and said: "Operation Murambatsvina has done a catastrophic injustice to as many as 700,000 of Zimbabwe's poorest citizens, through indiscriminate actions, carried out with disquieting indifference to human suffering". That report called on Zimbabwe's government to halt immediately any further demolition of homes and informal businesses and create sustainable relief and reconstruction for those affected, as well as:

- ❑ facilitate humanitarian operations, in a gender sensitive and pro-poor fashion, to provide security of tenure in urban and rural areas alike, affordable housing, water and sanitation and create a regulated and enabling environment for small-scale income-generating activities;
- ❑ revise outdated colonial laws regulating urban settlement, including the Regional Town and Country Planning Act, to adapt to the social, economic and cultural realities facing the majority of poor Zimbabweans;
- ❑ hold accountable those responsible for the injuries caused by the operation;
- ❑ pay compensation where it is due to those whose property was unlawfully destroyed; and
- ❑ grant full citizenship to former migrant workers and their descendants.

While strong in describing the harm done by Murambatsvina and the specific measures necessary to reverse, in so far as possible, that harm, and recognising that "the Government of Zimbabwe is collectively responsible for what has happened" the report concluded cautiously that "there was no collective decision-making with respect to both the conception and implementation of Operation Restore Order. Evidence suggests that it was based on improper advice by a few architects of the operation".

That there is more than political responsibility to assign and political consequences to draw is made clear. Laws were broken, including the dubious, colonial-era measures that were resurrected as the government's legal rationale but whose procedural provisions and

role assignments were largely ignored, the country's constitution, which guarantees its citizens economic and social rights, and international law as reflected in documents long accepted by Zimbabwe, which also guarantee life, property and freedom of movement.<sup>143</sup> "As part of promoting good governance," the report concluded, "those responsible must therefore be identified and punished to prevent them from engaging in procedural impropriety and violating human rights with impunity in the future".<sup>144</sup>

Tibaijuka may, nevertheless, have intended her relatively general finding on responsibility and accountability as a diplomatic device to encourage a more positive response from President Mugabe and other senior leaders of the government and the ruling party to her specific recommendations, including to recognise "the virtual state of emergency that now exists in the country", allow unhindered access for humanitarian operations, and create conditions for sustainable relief and reconstruction. The report also urged the international community to respond generously with aid for those affected by Murambatsvina and to engage on human rights concerns in the country through multilateral institutions such as the UN Commission on Human Rights, the Peer Review Mechanism of the AU's New Partnership for Africa's Development (NEPAD), and SADC.

The most innovative aspect of the report, however, may have been its conclusion that the Zimbabwe situation provides the international community with a clear instance of its "Responsibility to Protect". That principle -- first enunciated in 2001 by the Canadian-sponsored International Commission on Intervention and State

Sovereignty (ICISS)<sup>145</sup> and recommended by Kofi Annan for adoption by the UN's World Summit in September 2005<sup>146</sup>, sets benchmarks for how the UN and the larger international community should approach a desperate humanitarian situation with which a government is unable or unwilling to cope, emphasising prevention rather than reaction, and non-coercive measures wherever possible. While Tibaijuka evoked the principle in terms of the immediate measures required to assist the victims of Murambatsvina, and certainly nothing suggests that the case is an appropriate one for extreme forms of coercive intervention,<sup>147</sup> her finding should encourage more active efforts to use all reasonable tools at the international community's disposal to cope with more fundamental aspects of the problem rather than shrug its collective shoulders and say "this is an internal matter".

The Special Rapporteur on the Right to Adequate Housing of the UN Commission on Human Rights, Miloon Kothari, has also reacted to Murambatsvina. On 3 June he reminded the Zimbabwe authorities that their government ratified the International Covenant on Economic, Social and Cultural Rights in 1991, which prohibits evictions that render individuals homeless, and requires the government to provide "adequate alternative housing or resettlement".<sup>148</sup> The response from Harare was that "it is an insult to our people to suggest that the illegal structures that were removed constitute adequate housing".<sup>149</sup>

On 1 July, the U.S. and EU member states used a debate on extreme hunger in Southern Africa to raise Murambatsvina in the Security Council<sup>150</sup>, and on 27 July, the UK, actively supported by the U.S. and France,

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<sup>143</sup> Tibaijuka, op. cit., pp. 56-63. Of the international documents, particularly relevant are the African Charter on Human and Peoples' Rights the UN's International Covenant on Economic, Social and Cultural Rights.

<sup>144</sup> Ibid., p. 77. The report included a brief discussion of whether aspects of Murambatsvina, particularly the forcible displacement of hundreds of thousands from their homes, constituted a crime against humanity and thus raised the possibility of a conferral of jurisdiction on the International Criminal Court by the Security Council (necessary since Zimbabwe is not a party to the Rome Statute). It reached the conclusion that "with available evidence it would be difficult to sustain that crimes against humanity were committed". This may have been as much a policy as a legal judgement, however, because as the Special Envoy, acknowledged the necessary Security Council debate would be acrimonious, and "...would serve only to distract the attention of the international community from focusing on the humanitarian crisis facing the displaced who need immediate assistance...it remains the strong recommendation of the Special Envoy that the culprits who have caused this man-made disaster are best handled and brought to book under Zimbabwean national laws". Ibid., pp. 64-66.

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<sup>145</sup> Co-Chaired by Crisis Group President Gareth Evans and Special Advisor to the UN Secretary-General Mohamed Sahnoun. The ICISS report, *The Responsibility to Protect*, published in December 2001, is available at: <http://www.iciss.ca/pdf/Commission-Report.pdf>

<sup>146</sup> *In Larger Freedom: Towards Security, Development and Human Rights for All*, 21 March 2005, available at: <http://daccessdds.un.org/doc/UNDOC/GEN/N05/270/78/PDF/N0527078.pdf?OpenElement>

<sup>147</sup> As set out in the ICISS report, military intervention can potentially be justified as the appropriate means by which to exercise the responsibility to protect only in extreme cases of large-scale killings or atrocity crimes.

<sup>148</sup> "UN housing rights expert urges Zimbabwe to halt mass evictions", UN News Service, 3 June 2005.

<sup>149</sup> "Briefing by Minister Counsellor P. Zhou, op. cit.

<sup>150</sup> U.S. Ambassador Anne Patterson said: "We strongly oppose government policies that are making the problem worse, and we urge the government to end the slum demolition campaign...Zimbabwe's self-inflicted economic meltdown affects trade, investment and food security throughout southern Africa". "African food crisis spurs UN debate on Zimbabwe", *SABC News*, 1 July 2005.

invoked a rarely used rule so that Tibaijuka could brief the Council behind closed doors, despite the opposing votes of its three African members -- Algeria, Benin and Tanzania -- as well as China and Russia, which argued that the matter was an internal one for Zimbabwe. Several of the delegations that opposed the briefing refused to take part and walked out of the chamber. Zimbabwe's ambassador, Boniface Chidyausiku, attended and subsequently called the Tibaijuka report (and specifically its figure of 700,000 left homeless) "exaggerated".<sup>151</sup>

Kofi Annan said several days after releasing the Tibaijuka report that he wanted to visit Zimbabwe to see the situation created by Murambatsvina for himself. President Mugabe's spokesman, Charamba, subsequently announced that the Secretary General had accepted the President's invitation. No date has been set.<sup>152</sup> President Mugabe has indicated that the Secretary General is welcome to assess Murambatsvina but not to mediate between ZANU-PF and the MDC.<sup>153</sup>

## B. THE WEST

On 23 June, foreign ministers from the G-8 preparing the following month's summit at Gleneagles, Scotland called on Zimbabwe to obey the rule of law and respect human rights, denouncing police operations [Murambatsvina] that had left thousands of people at risk.<sup>154</sup> While African leaders were urged to act on Murambatsvina ahead of the summit on 6-8 July,<sup>155</sup> that gathering largely avoided the subject so as not to complicate efforts by its British hosts to advance their Africa Commission's agenda of engagement with Africa on poverty reduction, peace and security and the environment. However, the summit communiqué called on the Zimbabwean authorities "to end this campaign [Murambatsvina] now, address immediately the situation they have created, and respect human rights and the rule of law". It also welcomed

the Tibaijuka mission, which was then under way and expressed support for the UN's efforts to alleviate suffering in the country.<sup>156</sup>

The International Relations Committee of the U.S. House of Representatives sent a two-person staff delegation to assess the situation in Zimbabwe. Gregory Simpkins, one of the members, said: "After a peaceful election [in March] we thought things were improving in Zimbabwe". Representative Pearl Alice Marsh, the other member, said the cruelty of Murambatsvina "makes it difficult for relations to return to normal. We had come here to see if the U.S. can revisit its policy on Zimbabwe, to come up with the most effective policy that would stimulate development and increase humanitarian assistance".<sup>157</sup> Zimbabwe's Minister of State for National Security accused the delegation of a "big brother attitude."<sup>158</sup>

Murambatsvina has spurred both the EU and the U.S. to continue to expand and strengthen the targeted sanctions regime they instituted several years ago with regard to senior Zimbabwe government and ZANU-PF figures, as Crisis Group has long urged. In June, the EU published a new, somewhat more extensive list of those subject to travel bans and asset freezes,<sup>159</sup> and member states appear to be tightening implementation. Belgium and Luxembourg denied visas to Minister of Trade Obert Mpfu, who was due to attend a meeting in Luxembourg between the EU and its African, Caribbean and Pacific (ACP) countries trade partners.<sup>160</sup> On 17 July the German parliament (Bundestag) passed a resolution urging the government to widen sanctions if the situation in Zimbabwe does not improve.<sup>161</sup> The following day EU foreign ministers condemned Murambatsvina, noting that its evictions and demolitions violated international human rights law, and called on the Zimbabwe government to provide alternative shelter and informal trading areas to those affected. The European Commission

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<sup>151</sup> Crisis Group interview with senior UN official, New York, 28 July 2005. "Zimbabwe report discussed at the UN", BBC News, 27 July 2005; "UN Security Council hears Zimbabwe slum report", Voice of America News, 27 July 2005.

<sup>152</sup> Charamba said, "Mugabe extended the invitation which Mr Annan has accepted after the UN boss phoned him last Friday just before he [Mugabe] left for China for a state visit," the newspaper [*The Herald*] reported", cited in Kofi Annan to Visit Zimbabwe", *Mail & Guardian Online*, 25 July 2005.

<sup>153</sup> "Annan only welcome to assess clean-up aftermath", *The Herald Zimbabwe*, 1 August 2005.

<sup>154</sup> "G-8 ministers denounce blitz", *Business Day*, 24 June 2005.

<sup>155</sup> The G8 countries are the UK, France, Russia, Germany, Japan, the United States, Italy and Canada. A number of African leaders were invited to Gleneagles because African issues featured prominently on the agenda, on the initiative of British Prime Minister Blair.

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<sup>156</sup> See, Summit Communiqué: Africa, Gleneagles G8 Summit, 8 July 2005.

<sup>157</sup> Crisis Group interview with Gregory B. Simpkins and Dr Pearl Alice Marsh, Pretoria, 6 July 2005; see also "Clean up operation scuppers US policy rethink on Harare", *ZimOnline*, 6 July 2005.

<sup>158</sup> "Clean-up cruel", *The Daily Mirror*, 7 July 2005.

<sup>159</sup> Council of the European Union, "Council Decision implementing Common Position 2004/161/CFSP renewing restrictive measures against Zimbabwe", 8 June 2005.

<sup>160</sup> "Belgium in visa snub for Zimbabwe minister", *NewZimbabwe*, 22 June 2005.

<sup>161</sup> "Bundestag wants home demolishers before International Criminal Court", *ZimOnline*, 20 July 2005. The resolution also called for the UN Security Council to investigate whether those responsible for Murambatsvina should be brought before the International Criminal Court.

suggested targeted sanctions might be further expanded if the government failed to do so, said it was willing to increase its own aid to the displaced and underscored that humanitarian workers required unhindered access to those in need.<sup>162</sup> On 3 August 2005, the U.S. froze assets of 24 commercial farms and two businesses it said were controlled by key members of the ZANU-PF government which, Director of the Treasury Department's Office of Foreign Assets Control, Robert Werner, said: "rules through politically motivated violence and intimidation and has triggered the collapse of the rule of law in Zimbabwe".<sup>163</sup>

Australia and New Zealand, both members of the Commonwealth, which suspended Zimbabwe in 2002, have called for a strong international response to Murambatsvina.<sup>164</sup> Foreign Minister Alexander Downer announced on 15 June Australia's decision to "reinforce [its] own smart sanctions regime" by discontinuing the privilege extended to Zimbabwean passport holders, including diplomatic passport holders, to transit the country's airports on their way to a third country without obtaining an Australian visa.<sup>165</sup> New Zealand said it would try to have Zimbabwe expelled from the International Monetary Fund for failing to pay its debt while at the same time investigating possible cases of crimes against humanity that might fall under the jurisdiction of the International Criminal Court.<sup>166</sup>

The Zimbabwe government continued to express disdain for these and other statements. For example, in response to a call for African leaders to be more active on Zimbabwe, Deputy Minister of Information Bright Matonga accused Tony Blair on 27 June of speaking without first-hand understanding of the situation and attributed his remarks to racism and resentment on the part of Zimbabwe's former colonial master.<sup>167</sup> In an interview with the *New African*, President Mugabe said he was willing to mend relations with Britain but called the Commonwealth "a useless body which has treated Zimbabwe in a dishonourable manner".<sup>168</sup>

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<sup>162</sup> EU General Affairs and External Relations Council Meeting, Conclusions, 18 July 2005.

<sup>163</sup> "United States freezes assets of Mugabe's men", *New Zimbabwe*, 4 August 2005.

<sup>164</sup> Crisis Group interview with senior official, Australian High Commission, Pretoria, July 2005.

<sup>165</sup> "Australia tightens sanctions against Zimbabwe", *The Courier Australia*, 15 July 2005.

<sup>166</sup> "New Zealand wants to drag Mugabe to International Criminal Court", *The Scotsman*, 16 July 2005.

<sup>167</sup> "Blair told to be 'man enough' for Zim visit", *Independent Online*, 28 June 2005.

<sup>168</sup> "Mugabe attacks Blair and turns back on 'useless' Commonwealth", *Scotland on Sunday*, 3 July 2005.

### C. THE EAST: CHINA'S ROLE

The country's increased isolation following the March 2005 elections and Murambatsvina has led President Mugabe to pursue what is being called a "Look East" policy, the core of which is an effort to deepen economic and political ties with China in the hope of obtaining both economic relief and protection in the UN Security Council. Results have been mixed.

Harare says that trade with Beijing is growing, amounting to \$100 million in the first three months of 2005.<sup>169</sup> On 26 July, while on a visit, President Mugabe signed a pact which reportedly offers China extensive concessions in the mining sector.<sup>170</sup> However, the President was said to be disappointed that Beijing granted only \$6 million in relief for urgent humanitarian aid, instead of a much higher figure that would have helped Zimbabwe satisfy its debts to the international financial institutions. This has left Zimbabwe dependent upon and potentially vulnerable if not to the West then again to South Africa for meeting those requirements.<sup>171</sup>

China is said to have promised to use its veto against any tough Security Council resolution on Zimbabwe, and it did vote -- unsuccessfully because the procedural issue was not subject to a veto -- against a proposal for Kofi Annan's special envoy to brief the council on her mission to investigate Muambatsvina.<sup>172</sup>

Russian reaction to Murambatsvina has been more enigmatic. Prior to the G-8 summit, President Vladimir Putin said, "We should not be afraid to stop aid to

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<sup>169</sup> China's AVIC aircraft plant has sold or given three 60-seat propjets to Air Zimbabwe, replacing ageing Boeing 737's that were regularly grounded due to mechanical problems. China's First Automobile Works has agreed to sell the Zimbabwe government 1,000 commuter buses to upgrade its municipal fleet. Zimbabwe's air force has bought \$200 million in Chinese-made Karakorum-8 trainer jets, a copy of the British Hawk trainers that have been ground because of parts shortages. China is believed to be interested particularly in Zimbabwe's extensive platinum deposits. Michael Wines, "From shoes to aircraft to investment, Zimbabwe pursues a made-in-China future", *The New York Times*, 24 July 2005.

<sup>170</sup> "China will 'protect Mugabe at the UN'", BBC News, 27 July 2005.

<sup>171</sup> "China deal 'too small' for Mugabe", BBC News, 1 August 2005; "Beijing loan snub 'boosts SA's sway over Mugabe'", *Business Day*, 1 August 2005.

<sup>172</sup> "China to aid Mugabe as US, UK step up pressure", *Business Day*, 27 July 2005; "China will 'protect Mugabe at the UN'", BBC News, 27 July 2005; "US expresses concern over China's bid to prop up Mugabe", *ZimOnline*, 29 July 2005.

dictators, like Zimbabwe's Mugabe".<sup>173</sup> At the Security Council the next month, however, Russia joined China and the three African members in the unsuccessful attempt to block the Tibaijuka briefing on the grounds that the Zimbabwe situation did not threaten international peace and security.

## V. CONCLUSION: A TIME TO ACT

Murambatsvina has had a sufficiently extensive impact on the ground in Zimbabwe and in the awareness of policy makers around the world, including in Africa itself, that it may indeed prove to be a tipping point. If consensus on all aspects of an agenda remains at best a distant goal, there is much more awareness that many things need to be done. These break down into two categories: immediate requirements for dealing with the direct consequences of the brutal policy of evictions and forced displacement, and longer range measures for dealing with fundamental problems of governance and economics.

Not surprisingly, there is much greater agreement on the first category. Most of the steps have been laid out carefully by the Tibaijuka report to the UN Secretary General and described in Section IV A above. Donors, both individual countries and international institutions, will need to be generous and quick. The cost of reversing the effects of Murambatsvina is difficult to establish at this point but it is certain to be considerably higher than the \$300 million figure the Zimbabwe government put on the program of housing reconstruction it hastily announced in July.<sup>174</sup>

The food requirements of Murambatsvina's victims have added to the emergency with which humanitarian organisations were already struggling to feed those affected by drought. On 1 June 2005, mere days after the operation began, UN World Food Program (WFP) chief James Morris announced following meetings with President Mugabe and other government representatives that Zimbabwe would have to import 1.2 million tons of food to feed the more than 4 million people who would need assistance in 2005.<sup>175</sup> This is nearly half of an estimated 8.3 million people in need of food in the drought-stricken Southern Africa region. UN officials told Crisis Group that some \$600,000 is required to meet the needs for a mere three months of 10,000 Murambatsvina-affected people living with AIDS -- a small fraction of the operation's victims.<sup>176</sup>

The Zimbabwe government has an obligation to assist those displaced persons who are actually third-country refugees because it is a party to the 1951 Geneva Convention Relating to the Status of Refugees (and its 1967 Protocol) as well as the Organisation of African

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<sup>173</sup> "Russian leader brands Mugabe a dictator", ZimOnline, 6 July 2005; "Putin calls Robert Mugabe a dictator", *Mail & Guardian (SA)*, 6 July 2005.

<sup>174</sup> See Section II. A. above.

<sup>175</sup> "Zimbabwe needs 1.2 million tons of food", *Mail and Guardian (SA)*, 2 June 2005.

<sup>176</sup> Crisis Group interview with UN officials, Harare, 18 July 2005.



Unity's 1969 Convention on Specific Aspects of Refugee Problems in Africa. As with so much of the humanitarian catch-up that is necessary because of Murambatsvina, however, it will lack adequate resources and need to rely heavily upon donor generosity.

The watchword for those donors should be prudence as much as generosity. Only emergency humanitarian assistance is appropriate at this stage, and careful safeguards are needed to ensure that it is not diverted by the ZANU-PF government for its political purposes, including relocation schemes designed to advance those purposes. No development assistance should be provided until there has been some meaningful progress toward political and economic reform and then it should be made conditional to the meeting of specific further benchmarks. Nor can the government that created the humanitarian problem be trusted to use international funding fairly to resolve it. As much as possible donors should insist on working directly with intended recipients or at least with respected non-governmental bodies who can be relied upon as conduits and executors. What must be sought from the government above all is unhindered access.

The formulation of policies for helping to resolve the core problems of which Murambatsvina is a spectacular but by no means unique example is much more complex and contentious. It is probably realistic to admit at the beginning that the West and Africa can only hope for rough complementarity, not perfect coordination, given their different starting points. But that can be sufficient if each takes maximum advantage of its opportunities. Three broad and roughly parallel tracks present themselves, of which the second has the most potential to make an impact in the short to medium term.

**Overt Pressure.** This is the province of the main Western actors like the U.S., the EU and its member states and some Commonwealth countries. The primary policy elements should be targeted sanctions of the sort already in place but applied to a broader swathe of ZANU-PF figures and more consistently and rigorously; public remonstrance; and creative use of multilateral forums such as the Security Council as in the reaction to the Tibaijuka report, even if more concrete measures there are unlikely due to Chinese reluctance. This is above all a watchdog function: to keep the ZANU-PF government aware, even if only through symbolic pin pricks, that it is being watched and cannot commit gross human rights abuses -- the misuse of food aid for partisan political purposes and torture of political opponents in detention, for example<sup>177</sup> -- without being called to some account

and to keep the African states that ultimately have more real leverage on Zimbabwe committed to genuine pursuit of the second track, regional diplomacy

**Regional Diplomacy.** The preference of those who pursue this track will be to conduct their diplomacy quietly. In itself this is neither a good nor a bad thing. With delicate political problems, "quiet" is generally to be preferred to "public" (and certainly to "megaphone") but it is a tool not a policy. The real questions are whether something sensible is being pursued consequentially or whether the lack of volume and visibility is a cover for doing too little or even nothing at all. South Africa's willingness to provide Zimbabwe with a significant credit line to help it through serious financial and economic problems provides an example. If it is merely a bail-out to keep the ZANU-PF government afloat for awhile longer it will be a waste of money or worse. If conditionality is part of the deal -- at least oversight for Pretoria of how the money is to be spent and other aspects of Harare's seriously deformed economic policies, perhaps even some political reforms -- it can be a prudent and constructive investment. Western governments and international financial institutions should talk quietly with the South Africans about what can be done rather than assume the worst. They might even seek a dialogue about how the common interest in seeing Zimbabwe avoid economic collapse can best be approached.

Yet another example is presented by the on-again, off-again efforts of South Africa and, to a lesser extent, Nigeria in encouraging some kind of compromise between ZANU-PF and the MDC. It did not work after the rigged 2002 presidential election but that does not mean it is not worth trying again today when especially the question of what comes after the now octogenarian Mugabe is more relevant than ever if only for unavoidable biological reasons. Once again, it comes down to what is actually attempted and how seriously.

South Africa, Nigeria, and other key African states and institutions should seek a formula for putting basic questions to the main political players in Harare and then helping them find answers. The Chissano mission that South Africa and Nigeria tried to launch at the recent AU summit seems to have run aground but if one respected former African president is not enough to attract President Mugabe's interest, perhaps three or four -- say, Moi of Kenya, Nujoma of Namibia and Mkapa of Tanzania linked up with the Mozambican -- could. Possible elements in their effort would be to identify a dignified solution for the President and to help the two main political parties agree on some kind of credible government, probably of national unity, for a time long enough to permit new or revised political groupings to form and, ultimately, properly internationally supervised elections to be held.

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<sup>177</sup> The Crisis Group reports and briefings listed at fn.10 and fn. 12 above have regularly noted serious allegations of both types of abuse.

African diplomacy could also increasingly make use of African institutions to pursue even the most sensitive matters such as human rights abuses. Zimbabwe is bound by the provisions of the African Charter on Human and Peoples' Rights, which it ratified in 1986. That Charter guarantees protection of the family by the state and asserts the right to a satisfactory environment favourable to development,<sup>178</sup> provisions that Murambatsvina would seem to have violated. The African Commission on Human and Peoples' Rights, might be encouraged to take note of the Tibaijuka report and use it as a basis for its own exploration of whether there has been a breach sufficient to merit referral to the African Union's General Assembly.<sup>179</sup>

**Building Political Capacity.** This is the track on which African and Western policies might come closest together. Their methods and targets could well vary. The Africans might be particularly interested in working with the political figures most immediately involved in their effort to broker early movement toward a government of national unity, and perhaps especially in a search for ZANU-PF moderates; the West might wish to concentrate more on the grassroots, building a generation of new leaders with broader bases and -- among the present actors -- more on the MDC. Each, however, has genuine interest in seeing a stronger civil society, a more democratic polity and a generally more competent political class develop in Zimbabwe, and neither will be able to do much along these lines unless at least some basis for engagement is found with the present government that allows for extensive in-country activity.

There are no easy answers to relieving Zimbabwe's agony and protecting the southern African region from the chaos that a complete collapse of that deeply troubled state would bring. Murambatsvina's sole virtue has been to serve as a wake-up call to all concerned that it is more than time to make serious efforts.

**Pretoria/Brussels, 16 August 2005**

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<sup>178</sup> African Charter on Human and Peoples' Rights, 1981, Articles 18 and 24.

<sup>179</sup> The AU's General Assembly would seem the appropriate body for such a referral. The African Court of Justice was established by the AU's "Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights". However, that tribunal is not yet operative. Since Zimbabwe has not accepted NEPAD's Peer Review Mechanism and has not ratified the Rome Statute of the International Criminal Court (and presumably would be otherwise protected by China from a referral of its situation to that court), those institutions are not available to consider such issues.

APPENDIX A  
 MAP OF ZIMBABWE

