

CRS Report for Congress

Zimbabwe: 2008 Elections and Implications for U.S. Policy

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Lauren Ploch
Analyst in African Affairs
Foreign Affairs, Defense, and Trade Division



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Zimbabwe: 2008 Elections and Implications for U.S. Policy

Summary

On March 29, 2008, Zimbabwe held presidential, parliamentary and local elections. Months later, the country's political future remains uncertain. For the first time since independence, the ruling party has lost its majority in the National Assembly. After a month of rising tensions, the results of the presidential race were belatedly announced on May 2. They indicated that opposition leader Morgan Tsvangirai had received more votes than the incumbent, President Robert Mugabe, but had failed to garner the 50 percent needed to avoid a runoff. Days before that runoff was scheduled to take place, on June 27, 2008, Tsvangirai pulled out of the race, citing widespread political violence and the absence of conditions for a free and fair election. Mugabe was declared the winner in the runoff, which many observer missions suggest did not reflect the will of the people.

Reports of violence and political repression increased significantly in the wake of the March elections, which were held amidst a deepening economic crisis in the Southern African country. Zimbabwe's gross domestic product (GDP) has decreased over 50 percent in the last decade, the inflation rate is estimated in the millions, and unemployment is higher than 80 percent. The adult HIV infection rate of 20 percent has contributed to a sharp drop in life expectancy, and more than a third of the population is expected to require food aid in 2008. Deteriorating conditions in the country have led many Zimbabweans to emigrate to neighboring countries, creating a substantial burden on the region. In South Africa, Zimbabwean immigrants and others have been the target of xenophobic attacks.

On September 15, 2008, after several weeks of negotiations in South Africa, President Mugabe and Morgan Tsvangirai signed a power-sharing arrangement aimed at resolving the political standoff. As part of the deal, Tsvangirai will become Prime Minister, and cabinet positions will be divided among the parties. The government of President Mugabe, who will remain head of state under the agreement, has been seen as autocratic and repressive by its critics, and its human rights record is poor. The regime has suppressed freedom of speech and assembly, and many contend that it has restricted access to food, already scarce, in opposition areas. The U.S. Secretary of State labeled Zimbabwe an "outpost of tyranny," and other Administration officials have accused Mugabe's party of rigging the election and orchestrating political violence. The United States has enforced targeted sanctions against top Zimbabwe officials and associates since 2002. Congress has expressed its opposition to the government's undemocratic policies in the Zimbabwe Democracy and Economic Recovery Act of 2001 (P.L. 107-99) and other subsequent legislation, including H.Con.Res. 100, S.Con.Res. 25, S. 1500, S.Res. 533, H.Res. 1230, H.Res. 1270, H.Res. 1301, and H.Con.Res. 387 during the 110th Congress. For more background, see CRS Report RL32723, *Zimbabwe*, by Lauren Ploch.

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Zimbabwe: 2008 Elections and Implications for U.S. Policy

President Robert Mugabe, 84, and his party, the Zimbabwe African National Union - Patriotic Front (ZANU-PF), have ruled Zimbabwe since its independence in 1980. Rising inflation and unemployment rates contributed in the late 1990s to the creation of the opposition Movement for Democratic Change (MDC). The MDC enjoyed initial success, campaigning against a referendum in 2000 that would have expanded the president's powers, made government officials immune from prosecution, and allowed the uncompensated seizure of white-owned land for redistribution to black farmers. The referendum failed, and the MDC won nearly half the parliamentary seats in that year's election. ZANU-PF has since taken numerous, often undemocratic actions to maintain power. A power sharing agreement has recently been negotiated between ZANU-PF and the opposition, but details of its implementation remain unclear.

Background

Following the violent March 2007 assault by police on government critics, which drew widespread international criticism, then-South African President Thabo Mbeki initiated a mediation effort between the Government of Zimbabwe and the opposition. The main objective of the mediation, as described by Mbeki, was to create political conditions for free and fair elections, the results of which would be accepted by all parties. Although the negotiations resulted in the amendment of some laws seen as restricting press freedom and political activity, the talks were abandoned after Mugabe announced that elections would be held on March 29, 2008.¹ Human rights activists argue that the legislative changes were cosmetic and that the talks failed to create a level playing field prior to the elections.²

March 2008 Elections

Election Preparations. Many domestic and international observers assert that elections since 2000 have fallen short of democratic standards. In the period preceding the March 2008 elections, civil society activists reported significant pre-

¹ The Electoral Laws Amendment Act, which came into effect on January 11, 2008, eliminated one of the two electoral administration bodies and required polling places to be located in areas readily accessible to the public. It also established a continual voter registration process and explicitly prohibited intimidation during the campaign period.

² See, for example, Human Rights Watch (HRW), *All Over Again: Human Rights Abuses and Flawed Electoral Conditions in Zimbabwe's Coming General Elections*, Vol. 20, No. 2(A), March 2008, and International Crisis Group (ICG), Africa Report No. 138, *Zimbabwe: Prospects from a Flawed Election*, March 20, 2008.

election irregularities. Critics charged that the Zimbabwe Election Commission (ZEC), which oversees elections, lacked independence, and that it was further crippled by limited administrative capacity and budget shortages.³ The electoral body is led by Justice George Chiweshe, a former military officer, and reports indicate that the Commission and its regional offices are staffed by numerous former military personnel. Election reports from domestic groups suggest that the registration process was, at best, inconsistent, and there is no indication that the ZEC addressed alleged inaccuracies in the voters' roll from previous elections.

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

The Zimbabwe Election Support Network (ZESN), a domestic observer group composed of 38 NGOs, alleges that the ruling party had redrawn constituencies⁴ to ensure its continued hold on power. In its pre-election report, ZESN argued that there were not enough polling stations designated for urban areas, where the MDC is believed to have its strongest support. ZESN's report also suggested that, as in past elections, the ruling party manipulated state resources for campaign purposes.⁵ And despite amendments to two laws, the Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA), which critics suggest restrict freedom of speech and assembly, advocacy groups argue that the police selectively interpreted the laws and significantly limited the MDC's ability to campaign.⁶ Sections of POSA which prohibit false statements "prejudicial" to the state and criminalize statements construed as engendering hostility toward the president remain in effect.

Alleged Vote Buying. In addition to the allegedly partisan administration of the elections, many observers contend that the government used public resources to

³ Zimbabwe Human Rights NGO Forum, *Can the Elections be Free and Fair in the Current Environment?* March 18, 2008.

⁴ Parliament passed Constitutional Amendment No. 18 in late 2007, increasing the number of parliamentary seats from 120 to 210. Following a rushed delimitation exercise, the ZEC presented its final report, which outlined changes to several constituency and ward boundaries, with no time for debate before parliament adjourned at the end of January 2008.

⁵ Lance Guma, "Election Body Calls for More Polling Stations," SW Radio Africa, March 11, 2008, available at [<http://www.allafrica.com>].

⁶ Amendments to POSA allowed groups to present notifications for rallies and demonstrations to the nearest police station, and if denied approval, provided for appeals to be dealt with in a timely manner by the local magistrates court rather than the Home Affairs Minister. Amendments to AIPPA abolished the "journalism without accreditation" offense, although journalists remain prohibited from covering official events, like elections, without accreditation. HRW, *All Over Again: Human Rights Abuses and Flawed Electoral Conditions in Zimbabwe's Coming General Elections*, Vol. 20, No. 2(A), March 2008.

buy votes. In the weeks preceding the polls, President Mugabe announced significant salary increases for the military and civil servants and signed into law the Indigenisation and Economic Empowerment Bill, requiring foreign-owned firms to transfer 51 percent of their shares to domestic investors. His administration also reportedly distributed vehicles and agricultural equipment worth millions of U.S. dollars to ZANU-PF supporters.⁷ At the same time, in a country where 45 percent of the population is considered by the World Food Program to be malnourished, domestic groups reported numerous incidents of opposition supporters being denied access to state food supplies.⁸ NGOs operating in Zimbabwe report that the ban on their distribution of food and other humanitarian aid prior to the runoff continued until August, despite claims by the Mugabe government that it had been lifted.⁹

Pre-Election Violence. According to a domestic human rights group, the year prior the 2008 elections was marked by a significant increase in incidents of politically motivated violence from previous years. In 2007, there were 603 reported incidents of torture, 865 incidents of assault, and 2,766 reports of arrest and detention. In the months directly preceding the elections, from November 2007 to March 2008, there were 1775 reported incidents of political violence.¹⁰ The government routinely deployed riot police to break up demonstrations, meetings and rallies, despite changes to the laws regulating freedom of assembly. In January, police allegedly teargassed and assaulted protestors in Harare after a local magistrate overruled a police order banning the march.¹¹ In February, members of the Progressive Teachers Union of Zimbabwe reported being abducted and beaten by ZANU-PF supporters; according to their accounts several members of the police and intelligence service were present during the attacks.¹² According to reports, the perpetrators were not arrested, but the union leaders were charged with violating a law that prohibits the distribution of pamphlets in public areas.¹³

Several of the country's security service chiefs, including the heads of the army and the police, publicly announced that they would not recognize an electoral victory by anyone other than Mugabe.¹⁴ In speeches and statements to the press, they and other public officials, including the President himself, referred to opposition leaders as traitors or puppets of the West. In October 2007, the International Bar Association issued a report accusing Zimbabwe's police of being "blatantly partisan" and

⁷ Zimbabwe Human Rights NGO Forum, *Can the Elections in Zimbabwe be Free and Fair in the Current Environment?* March 18, 2008.

⁸ "Concern Over Pre-Election Environment, Election Update (1)," ZESN Press Statement, January 25, 2008.

⁹ "Zimbabwe: NGO Ban Starting to Bite," IRIN, July 7, 2008.

¹⁰ Zimbabwe Human Rights NGO Forum, *Can the Elections in Zimbabwe be Free and Fair in the Current Environment?* March 18, 2008.

¹¹ "Zimbabwe: Opposition Activists Teargassed, Beaten," IRIN, January 23, 2008.

¹² HRW, *All Over Again: Human Rights Abuses and Flawed Electoral Conditions in Zimbabwe's Coming General Elections*, Vol. 20, No. 2(A), March 2008.

¹³ ICG, "Zimbabwe: Prospects from a Flawed Election," March 20, 2008.

¹⁴ "Zim Prisons Chief Orders Officers to Vote Mugabe," Reuters, February 29, 2008.

suggesting that the force's failure to guarantee equal protection of the law "is a major obstacle to democracy in Zimbabwe and a considerable impediment to free and fair elections."¹⁵ As part of the 2008 electoral reforms, police were banned from the polling stations to allay fears of intimidation. However, just over a week before the elections President Mugabe issued a decree allowing police into polling stations, allegedly to help disabled voters.

Election Monitoring. The Government of Zimbabwe reportedly invited election observers from over 40 countries and regional organizations, including the Southern African Development Community (SADC) and the African Union (AU), but barred observers from countries considered to be critical of its policies.¹⁶ CNN and other western media organizations and journalists were reportedly denied permission to cover the elections.¹⁷ The AU observer mission, led by former President of Sierra Leone Tejan Kabbah, issued a preliminary statement after the elections suggesting that the elections were generally free and fair and expressed the will of the people. Kabbah urged all parties to accept the results. The SADC observer mission found the elections to be "a credible expression of the will of the people" but noted concerns regarding opposition access to the media, inflammatory statements by senior security officials, the presence of police officers at polling stations, and the delay in the publication of the voters' roll. Two members of the delegation, both from South Africa's largest opposition party, refused to sign the report, calling the elections "chaotic" and "deeply flawed."¹⁸ Other observer groups differed with the SADC findings. The delegation of the World Council of Churches, in a joint statement with the African Council of Churches, found the elections to be "skewed in favor of the incumbent who openly utilized state resources to his advantage" and reported media bias, "violence, intimidation and outright confrontation," and the use of food as a "political tool."¹⁹

Press Restrictions. Two international journalists, one a Pulitzer Prize-winning American correspondent for the *New York Times*, were arrested on April 3, 2008. After several days in jail, they were released on bail but were blocked from leaving the country. They were acquitted on April 16. Several other journalists, both domestic and foreign, have been arrested since the elections. The director of the ZESN was briefly detained by police on April 14 and questioned about possible ties to the Washington-based National Democratic Institute, which monitors elections worldwide. The editor of *The Standard*, the country's only remaining independent newspaper, was arrested for printing an editorial by opposition leader Arthur

¹⁵ International Bar Association, *Partisan Policing: An Obstacle to Human Rights and Democracy in Zimbabwe*, An International Bar Association Human Rights Institute Report, October 2007.

¹⁶ "First Poll Observers in Zimbabwe," *BBC*, March 11, 2008.

¹⁷ "CNN Denied Permission to Cover Elections in Zimbabwe," *CNN*, March 25, 2008.

¹⁸ Statement issued by South African Member of Parliament Diane Kohler Barnard, "DA Rejects SADC Assessment of Zimbabwe Election as 'Peaceful and Credible,'" available at [<http://www.da.org.za>].

¹⁹ "Ecumenical Observers Challenge Zimbabwe Election Process and Demand Respect for the Will of the People," World Council of Churches Press Release, April 29, 2008.

Mutambara entitled, “A Shameful Betrayal of National Independence.” He was later released, but faces trial for publishing statements prejudicial to the state. Mutambara was arrested weeks later.

Election Results

Parliament. The MDC, which split into two factions in 2005 (known as MDC-T and MDC-M for their respective leaders, Morgan Tsvangirai and Arthur Mutambara), remained divided for the March elections, and this division likely cost the party several parliamentary seats.²⁰ The ZEC, widely criticized for its delayed release of the electoral results, announced the National Assembly results four days after the election. The MDC factions, which reunited on April 28, won a majority in the 220-seat National Assembly with 109 seats, over ZANU-PF’s 97.²¹ Three weeks after the election, the electoral commission conducted a recount of 23 of these races, an overwhelming majority of which were won by the opposition.²² The original results were upheld. On April 6, the ZEC announced that the ruling party had retained its majority in the Senate, where over one-third of its 93 members are appointed by the president. Of the 60 seats directly elected, ZANU-PF won 30, MDC-Tsvangirai 24, and MDC-Mutambara 6. Several senior ruling party members lost their parliamentary seats, including the Ministers of Justice, Agriculture, Mines, Energy, and Transport, and several senior MDC-M parliamentarians, including Mutambara, lost to MDC-T candidates.

The Presidency. The MDC’s decision to contest the election while still divided may also have cost the party a clear victory in the initial presidential race. In February 2008, then-ZANU-PF senior member Simba Makoni announced his intention to run against President Mugabe in the upcoming elections.²³ He was subsequently expelled from the party and ran as an independent, although he was rumored to have been supported by several senior ruling party officials. MDC faction leader Arthur Mutambara, who had planned to run against Mugabe and Tsvangirai, withdrew as a presidential candidate and expressed his support for Makoni. It is unclear how many supporters of his faction voted for Makoni instead of Tsvangirai.

²⁰ A *Financial Times* report suggests that ZANU-PF won ten parliamentary seats that would have been claimed by the MDC had its votes not been split between the two factions. “Acrimonious Division Cost MDC Success,” *Financial Times*, April 4, 2008.

²¹ The Tsvangirai faction won 99 seats and MDC-Mutambara won 10. One seat was won by an independent, and three seats were subject to by-elections in June 2008 due to candidates’ deaths. In those by-elections, MDC-T won one seat and ZANU-PF won two.

²² According to press reports, the ZEC conducted the recount in violation of a court order to stop recounts for 23 parliamentary constituencies. The MDC had petitioned the court on the basis that ZANU-PF’s requests for recounts were not valid because they were not filed within 48 hours of the election in accordance with ZEC rules. The court allegedly ruled that a recount could not be ordered until after the original results were released.

²³ Makoni, 57, served as Finance Minister from 2000 to 2002 and was reportedly dismissed after criticizing the administration’s economic policies.

The main MDC faction claimed victory for Tsvangirai days after the election with over 50 percent of the votes cast, basing its claim on tallies of poll results posted outside the polling stations and constituency centers immediately following the elections. Some have differed with the MDC count, suggesting that while Tsvangirai almost certainly received more votes than Mugabe, he may not have achieved the necessary 50 percent to avoid a runoff.²⁴ ZESN noted that results were not posted in three constituency tabulation centers despite a legal requirement to do so.

The results of the presidential race were not officially announced until five weeks after the elections. The opposition called for a nationwide strike on April 14 to protest the delayed release of results, asking supporters to stay home rather than to demonstrate publicly. Dozens of opposition supporters, including a newly elected member of parliament, were reportedly arrested that day for allegedly trying to incite violence or for obstructing the freedom of movement. According to reports, the strike was largely unsuccessful. With over 80 percent unemployment, some analysts suggest many Zimbabweans could not afford to miss a day's wages; other Zimbabweans said they had not heard of the strike.²⁵ On the evening of May 2, the ZEC declared that Tsvangirai had received 47.9 percent of the votes, while Mugabe received 43.2 percent and Makoni 8.3 percent. Some in the international community questioned whether the government's delay in releasing the presidential results should be considered a political coup. The MDC appealed unsuccessfully to the courts to have the results released, but the electoral commission claimed that it could not do so until a "process of verification of the presidential ballots" was complete.²⁶

Runoff Elections Called. Although the opposition accused the government of manipulating the presidential results and initially objected to participating in a runoff, Morgan Tsvangirai agreed to stand against President Mugabe in a second round of voting.²⁷ ZESN also questioned the validity of the presidential results, saying, "ZESN cannot substantiate ZEC figures as the network is not aware of the chain of custody of the ballot materials during the aforementioned period" and claiming that the delayed announcement of the presidential results undermined the impartiality of the ZEC. These concerns were echoed by the United States and others.

Having waited for over a month to hear the final results from the first round of elections, Zimbabweans faced another significant delay before the second round. While the electoral law requires the government to hold a runoff within 21 days of announcing the initial results, the ZEC declared that the runoff would not be held until June 27, three months after the first round. Some analysts questioned whether the government could afford another election, estimated to cost up to \$60 million.

²⁴ According to ZESN, Tsvangirai received 49.4% of the vote and Mugabe 41.8%."ZESN poll projections on March 29 presidential elections," ZESN press release, March 31, 2008.

²⁵ "Zimbabwe Opposition Strike Fails," *BBC*, April 16, 2008.

²⁶ "Opposition Unites Against Mugabe," *Al Jazeera*, April 28, 2008.

²⁷ The MDC suggested that the government had access to the ballot boxes for over two weeks in April without opposition or observer supervision, and thus they could not be sure the ballots had not been manipulated.

According to official Reserve Bank figures, government borrowing in the first three months of 2008 was 43 percent above the projected budget deficit for the year.²⁸

The MDC initially called for the immediate deployment of election observers from outside Africa (in addition to the SADC and AU observers) as well as the deployment of regional peacekeepers during the runoff. The party later modified its demands, saying that an increased SADC and AU observer presence would be sufficient, if combined with an immediate repeal of restrictions on the MDC's ability to campaign and an end to political violence. The opposition nevertheless remained largely unable to hold public rallies, which were banned by police in the capital in mid-April. Tsvangirai, who left the country a week after the elections amidst MDC concerns about his safety, returned on May 25. Given post-election statements by government officials accusing him of treason, many believed he would not be allowed to campaign freely inside the country.²⁹ The MDC leader had been tried, and acquitted, for treason in 2004. Based on interviews with high-ranking Zimbabwean officials, the International Crisis Group (ICG) issued a report suggesting a Tsvangirai victory in the runoff could trigger a military coup.³⁰

June 2008 Runoff Election

During the weeks following the announcement of the presidential results, reports of political violence increased dramatically. Critics contend that the violence was a government-orchestrated attempt to punish opposition supporters and ensure a Mugabe victory in the runoff.³¹ According to media reports, security forces and militias manned roadblocks and detention centers throughout the country, despite the increased presence of over 500 international monitors from SADC and the AU. In July, the Washington Post reported on the government's alleged campaign of violence against the opposition, referred to as "Coercion. Intimidation. Beating. Displacement,," or CIBD. The Post article highlighted debate within the ruling party's inner circle over the effort, which has reportedly targeted mid-level MDC organizers, as well as ordinary citizens, for severe beatings and or death. President Mugabe was quoted in the press saying, "We shed a lot of blood for this country. We are not going to give up our country for a mere X on a ballot. How can a ballpoint pen fight with a gun?"³²

²⁸ "Crisis Looms After Harare Vote-Buying," *Financial Times*, April 11, 2008.

²⁹ Referring to an alleged letter between Tsvangirai and Prime Minister Gordon Brown, Zimbabwe's *Herald* accused the MDC leader of plotting "illegal regime change" and quoted outgoing Justice Minister Chinamasa, "It is clear... that Tsvangirai along with Brown are seeking regime change in Zimbabwe, and on the part of Tsvangirai, this is treasonous... There is no doubting the consequences for acting in a treasonous manner." The MDC says the letter is a forgery. See "Zimbabwe Opposition Accused of Treason," *CNN*, April 17, 2008.

³⁰ ICG, "Negotiating Zimbabwe's Transition," *Africa Briefing No. 51*, May 21, 2008.

³¹ Human Rights Watch called the violence "a brutal campaign of torture and intimidation" and documented direct involvement by the security forces. "Zimbabwe: Army Behind New Wave of Human Rights Abuses," HRW Press Release, April 30, 2008.

³² "Zimbabwe Election: Mugabe Threatens to Arrest Opposition Leaders" *The Guardian*, (continued...)

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

On June 22, less than a week before the runoff, ZANU-PF supporters, armed with sticks, iron bars, and rocks, blocked an MDC rally in Harare. Citing the high number of attacks against MDC supporters and the lack of a level playing field, Tsvangirai withdrew from the race the following day. By MDC accounts, over 100 of its supporters have been killed since the March elections, and tens of thousands displaced. Despite public comments from African observer missions and a presidential statement from the U.N. Security Council arguing that conditions for a free and fair election did not exist due the high level of violence, the government held the runoff as scheduled. Mugabe was declared the winner with over 85% of the vote and inaugurated on June 29, 2008.

SADC fielded over 400 observers for the second round. In their preliminary report, the observers found the pre-election environment marred by "politically motivated violence resulting in loss of life, damage to property, and serious injuries sustained and hindering political activities." They also noted the "disruption of campaigning of the opposition party and the regrettable inaction of the law enforcement agencies," and cited harassment of their own observers. The SADC mission found that the pre-election period did not conform to SADC Principles and Guidelines Governing Democratic Elections, which impinged on the credibility of the electoral process. Ultimately, the delegation reported that runoff "did not represent the will of the people of Zimbabwe."³³

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

³² (...continued)
June 17, 2008.

³³ Preliminary Statement Presented by the Hon. Jose Marcos Barrica of the SADC Observer Mission, issued on June 30, 2008.

free, fair and credible elections."³⁴ The African Union team echoed the SADC and PAP findings, declaring that process fell short of accepted AU standards.³⁵

Planning for Coalition Government? Prior to the runoff, Zimbabwe's state-controlled media sent mixed signals about the regime's post-election plans. On April 23, the government-owned *Herald* newspaper printed an editorial that suggested SADC should mediate between the parties to create a transitional coalition government, led by President Mugabe, that would organize new elections.³⁶ The following day the paper announced on its website that a unity government was "not feasible." According to the May 2008 ICG report, some senior ZANU-PF members, including Vice President Joyce Mujuru and Reserve Bank governor Gideon Gono, tried to convince the president to accept a unity government, but were overruled by senior security officials. Critics alleged that the ruling party might try to exercise influence over the courts to overturn the MDC's parliamentary majority. Both parties challenged the results of over 50 parliamentary races, and although the new parliament has been sworn in, the judiciary's findings still could affect the balance of power in the parliament. Central to ZANU-PF concerns, its critics assert, are questions regarding immunity for serious human rights abuses committed since independence. Both parties issued public statements after the elections indicating a willingness to negotiate, but ZANU-PF declared that Tsvangirai must acknowledge Mugabe's victory as a prerequisite. Tsvangirai refused to do so. Some believe ZANU-PF had planned to negotiate even before the runoff, but wanted to enter the talks from a position of power, with Mugabe having won the second round.

Post-Election Violence. As noted above, although observers suggest that the March 29 election day was largely peaceful, reports of politically-motivated violence subsequently increased to a level not seen in two decades, according to advocacy groups. In May, the Zimbabwe Association of Doctors for Human Rights reported that its doctors had treated hundreds of victims with injuries consistent with assault and torture since the election date, and that "the violence is now on such a scale that it is impossible to properly document all cases."³⁷ The MDC has alleged that over 100 of its supporters have been killed. U.S. Ambassador James McGee implicated the ruling party in orchestrating the attacks (see **U.S. Policy** below).³⁸

³⁴ Interim Statement Presented by the Hon. Marwick Khumalo of the Pan-African Parliament Observer Mission, issued on June 30, 2008.

³⁵ Preliminary Statement of the African Union Observer Mission, issued on June 29, 2008.

³⁶ "West Should Stop Blocking Zimbabwe's Way Forward," *The Herald* (Harare), April 23, 2008.

³⁷ As of May 9, 2008 the group reported treating 900 people. See "Mbeki Meets Mugabe for Talks," *Al Jazeera*, May 9, 2008.

³⁸ Statement by Ambassador James McGee, "Breaking the Silence on Political Violence in Zimbabwe," issued on May 8, 2008.

ZANU-PF and the Zimbabwean army have denied involvement with the violence, although the army, police, intelligence service, “war veterans”³⁹ and Zimbabwe’s National Youth Service, also known as the “Green Bombers,” have all been implicated. One week after the elections, self-styled war veteran leader Jabuli Sibanda warned, “It has come to our realization that the elections were used as another war front to prepare for the re-invasion of our country.... As freedom fighters, we feel compelled to repel the invasion,” echoing a frequent Mugabe refrain that an opposition victory would be tantamount to the British reinstating colonial rule. The state-owned *Herald* newspaper, contributed to fears of a white takeover in the wake of the election, reporting, “An increasing number of white former commercial farmers are reportedly threatening resettled black farmers throughout the country with eviction from their farms or face the wrath of an anticipated ‘incoming MDC government.’”⁴⁰ These pronouncements coincided with farm invasions throughout the country, and by April 16 the Commercial Farmers Union reported that over 100 of the estimated remaining 400 white farmers had been forced off their lands.

Since independence, Mugabe’s regime has employed terminology associated with military-style campaigns for government programs ranging from the implementation of price controls, known as Operation Reduce Prices, to the demolition of informal urban settlements, or Operation *Murambatsvina* (translated as “Clean Out the Filth”).⁴¹ Reports suggest that the recent round of violence had its own campaign name, Operation *Mavhoterapapi* (“Who did you vote for?”).⁴² Critics note the government’s historic use of violent tactics against political opponents, pointing to the infamous Operation *Gukurahundi* (“The rain that washes away the chaff before the rain”), the violent “pacification” campaign by a North Korean-trained military unit, the 5th Brigade, in the 1980s against alleged dissidents and supporters of ZANU-PF’s political rival at the time, the Zimbabwe African People’s Union (ZAPU). *Gukurahundi* is now better known as the Matabeleland Massacres, which resulted in the deaths of as many as 20,000 civilians, mostly from the Ndebele ethnic group in the southwest.⁴³ That 5th Brigade was led by then-Lt. Col. Perence Shire, now commander of Zimbabwe’s Air Force. Other security officials involved in the campaign were elevated to senior government posts, including Defense Minister Sydney Sekeremayi and Rural Housing Minister Emerson Mnangagwa. Mnangagwa, then Minister of State Security in charge of intelligence, once reportedly warned that the government would burn down “all the villages infested with dissidents.” He has been considered a possible successor to Mugabe within the party and is rumored to be in charge of Joint Operations Command (JOC), a secretive

³⁹ Some “war veterans” have questionable credentials and some were too young to have participated in the liberation struggle. Other veterans disagree with ZANU-PF’s policies.

⁴⁰ “White Former Farmers Threaten Blacks with Eviction,” *The Herald*, May 7, 2008.

⁴¹ For more information, see CRS Report RL32723, *Zimbabwe*, by Lauren Ploch.

⁴² “Zimbabwe: Operation Glossary - A Guide to Zimbabwe’s Internal Campaigns,” *IRIN*, May 1, 2008.

⁴³ For further information on Operation Gukurahundi, see the report by the Catholic Commission for Justice and Peace and the Legal Resources Foundation, *Breaking the Silence - Building True Peace: A Report on the Disturbances in Matabeleland and the Midlands 1980-1988*, April 1999, available at [<http://www.sokwanele.com/pdfs/BTS.pdf>].

group of the country's security chiefs and top commanders that some allege control the government.⁴⁴

Zimbabwe's rural areas appear to have been the hardest hit by the violence; the U.S. Embassy in Harare documented thousands who fled the countryside for urban areas in the months after the March elections. Most Harare medical clinics were at full capacity during the height of the violence, according to the U.S. Agency for International Development (USAID).⁴⁵ Zimbabwe's largest farmers' union reported that militias displaced over 40,000 farm workers, and there have been widespread reports of burned homes, granaries, and livestock.⁴⁶ Human Rights Watch detailed the "re-education" and torture of more than 70 MDC supporters, seven of whom reportedly died from their injuries, in Mashonaland province on May 5.⁴⁷ Amnesty International reported that victims were often denied medical access and that humanitarian organizations have been targeted by militias for providing assistance.⁴⁸ The United Nations' resident representative in Zimbabwe warned of an impending crisis, stating, "there is an emerging pattern of political violence inflicted mainly, but not exclusively, on suspected followers of the MDC." The level of violence was confirmed by an 8-person SADC mission, "we have seen it, there are people in hospital who said they have been tortured, you have seen pictures, you have seen pictures of houses that have been destroyed and so on."⁴⁹

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

Some Zimbabwean officials, including the country's police chief, have accused the opposition of rigging and inciting violence. The MDC reports that eleven of its newly elected legislators have been arrested since the March elections; several remain in detention. If convicted, they could lose their parliamentary seats. According to press reports, over 100 election officers were arrested on charges of committing fraud

⁴⁴ See, for example, "The Opposition Goes for Broke," *The Economist*, May 17, 2008, and "Zimbabwe Under Military Rule, Former Minister Claims," *Pretoria News*, May 12, 2008.

⁴⁵ USAID, *Zimbabwe: Complex Emergency and Drought*, Situation Report 1, May 16, 2008.

⁴⁶ "Hunger Drives Post-Election Violence, Deepens Poverty," *IRIN*, May 9, 2008.

⁴⁷ "Zimbabwe: End Violence Before June Runoff," HRW Press Release, May 16, 2008.

⁴⁸ Amnesty International, "Zimbabwe Violence Reaches Crisis Levels," May 16, 2008.

⁴⁹ "Call for State of Emergency Over Zim Violence," *Mail & Guardian*, May 14, 2008.

and abusing public office in favor of the MDC in the March elections.⁵⁰ Independent reports suggest that teachers, who held many of the election officer positions, were specifically targeted by government supporters.

Power-Sharing Agreement. President Mugabe delayed the swearing in of the new parliament and the naming of a new cabinet as President Mbeki and other international leaders pressed for talks between the parties. When the parliament was sworn in on August 25, 2008, Lovemore Moyo, an MP from the MDC Tsvangirai faction, was elected as Speaker. He received 110 votes, beating MDC-M MP Paul Themba-Nyathi, who had received 98 votes, including those of most ZANU-PF members of parliament. Two MDC-T MPs were arrested when they arrived for the swearing in, but were later released.

On September 15, after several weeks of negotiations overseen by Mbeki, Mugabe and Tsvangirai signed a power-sharing arrangement aimed at resolving the political standoff. The agreement outlines a time frame for the drafting and adoption of a new constitution. As part of the deal, Tsvangirai will become Prime Minister in a new unity government, and cabinet positions will be divided among the parties. The MDC factions will reportedly take 16 ministerial positions, three of which will come from the MDC-M faction, and ZANU-PF will take 15 positions. Early reports suggested that Tsvangirai would gain control of the police force, but Mugabe, who will remain head of state, would retain control of the armed forces. The text of the agreement, however, leaves oversight of the police, which falls under the Ministry of Home Affairs, undetermined. Mugabe will lead the cabinet, but reports suggest that Tsvangirai, who will chair a Council of Ministers, will be responsible for the day-to-day management of government affairs.⁵¹ As was the case in Kenya during power sharing negotiations in early 2008, the Zimbabwe parties are now struggling to determine who will control key ministries, and implementation will undoubtedly require major concessions from all sides.

International Reactions

The international community has been divided over how to respond to the political crisis in Zimbabwe. As the weeks progressed after the March elections without the announcement of official results, world leaders began to debate whether Zimbabwe was "in crisis." MDC leader Morgan Tsvangirai traveled throughout the region to advocate for intervention. The African Union joined the growing number of calls for the release of the election results on April 20. As the delay continued, media attention turned to focus on a Chinese arms shipment bound for Zimbabwe. In an April 23 speech to the House of Commons, British Prime Minister Gordon Brown called for an international arms embargo against Zimbabwe, accusing the government of rigging the elections and calling the political situation "completely unacceptable." The European Union (EU) maintains targeted sanctions against members of Mugabe's administration, and EU sanctions already prohibit member states from selling weapons to the country. The United States, which also prohibits

⁵⁰ "New Delay in Zimbabwe Elections," Voice of America, May 5, 2008.

⁵¹ "Zimbabwe Rivals Sign Power-Sharing Deal," Reuters, September 15, 2008.

weapons sales to Zimbabwe and maintains targeted sanctions, expressed support for Brown's proposal, which was included in a U.S.-sponsored draft of a U.N. Security Council resolution. Britain's Queen Elizabeth stripped Mugabe of an honorable Knighthood he received in 1994.

Table 1. Regional Efforts to Block Arms Transfer to Zimbabwe

On April 18, 2008, as the Chinese freighter *An Yue Jiang* sat in the waters off South Africa's port city of Durban waiting to unload its cargo, the High Court of South Africa issued a court order blocking the cargo's transfer through South African territory.⁵² According to court documents, the ship carried 77 tons of bullets, rocket-propelled grenades, and mortars bound for Zimbabwe. Freight and dock workers of the South African Transport and Allied Workers Union (SATAWU) had already refused to unload or transport the shipment. Their protest was backed by the powerful Congress of Southern African Trade Unions (COSATU) and International Transport Workers' Federation (ITF), which called for an international boycott of the vessel, dubbed by some as the "Ship of Shame." The unions based their protest on concerns that the weapons could fuel violence in the aftermath of Zimbabwe's elections.

The international media closely tracked the freighter's location as it searched for another African port in which to unload the cargo. Zambia's President publicly urged regional governments to bar the *An Yue Jiang* from entering their waters. He welcomed Mozambique's decision not to allow the ship access, "because we don't want a situation which will escalate the (tension) in Zimbabwe more than what it is." U.S. Assistant Secretary of State Jendayi Frazer called upon both the regional governments and China to prevent the weapons transfer. On April 22, a Chinese Foreign Ministry spokesperson announced that the ship would return to China. The *An Yue Jiang* later docked in Angola to refuel and unload construction supplies bound for the Angolan market, but was denied permission to unload its Zimbabwe cargo.

The Southern African Development Community (SADC). Zambia's recently deceased President, Levy Mwanawasa, who was also head of the regional body SADC, convened an extraordinary meeting of the Southern African heads of state on April 12, 2008 to discuss Zimbabwe's elections. SADC has remained largely silent in recent years as Zimbabwe's political and economic crisis has worsened. Mwanawasa, however, expressed public concern with the situation in Zimbabwe in 2007, calling the country "a sinking Titanic whose passengers are jumping out to save their lives."⁵³ He convened a similar emergency summit in late March 2007, following the beating and arrest of opposition officials earlier that month. Although the SADC leaders reportedly chastised President Mugabe privately at that time, they did not publicly condemn the regime's actions and instead appointed President Mbeki to mediate between the Zimbabwean government and the opposition.

During the April 12 summit, attended by Tsvangirai and Makoni but not Mugabe, the SADC leaders declined to call the situation in Zimbabwe a crisis. They did, however, publicly urge the government to release the electoral results "expeditiously," allow opposition representatives to be present when vote tabulations

⁵² High Court of South Africa Durban & Coast Local Division Case No. 4975/08

⁵³ "Zimbabwe 'A Sinking Titanic,'" *Financial Times*, March 22, 2007.

were verified, and ensure that a runoff, if needed, would be held in a “secure environment.” The SADC leaders also called on Mbeki to continue his role as mediator.⁵⁴ According to some reports, Mwanawasa asked the leaders to seek solutions that would allow “the people’s verdict” to be heard so that Zimbabweans could “turn [over] a new leaf in their history.” Zimbabwe civil society groups were supportive of SADC’s statements on the electoral results, but critical of its continued support for Mbeki’s mediation. Mugabe reportedly called the SADC meeting “a show staged by Britain.”⁵⁵

Following Tsvangirai’s withdrawal from the runoff, President Mwanawasa reportedly commented that “elections held in such an environment will not only be undemocratic but will also bring embarrassment to the region.”⁵⁶ President Mwanawasa reportedly suffered a stroke on the eve of the AU Summit in Sharm el-Sheikh and passed away on August 19, 2008. Since the runoff, Botswana appears to have taken the strongest stance on Zimbabwe, declaring on July 4 that the government would not recognize Mugabe as president. President Ian Khama reportedly called on other SADC leaders to do the same, and he boycotted an August 2008 SADC summit attended by Mugabe.⁵⁷

The African Union (AU). In a communique on April 17, the African Union expressed concern over the delayed results, “which creates an atmosphere of tension that is not in the least conducive to the consolidation of the democratic process that was so felicitously launched through the organization of the elections.”⁵⁸ In early May, Chairman of the AU Commission Jean Ping led an AU mission to Zimbabwe, Zambia, and South Africa. He called for Zimbabwe’s political actors to:

conduct their activities in a free, transparent, tolerant, and non-violent manner to enable eligible Zimbabweans [to] exercise their democratic rights. It is essential also that peace and security be maintained, and that the will of the people be respected by all stakeholders once the results are announced.⁵⁹

At the June 29- July 1 AU Summit in Sharm el Sheikh, Egypt, Botswana’s Vice President joined leaders from Kenya, Liberia, Sierra Leone, and Ghana in calling for punitive measures against the Mugabe regime. The AU leaders ultimately failed to reach consensus on sanctions, but issued a public call for talks to establish a unity government.

⁵⁴ SADC Communique, “2008 First Extra-ordinary SADC Summit of Heads of State and Government Issued on 13 April 2008, in Lusaka, Zambia.”

⁵⁵ Fiona Forde, “Summit on Zim ‘Coup’ Crisis Stalls,” *Sunday Independent*, April 13, 2008.

⁵⁶ “Tsvangirai Withdrawal: Key Quotes,” BBC, June 23, 2008.

⁵⁷ “Botswana Refuses to Recognize Mugabe as President of Zimbabwe,” BBC Monitoring Africa, July 8, 2008.

⁵⁸ African Union Division of Communication and Information, “Communique on the Situation in Zimbabwe,” April 17, 2008.

⁵⁹ Statement by the Chairman of the AU Commission on the Situation in Zimbabwe on May 6, 2008, available at [<http://www.africa-union.org>].

While the AU has traditionally deferred to regional mediation efforts, reports suggest the AU Chairman, Tanzanian President Jakaya Kikwete (who is also a member of SADC), encouraged a greater role on Zimbabwe by the United Nations. Kenya's new prime minister, Raila Odinga, and former U.N. Secretary-General Kofi Annan commented that Southern African leaders could do more to resolve the crisis. Odinga received widespread attention for his recent comments on Zimbabwe, and he called on AU leaders not to allow Mugabe to attend the Sharm el-Sheikh summit.

The African Union has some precedent for intervening in support of democracy within its member countries, should it chose to do so.⁶⁰ The intervention of AU leaders in the early days of the 2007/2008 Kenyan election crisis is viewed by many as having helped move the two opposed parties toward negotiations and an eventual post-election agreement. As in Kenya, however, implementing the details of the September 2008 Zimbabwe agreement is likely to prove challenging. Both SADC and the AU are identified as guarantors of the Zimbabwe agreement.

South Africa. Thabo Mbeki, who resigned from his position as President of South Africa on September 21, 2008, drew substantial criticism at home from opposition parties, trade unions, and civil society groups for his reaction to Zimbabwe's elections. Mbeki, after visiting Mugabe in Harare on his way to the April 12 SADC summit, declared he did not believe Zimbabwe was facing a crisis, that the delayed release of the presidential results was a "natural process," and that Zimbabweans must patiently await their release. Tsvangirai criticized Mbeki for his "quiet support for the dictatorship," and called for him to step down as mediator in early 2008.⁶¹ According to reports, Mbeki wrote President Bush a letter warning the United States not to interfere in the Zimbabwe situation after the March elections.⁶²

Others within the South African government and its ruling party took a harder line publicly on Zimbabwe than Mbeki. "In resolving the problem of Zimbabwe, Thabo Mbeki is not speaking on behalf of the ANC," a spokesman for the ruling

⁶⁰ In 2005, after the death of the President of Togo, the Togolese army installed his son as president. The AU declared the intervention to be a military coup and the AU Peace and Security Council demanded the resignation of the new president and urged members to impose diplomatic, travel, and arms sanctions until elections were held. The president stepped down the day after sanctions were imposed. It is notable, in the case of Togo, that the relevant regional body, the Economic Community of West African States (ECOWAS) played an important role in denouncing the coup and leading the campaign for sanctions. In the second instance of AU intervention, the AU suspended Mauritania from all organizational activities after the country's military led a successful coup. The president, in office for 21 years, was considered autocratic, and reports suggest that most Mauritanians supported the military's actions. Nevertheless, the AU upheld the suspension because it opposed the unconstitutional overthrow of a civilian regime. Following an investigation, the AU decided against sanctions, but held the suspension until elections were held in 2007. Mauritania was suspended from the AU again in August 2008 following another coup.

⁶¹ Barry Bearak, "Zimbabwe Opponent Criticizes Mbeki," *New York Times*, February 14, 2008.

⁶² Michael Gerson, "The Despots' Democracy," *Washington Post*, May 28, 2008.

African National Congress youth wing declared in April.⁶³ Baleka Mbete, the new speaker of parliament and ANC national chairperson, called the delayed release of results a “democratic process gone wrong.” In a gathering of the Inter-Parliamentary Union, she urged representatives of 147 countries not to remain silent on the issue.⁶⁴

The new president of the ANC, Jacob Zuma, who defeated Mbeki in December 2007 for the party presidency, openly criticized the delayed announcement of the March results, saying, “There is a crisis in Zimbabwe. We ought to stand up and do something about it.” While not directly charging the Mugabe administration with rigging, he has distanced himself from Mbeki’s “quiet diplomacy” approach. In late April, he told reporters, “Definitely there is something wrong with those elections.... I think the manner in which the electoral commission has acted has discredited itself, and therefore that is tantamount to sabotaging the elections.”⁶⁵ Zuma did not call for Mbeki to step down as mediator, but said “I imagine that the leaders in Africa should really move in to unlock this logjam,”⁶⁶ and called for African leaders to “assist” Mbeki as mediator, “given the gravity of the situation.”⁶⁷ As ANC president, Zuma is expected to be the party’s presidential candidate in South Africa’s May 2009 elections.⁶⁸ Many analysts have predicted that South African policy toward Zimbabwe, and Mugabe in particular, could change under a possible Zuma administration, or even under the administration of interim President Kgalema Motlanthe, particularly if the September 2008 agreement is not fully implemented.⁶⁹

In the months following the March elections in Zimbabwe, domestic public pressure may ultimately have forced Mbeki to take a stronger position on the violence in Zimbabwe: Mbeki visited the country several times in the wake of the elections and in May dispatched six retired generals to investigate reports of attacks on the opposition. The generals reportedly expressed shock at the level of violence.⁷⁰

On the day of the runoff, the ANC issued a public statement noting the effect Zimbabwe’s instability has had on the SADC region, accused the Zimbabwe government of “riding roughshod over the hard-won democratic rights of the people.” The statement cited “compelling evidence of violence, intimidation and outright terror; the studied harassment of the leadership of the MDC, including its Presidential candidate, by the security organs of the Zimbabwean government.” The ANC also

⁶³ “Zimbabwe’s Political Crisis Enters South Africa Domestic Politics,” Voice of America, April 17, 2008.

⁶⁴ Statement by Speaker Baleka Mbete in Cape Town, April 13, 2008, available at [<http://www.parliament.gov.za>].

⁶⁵ “Zimbabwe Crisis at Critical Level, Warns Zuma,” *CNN*, April 24, 2008.

⁶⁶ “Africa Shows Impatience on Zimbabwe Crisis,” Reuters, April 22, 2008.

⁶⁷ “Zuma Ratchets Up Rhetoric Over Zimbabwe,” *Financial Times*, April 22, 2008.

⁶⁸ Zuma, who has been linked to a number of controversies, was expected to face corruption charges in August 2008, but the case has been dismissed on procedural grounds. Prosecutors are appealing. If convicted prior to the elections, he would be ineligible to run.

⁶⁹ CRS Report RL31697, *South Africa: Current Issues and U.S. Relations*, by Lauren Ploch.

⁷⁰ “Anxiety Grows for Kidnaped Zimbabwe Activist,” Voice of America, May 18, 2008.

warned outside players not to try to impose regime change, and expressed support for President Mbeki's continued mediation efforts.⁷¹ According to local press reports, on July 8, Mbeki declared that there was no legitimate government in Harare, necessitating the creation of a unity government.⁷²

An outbreak of xenophobic violence in South Africa had some, including ANC ally the South African Communist Party, calling for early elections in South Africa.⁷³ In May and June 2008, Zimbabweans and other foreign nationals were targeted by mobs in several South African townships; at least 60 were killed and over 25,000 fled their homes. South Africa is home to some three to five million illegal immigrants, most from Zimbabwe, and some South Africans blame them for the country's high crime and unemployment rates and rising food prices. President Mbeki condemned the attacks, but the opposition criticized the government for not addressing tensions earlier. On May 21, Mbeki deployed the army internally for the first time since the end of apartheid to stem the violence.

The United Nations. In the wake of the March elections, U.N. Secretary-General Ban Ki-moon joined the United States, Great Britain, and France in calling on the U.N. Security Council to address the Zimbabwe situation. In remarks to the Security Council on April 16, Ban expressed his deep concern with the delayed release of the electoral results, warning,

Absent a transparent solution to this impasse, the situation could deteriorate further with serious implications for the people of Zimbabwe. The Zimbabwean authorities and the countries of the region have insisted that these matters are for the region to resolve but the international community continues to watch and wait for decisive action. The credibility of the democratic process in Africa could be at stake here.

The Secretary-General, who declared the runoff election illegitimate, engaged world leaders to determine how the international community could "help the Zimbabwean people and authorities to resolve this issue."⁷⁴ His concern was echoed by UN High Commissioner for Human Rights Louise Arbour, who called the runoff a "perversion of democracy."⁷⁵

Thabo Mbeki chaired the April 16 Security Council meeting, which was originally called by South Africa, as rotating chairman of the Council, to discuss cooperation between the United Nations and the African Union. U.S. Ambassador to the United Nations Zalmay Khalilzad recommended that a U.N.-AU mission visit the country. The only African representative to address the Zimbabwe issue at the

⁷¹ "South Africa: Finding a Workable Solution to the Crisis," Press Release issued by the ANC on June 27, 2008.

⁷² "Mbeki Brands Mugabe's Rule Illegitimate," *Pretoria News*, July 8, 2008.

⁷³ "Anti-Foreigner Violence Escalates in South Africa," Reuters, May 19, 2008.

⁷⁴ "U.N. Council and AU to debate Zimbabwe," Reuters, April 16, 2008.

⁷⁵ "Elections Won't Be Delayed, Zimbabwe Insists," *International Herald Tribune*, June 27, 2008.

meeting was Tanzanian President Kikwete, who praised SADC for working to “ensure that the will of the people of Zimbabwe is respected,” and suggested that the regional body would meet again soon to discuss Zimbabwe.⁷⁶

The U.N. Security Council held a special session on April 29 to discuss Zimbabwe, reportedly at the behest of incoming Security Council chair Britain. European and Latin American members pressed for a U.N. envoy to visit the country, while other delegations, including South Africa’s, rejected the proposal. President Mugabe denounced the closed session as “sinister, racist, and colonial.”⁷⁷ On June 22, the Council issued a Presidential Statement condemning the violence and acts of political repression by the Government of Zimbabwe.

On July 8, 2008, the Group of Eight (G8) nations, many of whom already have bilateral sanctions in place, agreed to impose sanctions against the Mugabe regime due to the ongoing violence. The G8’s announcement set the stage for a U.S.-sponsored resolution in the U.N. Security Council. The resolution (S/2008/447) called for targeted sanctions on 14 members of the Mugabe regime, and an international arms embargo. It also requested the appointment of a U.N. Special Representative on Zimbabwe, and the creation of a Panel of Experts to monitor and evaluate the situation and the effects of the sanctions. On July 11, Russia and China vetoed the resolution. The vote was 9, including Burkina Faso, in favor, and 5 against, with South Africa joining Russia, China, Vietnam, and Libya in opposition. The United States expressed its disappointment with the two vetos, particularly that of Russia, which had supported the G8 agreement earlier in the week.⁷⁸

South Africa’s Ambassador to the U.N. had repeatedly expressed reservations about imposing sanctions on Zimbabwe, arguing that the situation in Zimbabwe does not pose a threat to international security and thus should not be considered to be a matter for the U.N. Security Council. Some observers have criticized South Africa’s position, suggesting that the xenophobic violence against Zimbabwean immigrants in South Africa is only one of several examples of how the political and economic crisis in Zimbabwe has affected the neighboring region. Some analysts suggest that the African Union acknowledged the threat to regional security in a July 2 resolution issued during its Sharm el-Sheikh summit, which noted the “urgent need to prevent further worsening of the situation and with a view to avoid the spread of the conflict with the consequential negative impact on the country and the subregion.”⁷⁹

U.S. Policy on Zimbabwe

Current U.S. Policy. Although the United States’ ability to influence internal developments in Zimbabwe is limited, the U.S. government has been an outspoken

⁷⁶ “Spotlight Turned on Zimbabwe at UN Council,” Reuters, April 16, 2008.

⁷⁷ “Zimbabwe Dismisses U.N. Talks,” Reuters, April 30, 2008.

⁷⁸ Testimony of Assistant Secretary of State Jendayi Frazer before the Senate Foreign Relations Committee Africa Subcommittee on July 15, 2008.

⁷⁹ African Union Summit Resolution on Zimbabwe, Sharm el-Sheikh, Egypt, July 2, 2008.

critic of the Mugabe Administration. U.S. policy toward Zimbabwe has included a combination of targeted sanctions against the Government of Zimbabwe, including financial and visa sanctions against select individuals;⁸⁰ a ban on transfers of defense items and services; a suspension of non-humanitarian assistance to the government; and support for South Africa's mediation between the parties.

In reaction to the uncertainty following the March elections, the Bush Administration repeatedly called for the immediate release of the results, and in April called for all parties to accept and implement legitimate election results, "including, as appropriate, changes in the parliament, changes in the government."⁸¹ The State Department later registered "deep concern" about the inadequate "chain of custody" of the ballot boxes in the weeks after the election, and expressed its view that conditions on the ground would not allow for a free and fair runoff. Prior to the runoff, Assistant Secretary of State Jendayi Frazer accused Mugabe of "trying to steal the election," saying, "My preferred option would be that the will of the people be accepted. That Mr. Mugabe does the honorable thing and steps down."⁸²

The Bush Administration has been highly critical of the government's role in the latest wave of violence. In May, a State Department spokesman urged Mugabe to "call off his dogs,"⁸³ and U.S. Ambassador to Zimbabwe James McGee publicly condemned what he referred to as a "systematic campaign of violence designed to block this vote for change...orchestrated at the highest levels of the ruling party."⁸⁴ American diplomats and officials from other foreign embassies report that they have repeatedly been harassed by elements of the Mugabe regime, in violation of the Vienna Convention. On May 13, Zimbabwean police tried to interfere with a multi-country diplomatic convoy outside Harare.⁸⁵ The convoy had been visiting hospitals and an alleged interrogation center, and during the encounter a policeman reportedly threatened to beat a U.S. embassy official. Ambassador McGee described seeing evidence of violence of a "massive" scope, including proof that civilians had been interrogated at "torture camp" the convoy visited.⁸⁶ He was later reportedly summoned by Zimbabwe's Foreign Minister for allegedly violating diplomatic

⁸⁰ President Bush imposed these sanctions through Executive Order 13288, issued in March 2003. The Order prohibits transactions with persons, entities, or organizations found to be undermining democratic institutions and processes in Zimbabwe, who are included in a Specially Designated Nationals(SDN) list maintained by the U.S. Treasury Department's Office of Foreign Assets Control (OFAC).

⁸¹ News Briefing by State Department Spokesman Tom Casey on April 22, 2008.

⁸² News Briefing by State Department Spokesman Sean McCormack on April 15, 2008, and "Mugabe Trying to Steal Elections, Says U.S. Official," *CNN*, April 24, 2008.

⁸³ Daily Press Briefing by State Department Spokesman Tom Casey, May 1, 2008.

⁸⁴ Statement by Ambassador McGee, "Breaking the Silence on Political Violence in Zimbabwe," May 8, 2008, available at [<http://harare.usembassy.gov>].

⁸⁵ The convoy included the ambassadors of the United States, Britain, the EU, and Japan; the deputy ambassadors of Tanzania and the Netherlands; and embassy staff and journalists.

⁸⁶ "U.S. Ambassador Says Zimbabwe Government Doing Nothing to Stop Post-Election Violence," *Voice of America*, May 14, 2008.

protocol and was warned not to interfere in internal affairs. On June 5, five American embassy staff and two local embassy workers were detained by police; one of the local workers was beaten. Embassy staff have collected evidence and documented abuses for submission to the U.N, SADC, and the AU.

In the months following the elections, the Administration repeated its calls for African governments to play a greater role in resolving the political impasse. During a visit by the British Prime Minister to Washington, President Bush told the media, “The United Nations and the A.U. must play an active role in resolving the situation in Zimbabwe.”⁸⁷ Secretary of State Condoleezza Rice has said more bluntly, “It is time for Africa to step up.”⁸⁸

U.S. Assistance. The United States is one of the largest donors of humanitarian assistance to Zimbabwe, providing over \$93 million in food and other humanitarian aid in FY2007 and \$186 million to date in FY2008. The Administration’s FY2009 request for \$45.4 million includes \$19.4 million for health programs and \$26 million in Economic Support Funds, much of which are designated for either governance or economic recovery efforts.⁸⁹ This reflects a substantial increase from previous years; \$23.2 million was obligated in FY2007 and \$22.9 million in FY2008. Democracy and governance assistance has been augmented by funding from USAID’s global Elections and Political Processes fund (EPP). These resources support political party strengthening, voter registration, and training of election monitors. According to the State Department’s Congressional Budget Justification (CBJ), “in anticipation of a more moderate government arising in 2008,” FY2009 funding will support programs to “re-establish and strengthen democratic institutions, processes and systems, and to build legislative consensus on democratic reform.” Such programs would support legal reforms, national dialogue on key issues, civil society advocacy, and enhanced media capacity. In the event of no change in government in 2008, the CBJ proposes to reprogram these resources to aid opposition efforts to press for reforms.

Congressional Interest. Several Members of Congress have issued statements highly critical of the Mugabe Administration, the delayed release of the election results, and the political violence in Zimbabwe. Some have written letters to Bush Administration officials or African leaders. On April 25, the Senate passed S.Res. 533, introduced by Senator John Kerry, calling for the immediate release of the presidential results, an end to the political violence and intimidation, and a peaceful transition to democratic rule. The resolution also supported calls for an international arms embargo and other targeted sanctions against the Mugabe regime, and encouraged the creation of a comprehensive political and economic recovery package in the event a democratic government is installed. The House of Representatives passed H.Res. 1230, sponsored by Representative Donald Payne and

⁸⁷ Remarks by President Bush during a press conference with Prime Minister Brown at the White House, April 17, 2008.

⁸⁸ On-the-Record Briefing by Secretary Rice in Washington, DC, April 17, 2008.

⁸⁹ This amount does not include food aid, which is allocated throughout the year in response to need.

all the House Members of the Congressional Black Caucus, among others, condemning the violence and calling for a peaceful resolution to the political crisis. The House also passed H.Res. 1270, sponsored by Representative Ileana Ros-Lehtinen, calling for an international arms embargo, urging the United Nations to deploy a special envoy to Zimbabwe, and encouraging the parties to discuss the creation of a government of national unity. Prior to the June runoff, Representative Adam Schiff introduced legislation calling on the Zimbabwe government to postpone the election. Representative Tom Tancredo also introduced legislation, H.Con.Res. 387, calling for the United States to sever diplomatic ties with Zimbabwe.

President Mugabe has frequently claimed that Western sanctions are to blame for the collapse of the country's economy, despite the absence of trade sanctions against Zimbabwe. In 2001, Congress passed the Zimbabwe Democracy and Economic Recovery Act (ZDERA) (P.L. 107-99), criticizing the "economic mismanagement" and "undemocratic practices" in Zimbabwe. This legislation called for consultations with allies on economic sanctions and a travel ban. It also prohibited U.S. support for financial assistance to Zimbabwe by international financial institutions until the President has been able to certify that certain conditions pertaining to the rule of law, democratic elections, and legal and transparent land reform have been met. Zimbabwe was, however, already ineligible to receive loans from the International Monetary Fund (IMF) and the World Bank's International Development Association (IDA) because it is in arrears to those institutions for debt payments.

Policy Options⁹⁰

The Bush Administration has expressed its support for the September 2008 power sharing agreement, but has yet to indicate the circumstances under which it might lift sanctions or provide financial support for Zimbabwe's economic recovery. Some details surrounding the implementation of the agreement remain uncertain. Should a unity government be established, donor countries and institutions are likely to expect that certain economic and political policy changes be made prior to a resumption of financial assistance. If the agreement falls apart, or the installation of Tsvangirai and other MDC officials into government positions is significantly delayed, the international community may explore other avenues for addressing the country's political and economic problems.

Diplomatic Pressure. Certain countries, including the United States, have declared the Mugabe Administration illegitimate. Prior to the September agreement, some suggested that these governments should officially recognize Tsvangirai as President, and allow him to establish a government in exile. The MDC and others had called for the United Nations to deploy human rights monitors to investigate the political violence. Although South Africa and SADC have already deployed inquiry teams, the presence of U.N. monitors could be influential, particularly if the Zimbabwe government takes no initiative to investigate or prosecute abuses. There have been calls for members of the Mugabe government to be referred to international justice regimes, although some observers suggest such calls for justice should be considered carefully if a unity government is established.

Humanitarian Assistance. The food security situation in Zimbabwe remains critical, with an estimated five million people in need of food assistance in 2008. Several Southern African countries have suffered from chronic food insecurity in recent years, stemming from a combination of weather-related and man-made factors, including prolonged drought, floods, poor economic performance, and the impact of HIV/AIDS. Although drought is partly to blame for Zimbabwe's food shortages, analysts believe that disruptions to the farming sector resulting from Mugabe's land seizure program are the main reason for reduced food production.⁹¹ Nearly all of the country's 4,500 commercial farms have now been taken by the government and redistributed or divided. The government's land redistribution program is reportedly plagued by inefficiencies, with large portions of redistributed land not being actively farmed. Tractors and other inputs to production are in short supply. Thousands of experienced farm workers were reportedly forced to flee seized commercial farms, and many of those who now hold farmland have no agricultural

⁹⁰ There have been a number of studies conducted on policy options to re-engage Zimbabwe, including, Michelle D. Gavin, *Planning for Post-Mugabe Zimbabwe*, Council on Foreign Relations (CFR) Special Report No. 31, October 2007; Todd Moss and Stewart Patrick, *The Day After Comrade Bob: Applying Post-Conflict Recovery Lessons to Zimbabwe*, Center for Global Development Working Paper no. 72, December 2005; and "After Mugabe: Applying Post-Conflict Recovery Lessons to Zimbabwe," *Africa Policy Journal*, John F. Kennedy School of Government, Harvard University, vol. 1, Spring 2006.

⁹¹ On the land takeovers in Zimbabwe, see AI, *Zimbabwe: Power and Hunger — Violations of the Right to Food*, October 15, 2004.

expertise. The displacement of farm workers and vandalism that has followed the March elections also contributes to food insecurity. The 2008 maize harvest has been severely affected by a combination of flooding followed by extreme dry weather. The crop production deficit in much of the country is estimated at 75 to 100 percent. Global food needs have increased dramatically since the beginning of 2008, primarily due to rising commodity and fuel prices, and the competition for international resources may severely affect the international community's ability to address food insecurity in Zimbabwe.

Poor sanitation and water shortages pose serious health risks in Zimbabwe's urban centers. Basic hygiene items, such as soap, have become too expensive for many residents. In the country's second largest city, Bulawayo, service delivery, including garbage collection, has declined severely because of budget shortages, and reports suggest many ambulances and fire trucks sit unused because the city council cannot afford fuel or spare parts. According to U.N. reports, the political violence has impeded the delivery of assistance by NGOs.

Economic Recovery.⁹² The Bush Administration and other international actors have discussed financial incentives and assistance to facilitate Zimbabwe's economic recovery in the event of a democratic transition. Zimbabwe's economy has collapsed in the last decade, and every sector of the economy has been affected. Annual outputs of wheat, maize, and tobacco, once Zimbabwe's largest foreign exchange earner, have plummeted. Manufacturing output dropped over 47 percent in the decade between 1996 and 2006. Zimbabwe's mining sector has been similarly affected, although the platinum industry remains a major income earner for the government.⁹³ World Bank and IMF lending has been suspended for more than six years due to nonpayment of arrears, and foreign currency for essential imports, particularly fuel, is in extremely short supply. Zimbabwe's inflation rate, at 11 million percent according to official government figures, is the highest in the world and has contributed significantly to the country's economic collapse. Zimbabweans have faced steep rises in the prices of food and non-food items, including rents. These factors have all contributed to increasing pressure on both the people of Zimbabwe and members of Mugabe's regime. On September 26, 2008, Zimbabwe began officially trading in foreign currency in an attempt to lower prices.

According to the IMF, the Reserve Bank of Zimbabwe's quasi-fiscal activities are primarily responsible for the surge in the country's money supply in recent years. Losses from such activities were estimated to be 75 percent of GDP in 2006. These

⁹² Information in this section was drawn from a variety of sources, including David Coltart, "A Decade of Suffering in Zimbabwe: Economic Collapse and Political Repression under Robert Mugabe," *CATO Institute Development Policy Analysis No. 5*, March 24, 2008; Sonia Munoz, "Central Bank Quasi-fiscal Losses and High Inflation in Zimbabwe: A Note," *IMF Working Paper*, April 2007; and "Zimbabwe: Article IV Consultation - Staff Notes," *IMF Country Report No. 05/360*, October 2005.

⁹³ Zimbabwe has the world's second largest reserves of platinum, behind South Africa. The largest mining operations in the country are controlled by Impala Platinum and Anglo Platinum, respectively. These South African-owned companies are the world's largest platinum producers.

activities include monetary operations to absorb excess liquidity; subsidized credit; sustained foreign exchange losses through subsidized exchange rates for selected government purchases and multiple currency practices; and financial sector restructuring. After the government implemented its price control policy in June 2007, cutting prices of basic commodities by 50 percent in an effort to stem inflation, manufacturing output fell more than 50 percent within six months and many firms were forced to close. The price controls also resulted in a shortage of basic goods and have contributed to worsening social indicators. The government's fast track land reform and more recent policy changes such as the Indigenization and Economic Empowerment Act, have created significant uncertainty over property rights, deterring foreign direct investment and lowering consumer confidence.

The MDC has outlined its program to revive the economy.⁹⁴ The party has committed to stop printing new money, eliminate price controls, open foreign exchange,⁹⁵ and bring in the IMF to assist in reforming the government's fiscal policies. Tsvangirai has also floated the idea of replacing the Zimbabwe dollar with a new currency.⁹⁶ Some analysts have suggested that the existing dollar could be temporarily linked to either the South African rand or the U.S. dollar to stabilize its value. The party's economic policy stresses a free market approach, and promises to privatize most state-owned companies, dismantle patronage networks, and simplify the tax code. In recognition that the government's bloated budget has contributed significantly to current economic woes, Tsvangirai initially promised a significantly smaller cabinet, if he were to become president, as part of a deficit-reduction strategy. In addition, the MDC has proposed a land audit and a program to "harmonize" land-tenure so that those on communal lands can hold an individual title. The party would consider compensation for those who lost land illegally. As the implementation details of the September agreement are discussed, it remains unclear how much influence the MDC will have in pressing its economic policies under a unity government. The need for a land audit, for example, has been acknowledged in the agreement, but the large power sharing cabinet may challenge Tsvangirai's goal of reducing the size of government.

The State Department's FY2009 budget request states that "If political change ensues and legislative restrictions are lifted, Zimbabwe will need significant support from the United States, in coordination with other donors, to reform, rebuild, and recover." Western donors, including the United States, met twice in Europe in 2007 to explore reconstruction options, and their representatives meet regularly in Harare to coordinate existing aid programs. Some reports suggest, however, that there has been little concrete planning on what this reconstruction support should entail.⁹⁷ Norway has pledged a major economic stabilization package from Nordic countries

⁹⁴ See, for example, Morgan Tsvangirai, "Freedom for Zimbabwe," *The Wall Street Journal*, March 21, 2008.

⁹⁵ The Reserve Bank made a major change to its fiscal policy in May 2008, allowing the Zimbabwe dollar to float to address hyperinflation. Analysts have expressed doubts that the government will maintain this policy if the Zim dollar depreciates faster than expected.

⁹⁶ "Tsvangirai Promises New Zimbabwe Currency," *The Australian*, March 28, 2008.

⁹⁷ Morrison and Bellamy, "The Close of the Mugabe Era," *op cit*.

in return for “a true democratic election” and the adoption of sound fiscal policies, although the exact amount of such a package has not been announced. Britain has made similar pledges, and has maintained its willingness to release funds to pay for parts of an orderly land redistribution program if Mugabe retires and the rule of law is returned. With Mugabe remaining in office under the September agreement, it is unclear whether Britain would concede to release such funds. By some estimates, the cost of Zimbabwe’s economic recovery may be almost \$4 billion over a five-year period to cover food support, land reform, health services and education, infrastructure, balance of payment and budget support, and emergency aid programs. In the event of political change in Zimbabwe, ESF funds in the State Department’s FY2009 request would be directed toward support for “monetary and fiscal policy reform and economic revitalization, specifically agricultural and private sector productivity and improvement of the business enabling environment.”

The World Bank and the IMF have developed strategies for Zimbabwe’s economic recovery, but the IMF suggests that liberalizing the foreign exchange rate will require careful management. Given the need to cut government spending to reduce the government deficit, significant donor assistance will be required to rebuild the public health sector, which according to reports may have lost as much as 80 percent of its skilled workforce. Reviving the country’s agriculture industry will require delicate handling to address historical grievances against white Zimbabweans regarding land distribution and tenure.⁹⁸ Congress authorized \$20 million in its ZDERA legislation for land reform assistance for FY2002, and some analysts suggest this level of annual assistance may still be appropriate.⁹⁹

Accountability and Reform. The inability of the country’s judicial system to protect its citizens or their property, or to provide due process to those seeking remedy or compensation, suggests a fundamental crisis in the implementation of the rule of law in Zimbabwe. Analysts suggest that the country will require significant judicial and security sector reforms as part of larger constitutional reforms. The people of Zimbabwe will also have to determine what level of accountability they may seek, not only for recent political violence, but for historical grievances and alleged official corruption under the Mugabe Administration. Tsvangirai has proposed the creation of a Truth and Reconciliation Commission similar to that of South Africa, “striking a healthy balance between reconciliation and accountability.”¹⁰⁰ Prior to the September 2008 agreement, he offered Mugabe “an honorable exit as... father of the nation,” but it is unlikely that the MDC would

⁹⁸ The U.N. Food and Agriculture Organization (FAO) has suggested that raising the yields of communal farming areas, which compose almost 50 percent of Zimbabwe’s land, could guarantee its food security. The country’s annual maize requirement for human consumption is estimated at 1.4 million metric tons. The FAO estimates that a \$50 million investment annually for three years to train farmers and provide seeds and fertilizer would significantly increase yields and cost less than what Zimbabwe now pays to import food. See “Zimbabwe: Small Scale Farmers Seen as Backbone of Food Security,” IRIN, May 15, 2008.

⁹⁹ Gavin, *Planning for Post-Mugabe Zimbabwe*, Council on Foreign Relations Special Report No. 31, October 2007.

¹⁰⁰ Morgan Tsvangirai, “Freedom for Zimbabwe,” *The Wall Street Journal*, March 21, 2008.

consider extending such an offer to all senior security officials implicated in acts of violence.¹⁰¹ Under the terms of the power sharing agreement, a new constitution is expected to be developed within two years; many expect fresh elections to be held at that point. Mugabe and other senior officials may resist a peaceful exit from power if they fear subsequent prosecution, as occurred with the former presidents of Liberia, Chad, and Zambia.¹⁰²

¹⁰¹ “Zimbabwe Opposition Seeks Peacekeepers for Run-off,” Reuters, May 11, 2008.

¹⁰² Former Liberian President Charles Taylor now faces war crimes charges before the Special Court for Sierra Leone at the Hague; former Chadian President Hissani Habre is expected to be tried in Senegal for human rights abuses committed by his regime; and former Zambian President Frederick Chiluba is on trial in Zambia for corruption.