

ZIMBABWE:
A SITUATION ANALYSIS AND TREND ASSESSMENT

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List of Acronyms

AIDS	Acquired Immuno-Deficiency Syndrome
AIPPA	Access to Information and Protection of Privacy Act
BAZ	Broadcasting Authority of Zimbabwe
BBC	British Broadcasting Corporation
CAFOD	Catholic Fund for Overseas Development
CIA	[United States] Central Intelligence Agency
CODESRIA	Council for the Development of Social Science Research in Africa
DRC	Democratic Republic of the Congo
EU	European Union
GAPWUZ	General Agricultural and Plantation Workers' Union of Zimbabwe
HIV	Human Immuno-deficiency Virus
IDP	Internally Displaced Person
IMF	International Monetary Fund
IRIN	[United Nations] Integrated Regional Information Network
MDC	Movement for Democratic Change
NCA	National Constitutional Assembly
NEPAD	New Economic Partnership for African Development
NGO	Non-governmental Organization
POSA	Public Order and Security Act
PVO	Private Voluntary Organization
RENAMO	Resistência Nacional Moçambicana
SADC	Southern African Development Community
UK	United Kingdom [of Great Britain and Northern Ireland]
UNHCR	United Nations High Commissioner for Refugees
US	United States
USAID	United States Agency for International Development
ZANU-PF	Zimbabwe African National Union-Patriotic Front
ZAPU	Zimbabwe African People's Union
ZBC	Zimbabwe Broadcasting Corporation
ZCTU	Zimbabwe Congress of Trade Unions
ZFTU	Zimbabwe Federation of Trade Unions
ZLP	Zimbabwe Liberators' Platform
ZLWVA	Zimbabwe Liberation War Veterans Association

Summary

For the first time in three years, negotiations to end Zimbabwe's cycle of political violence and economic decline are a real possibility. Signals that President Robert Mugabe might hand power to a successor nominated from within the ruling ZANU-PF party have given impetus to regional and national attempts to resolve the conflict.

The launching of political violence after the government had lost a constitutional referendum in February 2000 was a calculated move to retain political power, despite the use of rhetoric about inequalities in land distribution. It should be understood in the context of the crushing of opposition in Matabeleland of the 1980s, when at least 20,000 people died at the hands of the army.

New critical space was created in the 1990s with the emergence of a strong trade union movement, protesting over declining living standards, and a variety of civic groups coalescing around the demand for constitutional reform. These resulted in the formation of a new opposition party, the Movement for Democratic Change, in 1999.

Political violence in the post-referendum period focused initially on the several hundred thousand farm workers. Many were members of trade unions and a natural base of support for the MDC. Violence was carried out by war veterans and later by youth militia. They acted under the direction of military personnel, while the police turned a blind eye to serious acts of violence. The outcome of elections in 2000 and 2002 was seriously affected by violence, as well as systemic rigging.

The campaign of violence was accompanied by restrictive legislation in the fields of public order and freedom of expression. The rule of law was undermined by the intimidation of judges and packing of the Supreme Court bench. The collapse of the commercial farming sector, combined with severe drought, caused major shortages of food from 2001 onwards. The combination of generalized violence and the loss of agricultural export earnings has led to a sharp economic downturn, with hyperinflation, negative growth and acute shortages of essential goods.

The crisis has resulted in serious internal displacement, especially of farm workers and their families. Many Zimbabweans have left the country. Rough estimates suggest that there are two million outside its borders, compared with a 2002 census figure of 11.6 million Zimbabweans in the country. However, few of these have left as formal refugees. Most have followed a well-trodden path of economic migration to South Africa, finding this preferable to going through an individual process of refugee status determination. The favoured destinations for Zimbabwean migrants – South Africa and the United Kingdom – have not proved generous in granting refugee status.

There are also significant numbers of migrants to Botswana because of the severity of the drought and political violence in neighbouring Matabeleland. A shift towards increasing violence in the east of the country could lead to migration into Mozambique, but this has not yet materialized. Few Zimbabweans appear to have taken advantage of their family ties in Mozambique, Malawi and Zambia, probably because these countries too have been affected by the regional drought and food shortages.

A shift in the political situation seems likely given the severity of economic decline, the increasing popular support for mass action against the government and the divisions and weakness within the ruling party. However, President Mugabe is most unlikely to agree to any transfer of power other than to a hand-picked successor. The opposition cannot concede that Mugabe and ZANU-PF are legitimate rulers. Hence, although talks seem closer than at any time since the crisis began, it is far from clear that any resolution is in sight.

1 Introduction

For the past three years, most Zimbabweans have assumed that something will happen soon to arrest their country's rapid decline. Each time an election passes there is the hope that political violence will finally recede. They hope that someone, somewhere will take action to stop the economic decline that has seen the economy shrink by more than a quarter in just three years and left about half the population of 11.6 million dependent on food aid. Some of the woes facing Zimbabwe are beyond its control. The drought that hit the country in 2001-2002 exacerbated an agricultural shortfall triggered by the land reform programme. And underlying all this, a rate of adult HIV infection of some 31 per cent is both a massive human tragedy and a source of economic crisis in itself.¹ But the crisis is essentially a political one that has shown no signs of abating.

In the first half of 2003, however, there have been some signs that change may be coming. Probably the most significant development has been the decision of the Movement for Democratic Change (MDC), the main opposition party, to launch a strategy of mass action against the government. The MDC grew out of the trade union movement and owes its strength to its capacity to organize its supporters, especially the working class, in strikes and demonstrations. Widespread repression appeared to have dissuaded it from that course until, in March and June 2003, it made a successful return to the tactics of the civic and trade union opposition on the 1990s. Two national general strikes or "stayaways" received widespread support.

During the same period of early 2003, human rights violations had arguably reached their worst level since the crisis began. The readiness of the police to arrest and torture opposition members of parliament was a sign of their sense of impunity. At the same time, the mood in both government and opposition camps was shifting towards recognizing the need for negotiations. The most striking point has been open acknowledgement in some ruling party circles that President Robert Mugabe might resign.

Various actors, national and international, have tried to facilitate negotiations. The presidents of South Africa, Nigeria and Malawi have engaged in shuttle diplomacy, while at a local level the churches are playing an increasingly active role as mediators. The outcome of negotiations is very far from assured. In the aftermath of the disputed 2002 presidential elections inter-party talks failed because neither side could accept the stated objective of a "government of national unity". In political terms the two sides are hardly any closer now, save in the acknowledgement that Mugabe may now depart. But an increased mood of popular militancy, harnessed by the MDC in March and June, is causing clear concern to many in the government. Within the MDC too, some are strongly in favour of wholehearted engagement in a negotiation process.²

¹ United States Agency for International Development, Synergy Project, *HIV/AIDS in Zimbabwe: A USAID Briefing*, Washington: USAID, July 2002, http://www.usaid.gov/pop_health/aids/Countries/africa/zimbabwebrief.pdf [accessed July 2003]

² International Crisis Group, *Decision Time in Zimbabwe*, Nairobi; Brussels, 8 July 2003

2 Background to the Crisis

There are essentially two ways of explaining the crisis that has gripped Zimbabwe since early 2000. One explanation is that land – and its unequal distribution – is at the root of the crisis. This is the favoured explanation of the ruling party, the Zimbabwe African National Union-Patriotic Front (ZANU-PF). Yet there are many who do not endorse the government's and party's handling of recent events but nevertheless subscribe to this interpretation. The alternative explanation, embraced notably by the main opposition party, the MDC, is that the central issue is the refusal of ZANU-PF – and more particularly President Robert Mugabe – to surrender the political power that they have held since independence in 1980.

2.1 The Land Legacy

At first sight, the land explanation is a beguiling one. At independence there was a striking symmetry in the almost equal division of arable land between the few thousand white commercial farmers and the millions of black subsistence farmers.³ The long liberation struggle was often described as being “about” the land issue, although it was clearly primarily about the disenfranchisement of the black majority. Nevertheless, the two were interlinked. Unlike in neighbouring South Africa, black Zimbabweans were denied political participation because of a wealth-based franchise rather than on formal racial grounds. It is not surprising that the land issue was seen as a priority in 1980.

At the Lancaster House pre-independence conference in London, as well as in earlier plans for independence, the United States and Britain had pledged to set up a multi-million dollar fund in support of land resettlement. No such fund was ever created – a failure that President Mugabe referred to often when he relaunched the land issue in 2000. While this no doubt genuinely rankled with Mugabe, the truth is that the continuing uneven land distribution had little or nothing to do with the crisis that developed with increasing speed from early 2000 onwards.

In the 1980s, the Zimbabwe government had failed to spend the donor funds available for land resettlement. Admittedly these were extremely limited by comparison with the large amounts promised before independence. Land acquisition was hampered by a provision in the Lancaster House agreement that all land transactions must be on a “willing buyer, willing seller” basis. But the reality remains that the authorities did less than was in their power.⁴ When, in 1998, Zimbabwe hosted a donor conference on the land issue, additional money became available to finance resettlement. However, donors placed three conditions on their funding. Resettlement should be transparent, within the law and benefit the poor. The Zimbabwe government objected to the imposition of conditions, arguing that the issue was restitution of Zimbabwe's control over its own land.⁵ When, in 2000, it came to implement its own “fast-track” resettlement programme none of these conditions was met.

³ Moyo, S., The Land Question, in I. Mandaza (ed.), *Zimbabwe: The Political Economy of Transition 1980-1986*, Harare: CODESRIA, 1987; Stoneman, C., Agriculture, in C. Stoneman (ed.), *Zimbabwe's Inheritance*, London: Macmillan, 1981

⁴ United Kingdom, Department for International Development, *Land Resettlement Zimbabwe (Interim Evaluation)*, London, 24 October 2001

⁵ Govt Abandons Donors' Land Reform Proposals, *Zimbabwe Independent*, 12 May 2000

In fact, it is highly debatable whether Mugabe's arguments about Zimbabweans recovering their "own" land had much substance either. According to the Commercial Farmers Union (admittedly a partial source) 82 per cent of commercial farmers had bought their land by the time the land occupations began in 2000. Many had bought them since 1980.⁶ Under the land law, the government was obliged to issue a certificate of No Interest in all transactions. The meaning of this was that for any farm that was acquired under the post-2000 land resettlement programme that had been bought since 1980, the government had already issued a legally binding document stating that it did not want to acquire the land for resettlement.

2.2 Massacres in Matabeleland

Another neglected reference point in the 1980s is the almost genocidal massacres of the Ndebele by the Zimbabwean army. This episode strengthens the argument of those who maintain that Mugabe's desire to retain power has been the central cause of the recent crisis. The best estimates (although these could be conservative) suggest that some 20,000 civilians in Matabeleland died at the hands of the army's Fifth Brigade. A detailed investigation by two non-governmental organizations gives a clear picture of the nature of the killings. These were targeted on ethnic and political grounds, with many of those who died being older people. Almost all were peasants.⁷

The scale of the atrocities dwarfed recent political violence, but provoked minimal concern in international circles. The crisis in Matabeleland was prompted by government claims that the main opposition party, the Zimbabwe African People's Union (ZAPU) led by Joshua Nkomo, was caching arms and supporting a low-level insurgency by "dissidents". The dissidents were portrayed in the official media as surrogates of the *apartheid* government in South Africa. In reality most were dissatisfied former guerrilla combatants who had deserted from the new Zimbabwe National Army.⁸ ZAPU's popular base of support was effectively terrorized and, in 1987, the party was swallowed up by ZANU-PF. Zimbabwe became a *de facto* (although never *de jure*) one-party state.

2.3 The Emergence of Dissent

This display of extreme intolerance of political opposition was important in determining the manner in which dissent was articulated throughout the 1990s. Small opposition parties garnered support in a few constituencies in the general elections of 1990 and 1995, but the effective monopoly of ZANU-PF was not seriously challenged. The level of popular apathy towards conventional politics was extraordinary. In the 1999 local elections – only months before the dramatic government defeat in the constitutional referendum – voter turnout was a mere 3 per cent.⁹

Discontent with ZANU-PF rule was being articulated in other ways. Most important among these was the rise of the trade union movement. In its early days the Zimbabwe Congress of Trade Unions (ZCTU) was seen as an adjunct of the ruling party (with President Mugabe's

⁶ Kibble, S., Draft Analysis of Current Situation in Zimbabwe, May 2000 (unpublished document)

⁷ Berkeley, B., *Zimbabwe: Wages of War*, New York: Lawyers Committee for Human Rights, 1986; Catholic Commission for Human Rights and Legal Resources Foundation, *Breaking the Silence, Building True Peace: A Report on the Disturbances in Matabeleland and the Midlands 1980 to 1988*, Harare, 1997

⁸ Alexander, J., McGregor, J. and Ranger, T., *Violence & Memory: One Hundred Years in the 'Dark Forests' of Matabeleland*, Oxford: James Currey, 2000, Chapter 8

⁹ Kibble

brother as its first leader). By the early 1990s this had changed. Morgan Tsvangirai, an official of the powerful miners' union, became general secretary of ZCTU in the late 1980s and immediately provoked official opprobrium by criticizing government economic policies. (He was detained without charge under emergency powers.) In the early 1990s, the ZCTU assumed the leadership of a broad popular movement of protest at increased austerity.

While the early years of independence had been marked by increased spending on social objectives, notably education and health, by 1991 the government was obliged to impose a World Bank-authored structural adjustment programme. Although the government always maintained that it was the sole author of the Economic Structural Adjustment Programme, the revealing detail was the fact that it was written in US English (as used by the World Bank) and not in UK English like all other Zimbabwe government documents.¹⁰ The increase in unemployment, the rising price of basic goods and the cuts in government social spending were met with trade union-led mass protest.

In parallel with this growing mass opposition, a variety of civil society organizations were protesting about governance issues. At independence, for example, there had been only one human rights organization: the Catholic Commission for Justice and Peace in Zimbabwe. In the late 1980s and 1990s, this was followed by the Legal Resources Foundation, the Zimbabwe Human Rights Association, Zimbabwe Lawyers for Human Rights, Amani Trust and others. Many of these and other organizations joined together in the National Constitutional Assembly to campaign for constitutional reform. In 1989, the government-controlled *Chronicle* newspaper uncovered a corruption scandal involving the illicit resale of cars from the Willowvale car assembly plant in Harare (inevitably dubbed "Willowgate"). The scandal led to the dismissal of a number of government ministers and the suicide of one. Willowgate unlocked the potential for independent journalism as a means of scrutinizing government actions. A variety of privately-owned newspapers and magazines emerged. In the 1980s monthly magazines like *Parade* and later *Horizon* were important, followed later by weeklies such as the *Financial Gazette* and *Zimbabwe Independent*. In the early 1990s Modus, publishers of the *Financial Gazette* launched a short-lived daily. By 1999, however, the market was ready for the *Daily News*, a privately owned paper that quickly outsold the government's *Herald*. However, the government maintained its monopoly on the strategically crucial broadcast media.

The severe drought of the early 1990s increased popular suffering and helped create an anti-government mood among many social strata. Less predictably, soil erosion caused by the drought led to the uncovering of several mass graves in Matabeleland. This prompted the beginnings of openly expressed demands for the government to account for what had happened in the 1980s. More generally, human rights and civic groups began to articulate disquiet at the highly centralized and authoritarian style of government.

In the absence of any organized political opposition, these various strands of dissatisfaction coalesced around the demand for a new constitution. The constitution agreed at Lancaster House was weak to start with. It was a standard British post-colonial document, with limited protection of human rights. Protection of human rights had been weakened further by successive amendments (often prompted by Supreme Court rulings upholding constitutional rights against government interference). There had also been a creeping growth of

¹⁰ Bond, P., *Uneven Zimbabwe: A Study of Finance, Development and Underdevelopment*, Trenton: Africa World Press, 1998

presidential powers, especially after 1987 when Robert Mugabe shifted from the office of Prime Minister to become an executive president.¹¹

2.4 Intervention in the DRC

Popular discontent was roused in 1998 by the deployment of Zimbabwean troops in the Democratic Republic of the Congo (DRC) in support of the government of Laurent Kabila. The government presented the Zimbabwean military involvement in the DRC as part of its obligation to the Southern African Development Community (SADC). In fact this was a unilateral action, opposed by South Africa, the strongest power in SADC, among others. In reality, Zimbabwe's DRC entanglement is more likely to be explained by extensive business interests in the country, both personal and institutional.¹²

The complexities of the DRC were ill-understood in Zimbabwe, but the involvement was unpopular for several reasons. First and most importantly, the DRC involvement was correctly seen as placing immense strain on the Zimbabwean economy. The vast expense of maintaining a military force abroad led to an acute shortage of foreign currency. The official cost was US\$3 million a month – many put it as US\$1 million a day.¹³ The International Monetary Fund (IMF), irked by the lack of transparency in government accounting for the military outlay, withdrew its support.¹⁴

Second, there was a widespread perception that government figures were deriving illicit benefits from the Zimbabwean presence in the DRC. Thirdly, Zimbabwean casualties in the DRC were underplayed in official announcements, paradoxically creating an impression among sections of the public that the army was sustaining heavy losses. This caused outrage when placed alongside the money that many of the “chefs” or political leaders were thought to be making from the war. Finally, the war in DRC seemed to strengthen the hand of the military leadership in domestic politics. The militarization of political life was a trend that was increasingly causing concern to some observers, especially in the independent press and civil society groups. The DRC war was the most important proximate cause of the present crisis in Zimbabwe, although, curiously, events in Zimbabwe are seldom analysed with reference to the DRC.

2.5 Launch of the MDC and the Constitutional Referendum

The growing unpopularity of the government prompted the open emergence of the MDC in 1999. This was a development that had been a long time in the making, emerging as the MDC did from the trade union movement, with a significant leavening of human rights and other civil society activists. The party's leader was Morgan Tsvangirai of the ZCTU. Deputy leader was the ZCTU's president, Gibson Sibanda, and secretary general was Welshman Ncube, a law professor at the University of Zimbabwe.

¹¹ Article 19, *Zimbabwe: Media Monopoly and Popular Protest*, London, May 1998

¹² Big Wheels, *Africa Confidential*, 14 May 1999; Zimbabwe/Congo-Kinshasa: Rhodies to the Rescue, *Africa Confidential*, 5 November 1999; Zimbabwe/Congo-Kinshasa: Bye Bye, Billy, *Africa Confidential*, 31 March 2000; Zimbabwe/Congo-Kinshasa: A Military Trap, *Africa Confidential*, 28 April 2000; Zimbabwe/Congo-Kinshasa: Glittering Prizes from the War, *Africa Confidential*, 26 May 2000

¹³ Mugabe's Money Mine, *Sunday Telegraph* [London], 8 November 1998; United Nations Integrated Regional Information Network, *Zimbabwe: The DRC Intervention in Official Figures*, Harare, 27 October 1999

¹⁴ Zimbabwe Loans Cut Off as Leak Shows War Costs, *The Guardian*, [London] 7 October 1999

At this stage, however, Mugabe and his advisors had clearly failed to grasp the extent of popular dissatisfaction. In 1999 (before the official launch of the MDC) he established a commission to draft a new constitution, in an attempt to outflank the emerging opposition on an issue that it had made its own. The National Constitutional Assembly (NCA), the key coalition of civic groups on the constitutional issue, boycotted the work of the commission. It argued that the process was not truly independent, being subject to presidential appointment and not obliged to take account of public testimony to the commission. In a foretaste of the demonization of the opposition as colonial stooges, opponents of the constitutional commission were described in the official media as defenders of the “colonial” Lancaster House constitution.

The constitutional commission’s draft introduced various advances on the old constitution, although these fell far short of the NCA objectives. The crucial provision in the new draft, however, was inserted not by the constitutional commission but by the government itself after the draft had been committed. Article 57 of the proposed constitution required the British government to compensate commercial farmers for land expropriated by the Zimbabwe authorities. If it failed to do so, land would be taken without compensation.¹⁵

Approval of the new constitution was dependent on a referendum in February 2000. A glossy and well-produced propaganda campaign portrayed opponents of the new draft constitution as wanting a return to colonial rule. The new constitution was seen as the instrument whereby Zimbabweans would complete their national revolution and seize control of the land. Nevertheless, and despite its voice being submerged in the pre-referendum campaigning, the NCA and its allies in the “No” camp comfortably won the referendum, with 55.9 per cent voting against, and the draft was defeated.¹⁶

The government was genuinely stunned. This was the first time since independence that it had suffered electoral defeat on a national level. A parliamentary election was only a few months away, with every likelihood that the MDC could capitalize on the No vote, perhaps increasing it as the electorate realized that a vote for the opposition was not wasted.

President Mugabe made a gracious speech accepting the referendum result and agreeing to abide by it. Yet within days an amendment to the Land Acquisition Act was tabled in Parliament, reproducing precisely the provisions of Article 57 of the rejected draft. This was a matter of urgency, since Mugabe could no longer be confident of pushing such a measure through the new post-election parliament. However, it was indicative of the rush and confusion in government ranks that they entirely forgot that Parliament also needed to amend the constitution to allow expropriation of land without compensation. However, this could be achieved by presidential decree.

ZANU-PF explanations of the referendum defeat dwelt on the (electorally negligible) role of the white population. The far more significant issue, apparently ignored by government strategists, was the shifting class formation in post-independence Zimbabwe. The country was becoming rapidly proletarianized. While the constitutional commission pitched its appeal at the land-hungry peasant population, this group had become much less socially significant.

¹⁵ Media Monitoring Project Zimbabwe, *A Question of Balance: The Zimbabwean Media and the Constitutional Referendum*, Harare, March 2000

¹⁶ See, Johnson, R.W., *Political Opinion in Zimbabwe 2000*, Parklands: Helen Suzman Foundation, 2000, <http://www.hsf.org.za/special.html> [accessed 17 July 2003], chapter 4

An opinion survey on the eve of the referendum found that only nine per cent of the population saw land as a priority political issue. For most Zimbabweans, unemployment, inflation and the DRC war overshadowed it.¹⁷

Yet land was the issue on which Mugabe and ZANU-PF had chosen to fight. Only days after the referendum the land invasions began.

3 Political and Economic Situation

3.1 Land Invasions and the 2000 Parliamentary Elections

The land invasions were portrayed at the time as a spontaneous outburst of disgust at the thwarting of the government's plans for land reform. The invasions were said to be the work of liberation war veterans determined to see the liberation struggle through to its conclusions. While no one could fail to notice the studied non-intervention of the police, what was not generally appreciated at the time was the crucial role played by other security agencies – notably the army and the Central Intelligence Organization – in planning the operation.¹⁸

Later evidence that the land invasions were a military operation sheds light on a number of curious aspects that were noted at the time. It was interesting, for example, that farmers who were known to be MDC supporters were especially targeted in the early phase, while prominent white supporters of the ruling party did not have their land affected. It was also noted at the time that many of the occupiers were too young to have been the liberation war veterans they claimed to be (not sinister in itself, but suggestive that all was not as it appeared). Groups of land invaders were equipped with cellular telephones and were apparently in regular communication with others. The invasions were, in other words, anything but spontaneous.

Not only is the Zimbabwean political crisis not primarily about land, but the land invasions themselves were not really about the land issue either. Rather, they were a means of doing two things that were important elements of ZANU-PF's political strategy: displacing (and therefore disenfranchising) hundreds of thousands of unionized farm workers and creating a plausible ideological justification for repressing the opposition.

First, however, it should be understood that the land resettlement programme was a failure in its own terms. Even in the early stages, when land was being occupied but not yet transferred to new owners, it was unclear who the beneficiaries of land reform would be. The rhetoric spoke of landless or land hungry rural people, yet the assumption by the occupying war veterans themselves was clearly that they would themselves acquire the land that they were squatting.

Yet recent history suggested that neither war veterans nor poor peasants would be the beneficiaries of land redistribution. In 1992, after the expiry of entrenched clauses in the Lancaster House constitution, the government amended the Land Acquisition Act to accelerate its purchase of commercial farms. As was later revealed in the answer to a parliamentary question from an independent legislator, the bulk of the land acquired in the

¹⁷ *Idem.*, chapter 6

¹⁸ Army Brains behind Land Intrusions, *Financial Gazette* [Harare], 4 May 2000

1990s had gone to government and party officials.¹⁹ Similarly, a leaked report of an audit of the resettlement programme in early 2003 proved what many had already suspected about the “fast-track” land reform programme from 2000 onwards: that its principal beneficiaries were being rewarded for services to government and party. Those on the list of beneficiaries included not only normal functionaries but others who were crucial to ZANU-PF’s retention of power: judges, broadcasters, electoral officials, army officers and so on.²⁰ It also emerged that only 129,000 farmers had been resettled under the fast-track exercise – not the 300,000 claimed by the state, according to documents leaked to the MDC.²¹ Expropriated land had become a much sought-after currency of political patronage.

Displacement of farm workers, the ideological attack on the MDC and the use of land for patronage were all directed towards retaining power in the parliamentary elections. In the early days of the land invasions the high-profile victims of violence were white farmers. Yet far more significant in both numerical and political terms were the MDC officials and supporters who were victims of violence by the war veterans (and later by other actors, such as youth militia).

In addition to the campaign of violence, the June 2000 parliamentary elections were conducted in an atmosphere of total administrative confusion, with changes to the voters roll and the reallocation of two urban seats to rural Mashonaland within the last two months before the election. The towns were strongly pro-MDC – all the urban constituencies went to the opposition – while rural Mashonaland remained ZANU-PF’s electoral stronghold. This net shift of four seats from the opposition to the ruling party proved to be precisely the margin of victory that ZANU-PF achieved.²²

The general expectation was that the violence would subside once the parliamentary elections were over. That it did not can be explained by several factors. Most important was that in little more than 18 months there were to be even more important presidential elections. Unofficial totalling of the constituency returns for the June 2000 election – official totals were never published – suggested that the MDC had won a majority of the popular vote. If this were repeated then Tsvangirai would defeat Mugabe in the presidential vote. Hence intimidation and disenfranchisement became even more of a priority for ZANU-PF. In addition, repeated parliamentary by-elections meant that the violence of the national election campaign was re-enacted in an intensified fashion on a local level.

Although ZANU-PF had narrowly retained its parliamentary majority in June 2000, the shift in the political landscape seemed rather more like a victory to the opposition. What the voting figures revealed was that ZANU-PF was no longer a national party, but drew support almost exclusively from a section of the Shona-speaking peasantry. The Shona comprise some 80 per cent of the Zimbabwean population. The other main ethnic group, the Ndebele, are approximately 16 per cent of the total. The latter, mainly resident in Matabeleland, supported ZAPU prior to its absorption into the ruling party. What was now clear was that the Matabeleland massacres had not been forgiven and that, given an alternative, a large majority

¹⁹ Mugabe Gives White Farms to his Cronies, *Daily Telegraph* [London], 29 March 2000; Mugabe Cronies Let Prime Farms Wither, *The Times* [London], 31 March 2000

²⁰ Chefs Panic over Land Audit, *Zimbabwe Independent*, 4 April 2003

²¹ State Inflating Land Beneficiaries – MDC, *Standard* [Harare], 13 July 2003

²² See Media Monitoring Project Zimbabwe, *Election 2000: The Media War*, Harare, 2000

of Ndebeles would not vote for ZANU-PF. The population of the main towns – Harare, Bulawayo, Gweru, Mutare, Kwekwe, Masvingo – overwhelmingly supported the MDC across ethnic lines and, to a large extent, across class lines too. In rural Mashonaland, the picture was different. There was a significant base of support for ZANU-PF among the peasantry, the population of the communal lands. Among farm workers, however, organized through the General Agricultural and Plantation Workers’ Union of Zimbabwe (GAPWUZ), there was great support for the new opposition party. It was these farm workers who were the early targets of the violence. And since many of these workers were of non-Zimbabwean origin, the citizenship laws were also invoked to disenfranchise them.

3.2 A Strategy of Violence²³

Over the following months the targets of violence by the war veterans and militia expanded. In early 2001 a series of “company invasions” took place. This was a rather clumsy attempt to outflank the MDC among the organized working class. The war veterans – alongside a new pro-ZANU-PF trade union grouping called the Zimbabwe Federation of Trade Unions (ZFTU) – occupied factories and other company premises in pursuit of alleged grievances. They argued that the MDC and ZCTU were too close to the (white) bosses to defend workers’ interests. The actions stirred no appreciable interest on the part of the workers, but did succeed in damaging an already shaky business confidence. The real purpose in most cases appeared to be extortion. Although a few of the organizers of company invasions faced criminal charges, none was ever brought to trial. Among the affected companies were the Avenues Clinic, NCR Zimbabwe, Phillips Electrical, Alcatel Italia, Fawcett Security and Zimbabwe Spring Steel.

The next development was a series of extraordinary attacks on the functioning of the state itself. Local government agencies that delivered services impartially were regarded as “disloyal” for their failure to discriminate against opposition supporters and on a number of occasions closed down by force.²⁴ Schools were a particular target, with teachers being assumed to be MDC supporters. As early as May 2000, human rights groups reported schools being closed down in rural areas of Mashonaland, including Shamva and Mount Darwin.²⁵ Fundamentally, again, the issue was that teachers were delivering a good service to people on a professional and impartial basis. Additionally, however, they were distrusted because most were trade union members. Added to this was a certain lumpen mistrust of anyone with education, inculcated in militia recruits during their training sessions at the Border Gezi camp near Bindura. Evidence gathered by human rights groups suggested it was often teachers’ ability to read – and thereby to explain the content of newspapers and different political leaflets – that made them a militia target.²⁶ The militias themselves appeared blind to the irony that in attacking the schools they were actually destroying one of the finest achievements of Robert Mugabe’s government.

²³ For a more detailed analysis see Carver, R., *Zimbabwe: A Strategy of Tension*, Writenet for UNHCR, July 2000 and Carver, R., *Zimbabwe: Permanent Crisis*, Writenet for UNHCR, February 2002

²⁴ United Nations Integrated Regional Information Network, School Head Killed in Run-up to By-election, *Southern Africa: IRIN News Briefs*, 14 September 2001; War Vets Harass Doctors, *Zimbabwe Independent*, 28 September 2001

²⁵ Zimbabwe Human Rights NGO Forum, *The Unleashing of Violence: A Report on Violence in Zimbabwe as at 15 May 2000*, May 2000

²⁶ *Ibid.*

These attacks on the fabric of government dated back to early 2001, but they acquired a sharper political dimension as the main municipalities fell under MDC control. In September 2001, a leading war veteran, Joseph Chinotimba, led an attack on the municipal offices in Harare. Chinotimba, who was the Zimbabwe Liberation War Veterans Association (ZLWVA) official responsible for the land invasions, as well as being head of the pro-government ZFTU, was a junior municipal police officer, as were the others who took part in the raid.²⁷ A more serious incident took place two months later. In September 2001, Japhet Ncube of the MDC had been elected mayor of Bulawayo, the first elected executive mayor from an opposition party. In November of the same year, after the unexplained murder of a Bulawayo war veterans' leader, a contingent of veterans, led by senior ZANU-PF politicians, invaded the Bulawayo Town Hall and occupied the mayor's office. They then went on to burn down the MDC's Bulawayo office, while police watched them.

The attacks on local government escalated further after March 2002, when the MDC's Elias Mudzuri was elected executive mayor of Harare. The mayor, municipal officials and activists in local residents' associations have been frequent targets for arrest and assault. This culminated April 2003 with Local Government Minister Ignatius Chombo suspending Mayor Mudzuri from office.²⁸

Until late 2001 the geographical focus of the violence was largely in rural Mashonaland – in other words it focused on the areas where ZANU-PF was strongest. The November 2001 attacks on the Bulawayo Town Hall and MDC office marked a shift in focus, with solidly pro-MDC Matabeleland now becoming a priority.

3.3 The Presidential Elections

It is remarkable that, despite the disenfranchisement of many voters who had been driven from their homes and despite the fear generated by months of intimidation, the mood in the opposition camp was still bullish. Indeed, it seems certain that Tsvangirai would have won a fair poll, despite these considerations – not to mention other factors like the total broadcasting monopoly enjoyed by ZANU-PF.

The election result was achieved by manipulation of the voters' roll. A total of 5.6 million voters were registered, of whom 400,000 were on additional voters' rolls in some rural areas, and had been added after registration had closed. Various reports allege that approximately 1.6 million names were added to the voters' roll. This allegation is confirmed by economist John Robertson with reference to the 2002 census figures. These showed a population of 11.6 million, of whom 59 per cent were under 18. This leaves a maximum voting population of 4.7 million. In fact, only about 80 per cent of voters were reported to have registered (4.1 million), suggesting that 1.5 million names had been added to the roll.²⁹

The MDC's legal challenge to the result is currently being heard. The Registrar General has refused to release a copy of the voters' roll.³⁰

²⁷ *Financial Gazette*, 28 November 2001

²⁸ Harare's MDC Mayor Suspended, *BBC News*, 30 April 2003, <http://news.bbc.co.uk/1/hi/world/africa/2987457.stm> [accessed July 2003]

²⁹ 1.5m 'Ghosts' Voted in Zim Election – Census, *News24* [Johannesburg], 4 February 2003

³⁰ Tsvangirai Loses Appeal for Computerised Voters' Roll, *Daily News* [Harare], 15 November 2002

3.4 Legislative Measures

The period since the constitutional referendum in February 2000 has been marked by the passage of a series of legislative measures aimed at suppressing dissent, the main ones being the Broadcasting Services Act (2001), the Public Order and Security Act (2002), the Access to Information and Protection of Privacy Act (2002) and the Labour Relations Amendment Act (2003).

The Broadcasting Services Act was introduced in response to a Supreme Court ruling that the government monopoly of broadcasting through the Zimbabwe Broadcasting Corporation (ZBC) was unconstitutional. The court had required the government to create a mechanism for allocating licences and space on the frequency spectrum for private broadcasters. Yet it has had no such effect. In large part this is because of flaws in the Act itself. The final decision on the allocation of broadcasting licences rests with the Minister of State for Information and Publicity. He is advised by the Broadcasting Authority of Zimbabwe (BAZ) – which he appoints. Hence, despite being in nominal conformity with the Supreme Court ruling – it does establish a means whereby broadcasters could be licensed – in practice it retains the *status quo* of government control over all broadcasting. The BAZ has not to date granted broadcasting licences to any applicants. The only significant decision based upon the Act has been to close down *Joy TV*, a private company that leased ZBC's second television channel.³¹ Joy TV was owned by a senior ruling party figure. It had been prevented from rebroadcasting BBC news bulletins but otherwise contained nothing but entertainment shows. The new law stated that a licence-holder could not sub-lease air time to another broadcaster – so the ironic effect of an Act to create broadcasting diversity was to remove the one hint of variety in the Zimbabwean airwaves.

The Public Order and Security Act (POSA) was also introduced in response to criticism of existing legislation. It replaced the Law and Order (Maintenance) Act, a piece of colonial legislation that the Mugabe government had frequently used to limit the right of assembly. In fact the new Act was in a number of respects more restrictive than the law it replaced. POSA reintroduced provisions that had been ruled unconstitutional by the Supreme Court: the compulsory carrying of identity cards and the offence of publishing “false news”. Introduced after the 11 September attacks in the United States, POSA makes liberal reference to the threat of “terrorism”. However, the new law criminalizes opposition tactics such as boycotts and civil disobedience and introduces new restrictions on public gatherings. POSA has been used on a number of occasions against opposition supporters holding peaceful protests.³²

The Access to Information and Protection of Privacy Act (AIPPA) was also presented as a government response to demands for liberalization. For the first time it introduced a limited right of public access to information held by government bodies. However, Amnesty International notes that “contrary to its name, AIPPA is not about improving access to information or protecting privacy, but protecting the government from scrutiny by restricting access to information held by public bodies and penalizing public and media inquiry of its actions”.

³¹ Amnesty International, *Zimbabwe: Rights under Siege*, London, May 2003; Human Rights Watch, *Zimbabwe: Submission to the Commonwealth Ministerial Action Group*, New York, January 2002

³² Amnesty International, *Zimbabwe: Rights...*

The principal means whereby AIPPA does this is through a system for licensing both media houses and individual journalists. International standards and jurisprudence stress the need for any media regulatory body to be independent of government and reject any accreditation system that gives the authorities discretion over who may or may not practise journalism. AIPPA, by contrast, creates a Media and Information Commission, appointed by the Minister, with power to decide which newspapers and journalists can practise.³³ Worst hit have been foreign correspondents. The government states that its objective is to make foreign news organizations employ Zimbabweans – a laudable aim somewhat undermined by the authorities’ repeated harassment of those Zimbabweans such as Basildon Peta of the *Independent* group who do work for foreign media. All non-Zimbabwean correspondents of the foreign media have been expelled by one means or another – the last of them Andrew Meldrum of the British newspaper the *Guardian*. Meldrum only stayed so long because he was a permanent resident and therefore could not be ejected by the usual means of terminating his work permit. In fact, Meldrum became the first journalist to be prosecuted under AIPPA for publishing false news, but was acquitted. He was later abducted and illegally flown out of the country.³⁴

The Labour Relations Amendment Act, like the other recent legislative changes, has been presented as a response to criticism from civil society. In this case the issue was the harmonization of existing labour legislation – the Labour Relations Act governing private sector workers and the Public Servants Act, dealing with the public sector. Public sector workers had no right to join trade unions or to strike. The harmonization has had the effect of taking away important rights from unionized workers, severely limiting the right to strike. In particular the definition of “essential services” – where workers may not strike at all – has been significantly expanded to include any services “the interruption of which endangers immediately the life, personal safety or health of the whole or any part of the public”. Previously it referred more specifically to fire prevention, health care and water and electricity supply. The move appears to be a direct response to the MDC’s use of mass “stayaways”, or general strikes, as a weapon of protest against the government.³⁵

3.5 The Attack on Judicial Independence

One of post-independence Zimbabwe’s great strengths has been the independence and vigour of its judiciary. The tradition of judicial independence does not have strong roots in the country. Under the Rhodesian regime judges generally acquiesced in the government’s harsh measures to suppress the nationalist movement. Yet, far from regarding the strength of the judiciary as a positive element in nation-building, the government has generally sought to undermine judicial rulings by adverse legislation. The large number of constitutional amendments have mostly been adopted in response to critical decisions in the Supreme Court. However, the government had not in the past directly confronted the judiciary.

The problem the government faced from 2000 onwards was that it was engaged on a course of sustained illegality. It was simultaneously sponsoring violent attacks on opposition supporters and undertaking a programme of land expropriation in defiance of constitutional principles. A confrontation with the judiciary was inevitable.

³³ Amnesty International, *Zimbabwe: Rights...*; Media Monitoring Project Zimbabwe, *Zimbabwe Journalists under Siege*, Harare, 4 July 2002

³⁴ Outrage as Mugabe Defies Courts to Expel Reporter, *Observer* [London], 18 May 2003

³⁵ Amnesty International, *Zimbabwe: Rights...*

The Supreme Court ruled in December 2000 that the fast track programme did not comply with the guarantees in the constitutional Bill of Rights. In a later ruling it also found that the procedure being used did not even comply with the much-amended Land Acquisition Act either (for example, in short-cutting the right of judicial appeal against an administrative decision to acquire land). The ruling had no effect on the practice on the ground, but did result in a series of threats from the war veterans to Chief Justice Anthony Gubbay and other Supreme Court judges. The government's response to the threats was merely to state that it could not offer protection to the Chief Justice, who then resigned. In his place, the President appointed not one of the remaining Supreme Court judges but the more junior Godfrey Chidyausiku, who was Judge President, or head of the High Court. In addition the Supreme Court bench was expanded by the appointment of a number of junior judges.³⁶

In a parallel move the President used the Presidential Powers Act to amend the Land Acquisition Act, removing the right of appeal to a judicial authority. (Presidential powers are justified as being for use in an emergency, but are frequently used to enact unpopular changes to the law without taking the matter to parliament.) When the amended Land Acquisition Act was again challenged in the Supreme Court, the newly constituted bench ruled in its favour. Chief Justice Chidyausiku refused to withdraw himself from the bench hearing the case, despite having made public political pronouncements on the land issue – and himself having acquired a seized commercial farm. Several other judges were also beneficiaries of the land reform programme. The chair of the Bar Council stated that the judgement, in December 2001, marked the end of the rule of law in Zimbabwe. He was severely rebuked by the court.³⁷

Already in May 2001, a High Court judge, James Devittie, had resigned after threats from the war veterans. Devittie had heard a number of the electoral challenges mounted by the MDC after the June 2000 parliamentary elections, finding in the opposition's favour on several occasions.³⁸

In September 2002 police arrested Judge Fergus Blackie, immediately after he had retired from the High Court bench. Blackie had ordered the arrest of Justice Minister Patrick Chinamasa for contempt of court after the Minister had failed to comply with a court ruling. Blackie was accused of improperly acquitting a woman charged with fraud, with whom he was accused of having a sexual relationship. In fact, Judge Blackie had never met the woman and all charges were finally dropped in June 2003.³⁹ The United Nations Special Rapporteur on the Independence of Judges and the Judiciary described Blackie's arrest as "intimidation of the gravest kind".⁴⁰

In February 2003 High Court Judge Benjamin Paradza was arrested in his chambers and detained overnight. The reason for his arrest appears to have been an order he issued for the

³⁶ See Carver, *Zimbabwe: Permanent Crisis?*

³⁷ Human Rights Watch, *Zimbabwe: Submission...*

³⁸ Zimbabwe Human Rights NGO Forum, *Enforcing the Rule of Law in Zimbabwe*, Harare, September 2001

³⁹ Judge's Freedom Welcomed, *News24* [Johannesburg], 2 July 2003

⁴⁰ United Nations, Expert Expresses Grave Concern over Arrest of Another Judge in Zimbabwe, 19 February 2003 (press statement)

release of the Mayor of Harare, Elias Mudzuri. Judge Paradza was charged with obstructing the course of justice. The charges remain outstanding.⁴¹

One of the effects of this constant interference is that in certain types of case the justice system has simply ground to a halt. For example, the MDC has succeeded in a several of its election petitions against constituency results in the 2000 parliamentary election. Yet the government has appealed against each of these High Court decisions. The Supreme Court under Chief Justice Chidyausiku apparently has no intention of hearing the appeals.

3.6 Economic Collapse

The direct effect of the government's policy of land seizures has been the implosion of the economy – the fourth largest in Africa. Official figures released in July 2003 estimate the annual rate of inflation at 364.5 per cent.⁴² The economy has shrunk by 25 per cent over the past three years and there are acute shortages of most essential goods.⁴³

The initial impact of the land seizures was a threat to the banking system, which was sustained by loans secured on land. Several months down the line, after the first harvests, the impact of the seizures was felt in a significant drop in foreign exchange earnings. Even before 2000, foreign currency was in short supply because of the massive amount being spent on the DRC war. The main effect of this was shortages of fuel, which in turn fed domestic inflation. At that stage the issue was how foreign exchange was being allocated. From 2001 onwards it became a question of where foreign exchange could be found. Agriculture, especially tobacco, is by a clear margin the main foreign exchange earner but production was seriously hit leading to loss of earnings. Fuel shortages became more acute, causing increased inflation in other goods. It was Zimbabwe's misfortune that this coincided with serious drought throughout the Southern Africa region, but even given favourable weather it is unlikely that the outcome would have been significantly different.

The general air of crisis – violence and attacks on businesses, as well as a banking system under threat and acute shortages of foreign exchange – led to many businesses closing down. The Confederation of Zimbabwe Industries estimates that some 400 manufacturing companies have closed down over the past two years.⁴⁴ The tourist industry, another important foreign exchange earner, has collapsed completely because of the general insecurity. The largest source of foreign exchange now is remittances from Zimbabweans living and working outside the country – most of whom have left since 2000 because of political repression and economic collapse.⁴⁵

Government attempts to address the crisis have been ineffectual or worse. The government negotiated a deal with Libya to supply oil in return for land and payment in local currency. That arrangement has been under strain because of the failure even to make payments in Zimbabwe dollars. Fuel shortages have now reached the stage where motorists expect to queue for weeks – with no guarantee of success at the end.⁴⁶

⁴¹ *Ibid.*

⁴² Inflation in Zimbabwe Surges to 365%, *Financial Times* [London], 16 July 2003

⁴³ International Crisis Group, *Zimbabwe: Danger and Opportunity*, Harare; Brussels, March 2003

⁴⁴ Economic Meltdown Leads to Innovative Banking Measures, *Business Report* [Johannesburg], 20 July 2003

⁴⁵ Mugabe Faces Revolt in City of Desperate and Dishonest, *Observer* [London], 1 June 2003

⁴⁶ Reuters, Zimbabwe Hikes Fuel Prices amid Shortages, *Crisis*, 16 April 2003

Price controls on essential products have been another strategy to deal with inflation. The effect has been to require producers of essential goods – such as the baking industry – to manufacture at below cost. The result has been hoarding and more businesses collapsing.⁴⁷

An attempt to clamp down on parallel currency dealing was another ill-fated strategy to address the crisis. At the time of the Minister of Finance's budget statement in November 2002, the market exchange rate for the US dollar was more than 20 times the official rate of 55:1. Up till that point, many businesses had managed to carry on by operating a "blend" rate at a half way point between the official and market rates. Finance Minister Herbert Murerwa prohibited banks from continuing with this practice, driving out more businesses. Subsequently he was forced to back down on the exchange rate, which had been pegged at 55:1 since before the beginning of the crisis. The Zimbabwe dollar currently exchanges at 824:1 against the US dollar – but the market rate is around 2,500. Devaluation would lead to foreign currency inflows into the official market, but it would also destroy a highly lucrative opportunity to make money. Many business people with close links to the government have been making enormous profits from allocations of foreign exchange at official rates, which they sell back at the market rate, multiplying the value of their assets in two easy transactions. Although the real economy is collapsing at great human cost, enough people are profiting to make a radical shift in government policy unlikely.

The latest proposed solution from the Reserve Bank of Zimbabwe – releasing Z\$24 billion into the money market – will only fuel inflation further in the absence of goods for it to buy.⁴⁸ The Reserve Bank also faces a severe practical problem: the country is physically running out of money. Hyperinflation has meant that there are not enough banknotes and the government lacks the foreign exchange to buy the paper and ink to print more. Its solution – only to print notes in high denominations – can only be a temporary one while inflation runs at such a high rate.⁴⁹

3.7 Food Shortages

The most serious impact of Zimbabwe's economic crisis has been the creation of acute food shortages. Latest estimates suggest a shortfall of 1.27 million tonnes of grain – more than half the country's requirement of staple food. Half of the population of 11.6 million is estimated to need food aid. A recent study by the Food and Agriculture Organization (FAO) and World Food Programme (WFP) makes it clear where the primary responsibility for the shortages lies: the commercial farming sector since the land reform exercise produces only 10 per cent of its output in the 1990s.⁵⁰

Maize, the country's staple food, is virtually unobtainable in the towns, making the urban population much more dependent upon bread consumption. But wheat production, even more than maize, is totally dependent on the commercial sector.

⁴⁷ Bread Shoots to \$1000 a Loaf, *Daily News* [Harare], 7 July 2003

⁴⁸ Economic Meltdown...

⁴⁹ Rule by Hoax and Fantasy – from Land to Bank Notes, *ZWNews*, 8 July 2003

⁵⁰ Food and Agriculture Organization, *FAO/WFP Crop and Food Supply Assessment Mission to Zimbabwe*, June 2003, <http://www.fao.org/docrep/005/y9730e/y9730e00.htm> [accessed July 2003]; Zimbabwe Land Reform Sees 90% Drop in Production, *Mail & Guardian* [Johannesburg], 20 June 2003

There are several reasons why land resettlement has had such a dramatic effect on food production. The first and obvious reason is that the violence and disruption in the countryside has made it impossible for many farmers, both commercial and small-scale, to plant, tend their crops and harvest at the proper times. However, other factors suggest that even a return of order to the countryside will not restore food production to its former level.

Since independence there has been an enormous increase in maize production by small-scale farmers in the communal lands. Indeed, this has been one of the successes of the Mugabe government's agricultural policy. The assumption on the part of government supporters appears to be that this success can be replicated on resettled farms. However, the success of communal farmers has been predicated upon the availability of inputs and the existence of efficient extension services. The fast-track land reform programme has been carried through with such speed precisely because it has failed to provide such services. Meanwhile the foreign exchange crisis has seriously hit the availability of agricultural inputs. Land resettlement without infrastructure cannot reproduce the impressive levels of output in the communal lands. Indeed, for this very reason many communal farmers have refused the possibility of resettlement on former commercial farms, while those who have resettled have been unproductive.⁵¹

The other major difference between the commercial farms and communal maize production is that much commercial agriculture is irrigation-fed. This makes it less sensitive to drought. The irony of the food shortages over the past two seasons has been that the country's dams have been full of water but the destruction of irrigation equipment has meant that it has been impossible to water crops.

The impact of the food shortages has not been uniform and it is possible to identify groups that are especially vulnerable, by geography, social background and political allegiance. As always, semi-arid Matabeleland has been hardest hit by drought. This is cattle country and maize production has always been a marginal subsistence activity. However, the situation of people there has been compounded by their support for the opposition in recent elections. There is ample evidence that distribution of relief supplies has been manipulated to the benefit of ZANU-PF supporters, with the effect that the principal casualties of food shortage and even starvation have been MDC supporters.⁵² In addition, and hardly surprisingly, displaced people are the most vulnerable social group. The recent FAO/WFP study identifies displaced farm workers as especially at risk: "The situation of over 400,000 former farm workers and their families is desperate, as they have, in many cases, been displaced from their homes, have not benefited from the land reforms and have few employment opportunities."⁵³

The disproportionate impact of food shortages on the opposition has led some observers to see this as part of near-genocidal programme on the part of the government. Whether this is true or not, the words of Didymus Mutasa, one of President Mugabe's closest advisers, are

⁵¹ New Farmers' Dream Turns into Nightmare, *Standard* [Harare], 6 July 2003

⁵² Physicians for Human Rights – Denmark, *Vote ZANU-PF or Starve: Zimbabwe August-October 2002*, Risskov, November 2002

⁵³ Food and Agriculture Organization, *FAO/WFP Crop and Food Supply...*

chilling: “We would be better off with only six million people, with our own people who support the liberation struggle.”⁵⁴

3.8 International Response

President Mugabe’s exploitation of the land issue and the extensive use of anti-imperialist rhetoric was a conscious attempt to internationalize Zimbabwe’s domestic politics. Britain, the former colonial power, was held to be responsible for the land issue. It was an approach that elicited a good deal of sympathy elsewhere in Africa – most importantly in neighbouring South Africa.

In fact, the crisis in Zimbabwe initially prompted a fairly critical response from the SADC under the leadership of Malawi. This may have been because of the fear that Zimbabwean farm workers of Malawian origin would have returned to their country of origin at a time when it was also heavily affected by drought. However, at a governmental level pan-African institutions quickly fell in line behind Mugabe’s stance. There was a general sympathy with his criticisms of Britain and an uncritical acceptance of allegations that the MDC was a surrogate for neo-colonial interests rather than a genuine home-grown opposition.

The reaction in other international forums was rather different. The European Union (EU), one of Zimbabwe’s most important trading partners, reacted sharply. Both the EU and the United States imposed targeted personal sanctions on a number of ministers and senior officials in the Zimbabwe government. These included travel bans that curtailed the frequent shopping trips to Europe by Zimbabwe’s government leaders and their families.

International efforts to intervene in the Zimbabwe crisis tended to focus on those forums, notably the Commonwealth, where European and African governments both participated. In September 2000, the Commonwealth sponsored an agreement at Abuja, under which the Zimbabwe government pledged to end all illegal land occupations. The agreement was criticized by the Zimbabwean opposition and civic groups since it stated that the issue of land reform was central to resolving the Zimbabwe crisis: “Land is at the core of the crisis in Zimbabwe and cannot be separated from other issues of concern to the Commonwealth such as the rule of law, respect for human rights, democracy and the economy. A programme of land reform is, therefore, crucial to the resolution of the problem.”⁵⁵

At the same time, however, the Abuja agreement obliged the Zimbabwe government to respect the rule of law: “The orderly implementation of the land reform can only be meaningful and sustainable if carried out with due regard to human rights, rule of law, transparency and democratic principles. The commitment of the government of Zimbabwe is therefore crucial to this process.”

The agreement listed a number of specific commitments on the part of the Zimbabwe government:

- No new farm occupations;
- Removal of occupiers of farms that were not listed for resettlement;

⁵⁴ International Crisis Group, *Zimbabwe: The Politics of National Liberation and International Division*, Harare; Brussels, October 2002

⁵⁵ Text of the Abuja Agreement on Zimbabwe, *The Namibian*, 7 September 2001, <http://www.namibian.com.na/2001/September/africa/01109CAC75.html> [accessed July 2003]

- Restoration of the rule of law to the land reform programme;
- Respect for freedom of expression;
- Firm action against violence and intimidation.⁵⁶

Significantly, the text of the Abuja agreement was never published in Zimbabwe and the government systematically misrepresented its content. It was portrayed as a diplomatic triumph for Zimbabwe in securing international backing for land reform. In practice, the pledges of financial support within the Abuja agreement never materialized for the reason that Zimbabwe failed to abide by any of the undertakings it had made.

When the Commonwealth Heads of Government met in Australia in early 2002, ahead of the Zimbabwe presidential election, their decision not to take punitive action against Zimbabwe was portrayed in the official media as a defeat for Britain and its neo-colonial allies.⁵⁷ In fact, after the elections, and following a highly critical report from the Commonwealth observer team, Zimbabwe was suspended from the organization.⁵⁸ To date it has not been reinstated.

The crucial regional actors in trying to secure a resolution of the Zimbabwe crisis have been South Africa and Nigeria. Presidents Thabo Mbeki and Olusegun Obasanjo were members of the Commonwealth troika that took the decision to suspend Zimbabwe. Both countries are also sponsors of the New Economic Partnership for African Development (NEPAD). This seeks new investment in Africa, along with other positive economic measures including debt relief. Built into NEPAD is a mechanism for ensuring good governance among African states that would benefit from the plan. The Zimbabwe crisis has been the first and continuing test of NEPAD and the capacity of African governments to police high standards of governance and respect for human rights.

President Mbeki has additional reasons to be concerned about the Zimbabwe crisis. The collapse of the Zimbabwean economy has had a direct effect on the strength of the South African currency, the rand. More generally, the chaos north of the Limpopo has fostered negative perceptions of the region as a whole, and there are fears that it could have an adverse impact on inward investment to South Africa. More concretely, South African companies and the government itself are creditors of Zimbabwe. But the interest is more than economic. The outcome of Zimbabwe's land crisis is of intense interest to many in South Africa because it has a far more complex and intractable land problem of its own. Politically, Mbeki has made it clear that he is unimpressed with the MDC – a mass opposition movement growing out of the trade unions. The MDC has maintained cordial relations with the Confederation of South African Unions – a partner in the ruling “tripartite alliance” with the African National Congress, but increasingly distanced from the Mbeki leadership on a number of important issues.⁵⁹

Mbeki and Obasanjo, along with President Bakili Muluzi of Malawi, have been behind recent initiatives to broker talks between ZANU-PF and the MDC – a process that has been under way without great success since the 2002 elections.

⁵⁶ *Ibid.*

⁵⁷ Media Monitoring Project Zimbabwe, *Daily Media Update*, 5 March 2002

⁵⁸ Zimbabwe Suspended, *Daily News* [Harare], 20 March 2002

⁵⁹ South Africans Show Solidarity with Zim Opposition, *Afrol News*, 27 June 2003, http://www.afrol.com/News2003/zim015_sa.htm [accessed July 2003]

4 Principal Actors

4.1 ZANU-PF

The Zimbabwean ruling party has always been deeply divided along factional lines. Factionalism within the Zimbabwe African National Union stretches back well before independence, with Robert Mugabe's seizure of the party leadership from Reverend Ndabaningi Sithole in 1974 the clearest public expression of this. Throughout the 1970s dissident ZANU members were imprisoned in exile. The assassination of party president Herbert Chitepo in 1975 was officially ascribed to Rhodesian government agents but has always been widely believed to be the result of internal factionalism.⁶⁰

After independence it became clear that the closest insiders were Zezuru – members of the same Shona sub-group as Robert Mugabe. Yet purely ethnic explanations were a lazy shorthand for a constantly shifting factionalism. Currently a number of clear fault lines can be identified within the party. First, there is a general alienation of most of the old-timers in the party hierarchy from the rising generation of the party leadership. The most prominent of these is the ubiquitous Jonathan Moyo, a former academic critic of ZANU-PF who has become Information Minister. He, along with figures like Agriculture Minister Joseph Made, Justice Minister Patrick Chinamasa and Local Government Minister Ignatius Chombo, are ultra-loyal to Mugabe and have no independent base of support within the party. Although Moyo's name is often mentioned in the debate over who would succeed Mugabe, no one takes the challenge seriously. This group owe their current position entirely to Mugabe's patronage and depend upon his continuing leadership.

The older generation that came up through the party during the period of the liberation struggle view these newcomers with ill-disguised hostility. But they do not represent a coherent faction either. Parliamentary Speaker Emmerson Mnangagwa is often seen as a potential successor to Mugabe. He has been a key figure in the party leadership since the 1970s. In the 1980s he was the security minister responsible for the Matabeleland repression and, as the official responsible for the business interests of the party, played a crucial role in the entanglement in the DRC. Because of these and other roles he is bound more closely to Mugabe than any other politician. For this reason he is almost certainly the President's favoured successor. The problem is that, outside his own party base in the Midlands, he is not a popular or charismatic figure.

Another figure who is spoken of as a presidential contender is the former army commander, General Solomon Mujuru. One of the military leaders of the liberation struggle, General Mujuru retired from the military and parliamentary politics some years ago to concentrate on building up his business interests. His current political advantage is that he is simultaneously a party loyalist and someone not directly implicated in the abuses of the past three years.

The best defined faction within ZANU-PF is the Masvingo-based grouping around the former government minister Eddison Zvobgo. Zvobgo and his supporters have made no secret since the 1980s of their desire to lead the party and their dissatisfaction with Mugabe's leadership. It was a close associate of Zvobgo's, Dzikamai Mavhaire, who in 1998 first raised the previously unthinkable possibility that Mugabe should be replaced as party leader. As chairperson of the Parliamentary Legal Committee, Zvobgo has been highly critical of

⁶⁰ Chitepo Killers Named, *Standard* [Harare], 30 September 2001

government legislation. His thorough demolition of Jonathan Moyo's Access to Information and Protection of Privacy Bill was especially memorable: he described the Bill as "the most calculated and determined assault on our liberties guaranteed by the Constitution".⁶¹

Zvobgo's own presidential ambitions are probably a thing of the past. He could not muster enough backing within the party to succeed Mugabe, but there is little doubt that he could emerge as a key political figure in any negotiated settlement with the opposition, as probably the only important leader of the ruling party whom the opposition would trust.

4.2 War Veterans and Militias

It is possible to identify with some precision the moment when the liberation war veterans became a significant factor in the politics of Zimbabwe. In October 1997, under the leadership of the ZLWVA they marched on State House demanding an increase in their pensions. Without consulting his Finance Minister, Mugabe granted them Z\$50,000 each and a monthly pension of Z\$2,000 (approximately US\$1,000 and US\$40 at the time).⁶² This marked the dramatic rise of the ZLWVA's leader, Dr Chenjerai Hunzvi, but it also sealed an important relationship between Mugabe and the war veterans.

Hunzvi exercised a particular leverage because, as a physician, he had certified that many leading politicians were suffering from severe (and frequently improbable) disabilities that entitled them to extensive compensation.⁶³ The increased pensions and the *ex gratia* payments to war veterans created a two-way obligation that Mugabe was to capitalize on when he was in political trouble. The land invasions of 2000 not only marked an attack on the opposition (and white landowners) but also dramatically outflanked the party. At different moments the Minister of Home Affairs, Dumiso Dabengwa (himself a war veteran) and Vice President Joseph Msika called upon the war veterans to vacate the occupied land.⁶⁴ They took no notice. The police (led by war veteran Augustine Chihuri – a beneficiary of a Hunzvi medical examination) did nothing to intervene. It was clear where political power lay – and it was neither within the party nor within the state apparatus.

It has been suggested that the war veterans function as a sort of "Red Guard", an echo of Mugabe's Maoist background. They were a way of the President bypassing the intractable factions within the party and reasserting himself as the sole source of political power and patronage.⁶⁵ The use of war veterans was especially potent, not only because of their symbolic importance as people who risked their lives to liberate the country. To be a war veteran was also to be part of a freemasonry that extended through the party and state apparatus.

The importance of the war veterans was as a political phenomenon. Not all veterans were part of the ZLWVA and many disapproved of the role that they were playing in the land invasions. For example, Dumiso Dabengwa, the Home Affairs Minister defied by the veterans, was a war veteran himself, as were a number of prominent figures in the MDC. One

⁶¹ Amnesty International, *Zimbabwe: Rights...*

⁶² Forgotten Fighters, *Africa Confidential* [London], 21 November 1997

⁶³ Zimbabwe, Commission of Inquiry into the Administration of the War Victims Compensation Act, *Report*, Harare, 1998

⁶⁴ Dabengwa Throws In the Towel over Invaders, *Daily News* [Harare], 30 May 2000

⁶⁵ Kibble

group of veterans set up their own organization, the Zimbabwe Liberators' Platform (ZLP), in explicit opposition to the pro-Mugabe politics of the ZLVWA.⁶⁶

With Chenjerai Hunzvi's death in 2001, the political influence of the war veterans declined sharply. Already there was tension over the allocation of occupied farms to prominent officials rather than to the veterans themselves. Hunzvi's death (from natural causes) undoubtedly solved a political problem for Mugabe. The war veterans' role came increasingly to be taken over by the National Youth Service, a militia group popularly known as the "Green Bombers". (The name derives from their green uniforms – but is also the popular name for a large, unpleasant household fly.) The rise of the militia has seen a decline in the political leverage of the war veterans. Although the militia is funded out of the national budget, it is in reality politically partisan.⁶⁷ But, like the veterans, neither is it an instrument of the ruling party. The politician behind the establishment of the militia was Border Gezi, another of the younger faction in the party who are strong Mugabe loyalists. Gezi died in a car crash in 2001. The main training centre for the militia still bears his name. The militia is clearly a force loyal to Mugabe rather than to ZANU-PF.⁶⁸

The militia's main mode of operation is to establish bases in each rural area, creating a permanent threatening presence, as well as a centre that can be used for detention and torture. There are some 162 militia bases throughout the country, focused on rural Mashonaland. Militia members are enticed into the force with the offer of land (although like the war veterans, they do not appear to have been particular beneficiaries of the land redistribution). New recruits are often encouraged to commit atrocities as an initiation that will make it more difficult for them to back out of the militia in future. This practice has been commonly observed in other conflicts where child soldiers have been involved, including Liberia, Sierra Leone and Uganda.⁶⁹

4.3 Army and Police

The perceived militarization of public life in Zimbabwe was one of the factors underlying the current crisis. Although the Zimbabwe National Army has often been portrayed as professional and divorced from politics, this has never been entirely true. The leadership of the armed forces remains in the hands of leaders of ZANU's liberation war guerrilla army. The desertion of newly integrated guerrillas in the early 1980s was partly a protest at the political bias in the army leadership, and the subsequent massacre of civilians in Matabeleland was a clear indication of the extent to which the army was prepared to abandon professional standards.

Conventional analysis of the factional rivalries within ZANU-PF tended to emphasize a certain distance between Mugabe and the military leadership, which was dominated by Karangas from Masvingo Province. Yet in the later 1990s, as there were the first indications of discontent with Mugabe inside the party (not least from Eddison Zvobgo, Dzikamai Mavhaire and other Karangas) it was to the army that the President increasingly turned. The

⁶⁶ Ex-fighters Dismiss Threat of Civil War, *Daily News* [Harare], 21 June 2000

⁶⁷ United Nations Integrated Regional Information Network, *Zimbabwe: Backlash against ZANU-PF Youth Militia*, 18 December 2002

⁶⁸ Reeler, A. P., *The Role of Militia Groups in Maintaining ZANU-PF's Political Power*, March 2003 (unpublished document)

⁶⁹ *Ibid.*

army leadership was clearly a beneficiary from the lucrative mining contracts on offer in the DRC. They in turn were highly sensitive to any criticism of their role. In January 1999, when the *Standard* newspaper ran an article alleging that some officers were discussing a military coup against Mugabe, it was military police who arrested the paper's editor and one of the reporters, holding them illegally for several days and torturing them. No action was ever taken against the army for this, signifying the impunity with which the military could move into political life when it chose.⁷⁰

After the referendum defeat in February 2000, Mugabe turned to the military to organize the land invasions. The operation was directed by Air Marshal Perence Shiri, who had been the commander of the Fifth Brigade at the time of the Matabeleland massacres.⁷¹ And when it came to organizing the crucial 2002 presidential elections, military personnel were appointed to a number of key positions. Brigadier Douglas Nyikayaramba was appointed chief elections officer, to join the chair of the Electoral Supervisory Commission, former military intelligence chief Sobusa Gula-Ndebele.⁷²

The increasing readiness of the military to become involved in politics was illustrated by a curious episode in January 2003 when the normally taciturn head of the armed forces, General Vitalis Zvinvashe, acknowledged that the country was in the grip of a serious crisis: "First we must admit there is a crisis. Everyone can see that. So we must do something about it. It is important for the nation to be told that we are facing an economic crisis. In my view, it is not right to keep quiet and let nature take its course."⁷³ General Zvinvashe recommended the establishment of a national task force to deal with the crisis – an extraordinary acknowledgment of the government's failure to manage the economy effectively.

The increased role of the army in politics since the late 1990s strongly suggests that the military leadership would expect its opinion to be sought on any political deal that was concluded. Equally, all other parties would feel the need to get the army to underwrite any agreement if it was to be seen as effective and lasting. Before the 2002 presidential election, General Zvinvashe stated that the army could not accept as commander in chief, that is, president of the country, anyone who did not "observe the objectives of the liberation struggle".⁷⁴ This was generally seen as a refusal to accept the election result should Tsvangirai, who did not take part in the armed struggle against the Rhodesian regime, be the winner.

However, the political outlook of the military is certainly more complex than simply an uncritical endorsement for the political old guard. Soldiers' families, as much as anyone, have been affected by hyperinflation and the general economic collapse. This, coupled with a perception that many Zimbabweans died in the DRC to defend the business interests of the

⁷⁰ Zimbabwe Human Rights NGO Forum, *Organised Violence and Torture in Zimbabwe in 1999*, Harare, March 2000, chapter 7

⁷¹ Army Brains...

⁷² Army Officers in Charge of Elections, *Zimbabwe Independent*, 3 January 2003

⁷³ United Nations Integrated Regional Information Network, *Zimbabwe: Army Chief Admits Country Deep in Crisis*, 17 January 2003

⁷⁴ Military 'Will Not Accept Mugabe Defeat', *Daily Telegraph* [London], 10 January 2002

political leadership, means that the pro-ZANU-PF sentiments of the generals may be tempered by a concern at the possible sympathies of many of the rank and file.⁷⁵

Zimbabwe's police force may well exhibit a similar distance between the loyalties of its leadership and rank and file, although the indications are that "disloyal" elements have been fairly systematically sidelined over the past three years. The Zimbabwe Republic Police has never been a highly professional or efficient police service. The country was governed under a state of emergency from the early 1960s to 1990. The police had powers to detain indefinitely without charge, which removed the onus to conduct professional investigations with the aim of securing convictions in court.

The police response to the land invasions and accompanying violence made very clear the extent to which the force had become corrupted and unable to do its job. Commissioner Chihuri stated that the land invasions were a political matter and therefore the police could not intervene – despite the fact that his failure to instruct his officers to enforce the law was in contempt of a High Court order.⁷⁶ One of the effects of this *laissez-faire* attitude on the part of the police has been a sharp rise in violent crime.⁷⁷

Competent and professional personnel have either been sidelined from active policing or pushed out of the police service altogether.⁷⁸

4.4 The Movement for Democratic Change

The MDC emerged out of two oppositional strands that developed in the 1990s: the trade union-led movement of the predominantly urban poor and the civic campaign for better governance. Its leadership reflects these two different currents and, despite frequent attempts by the government-controlled media to promote splits within the MDC, the two seem to co-exist reasonably harmoniously. There is no essential reason why they should not, since their aims are entirely consistent. A potentially greater source of internal tension would be with a third current: conservatives such as the party's economic spokesperson Eddie Cross. The MDC, perhaps inevitably, has become the natural political home for white commercial farmers, businesspeople and others whose political aims are essentially a restoration of the *status quo ante*. (Not necessarily *ante* independence, as the government media argue, but certainly before the upheavals of 2000 onwards.) This aim is quite inconsistent with the social justice agenda embraced by the bulk of the party leadership.⁷⁹

However, these are potential conflicts should the MDC ever find itself in government. Of far greater immediate concern is the strategy that the party pursues now. The party leadership has come under considerable criticism in the independent press and from its own supporters for its apparent indecisiveness. There is little doubt that the party was seriously unprepared for the possibility (easily predicted) that they would lose the 2002 election. The leadership had

⁷⁵ Why the Rank-and-file Soldiers Will Defy Orders to Oust an Elected Political Leader, *Daily News* [Harare], 22 January 2002

⁷⁶ Chihuri Gets Final Order on Farmers, *Financial Gazette* [Harare], 26 October 2001

⁷⁷ Shortages Turn Consumers into Liars, Thieves, *Daily News* [Harare], 15 January 2002

⁷⁸ Exiled Officer Tells How Mugabe's Thugs Took Over Police Force, *Guardian* [London], 4 July 2003

⁷⁹ Dixon, N., Zimbabwe: Can the MDC Solve the Crisis?, *Green Left Weekly*, 31 May 2000

convinced itself that Tsvangirai would be president and, essentially had no alternative when this failed to materialize. A half-hearted call for mass action by the ZCTU was a failure.⁸⁰

However, the party leadership's lack of a clear strategy after March 2002 was not only because it was ill-prepared. The success of the campaign of intimidation by the militias and ruling party created a real dilemma. While mass action is the MDC's strength, rooted as it is in working class organizations, the risk of provoking increased repression made such action an extremely dangerous proposition. In addition, the MDC has pursued a consistently non-violent strategy and there was the fear that bringing the party's supporters on to the streets would risk clashes with ZANU-PF supporters. The government's tactics of violent intimidation were working.

At the same time, the MDC has had difficulty in engaging with some of the efforts at bringing about a political settlement since March 2002. It has taken the position that the need for a new election is non-negotiable – which, given the nature of the last election and the anger of the MDC's supporters, is scarcely surprising.⁸¹ Yet this has created little point of contact with external brokers, such as the South African government, who are thinking in terms of long periods of transitional government.

This impasse was broken in March 2003, when the MDC leadership finally did what many supporters had been urging for months and called a two-day general strike, followed by a week-long strike in June. The strikes were widely supported, despite violent repression and a propaganda barrage over the airwaves, and had the effect of renewing the MDC's popular credibility as a viable alternative to the present government.⁸²

5 Human Rights Situation⁸³

5.1 Nature of Human Rights Violations

Ever since the violence began in early to mid-2000, the expectation of most observers has been that it would soon abate. The elections in June 2000 and then again in March 2002 seemed likely to mark end points. Yet, in the event repression continued and, with the spotlight of international attention focused elsewhere, even increased.

The nature of the human rights violations committed in Zimbabwe has been thoroughly documented by both local and international human rights groups. It should be underlined that human rights violations have been committed almost exclusively by the government, ruling party and their supporters. Until it was forced to close down in 2002, the non-governmental Amani Trust issued a monthly violence update, which included aggregate statistics of incidents of violence reported either directly to local human rights groups or in the media. Some 95 per cent of these were committed by government and ZANU-PF supporters. The Zimbabwe Human Rights NGO Forum lists seven political killings by the MDC in the run-up

⁸⁰ Stayaway Fails to Take Off, *Financial Gazette* [Harare], 21 March 2002

⁸¹ International Crisis Group, *Decision Time ...*

⁸² Zimbabwe's Cities Halted by MDC-led Mass Strike, *Daily Telegraph* [London], 19 June 2003

⁸³ Except where indicated, this section is based upon the following main sources: Zimbabwe Human Rights NGO Forum, *Monthly Reports*; Amnesty International, *Zimbabwe: Rights...*; Human Rights Watch, *Under a Shadow: Civil and Political Rights in Zimbabwe*, New York, June 2003

to the 2002 election, out of a total of 54 in the monitored period of 1 January to 8 March.⁸⁴ This suggests that in an overall context of violence and breakdown of law and order, the MDC and its supporters has been responsible for much fewer acts of violence – even in response to attacks – than might have been expected. Yet, so far as can be judged from media reports, arrests of opposition supporters for their alleged involvement in unrest have been disproportionately high.

The principal types of human rights violation reported have been the following:

Violent assault and killing: Pro-government militias have been responsible for many thousands of incidents of violent assault and at least 58 documented cases of political killing last year.

Torture: The Zimbabwe Human Rights NGO Forum, a coalition of Zimbabwean human rights groups, reports that in 2002 it documented 1,061 cases of torture. These included torture carried out by militia and war veterans but also, increasingly, by the police and the Central Intelligence Organization.

Rape: Human rights organizations report a significant increase in the numbers of cases of politically motivated rape carried out by the militia.

Abduction and unlawful detention: One of the commonest human rights issues – and often the prelude to torture – is the abduction and detention of people in militia bases. In this category must also be included forced attendance by villagers at political indoctrination sessions run by the militia.

Destruction of property: Homes of farmers and farm workers have been ransacked and burned to force them to leave.

Frivolous or discriminatory use of criminal charges: The leader of the opposition, Morgan Tsvangirai, whose political role is to criticize the government, has on three occasions been arrested on treason charges. In the first case, which was ultimately dismissed, he was charged in connection with remarks warning of violence if Mugabe was not removed through the ballot box. The second case, which is currently being tried, involves an alleged conspiracy with a Canadian political consultancy employed by ZANU-PF. The head of the consultancy alleges that Tsvangirai tried to enlist him to organize Mugabe's assassination. The third occasion was when Tsvangirai was arrested in connection with organizing the anti-government general strike in June 2003. Other MDC leaders and officials have been the target of repeated arrests and charges, most of which have not come to trial.

5.2 Worsening Human Rights in 2003

The consensus among human rights monitoring groups seems to be that respect for human rights has worsened since the beginning of the year. The most obvious explanation for this has been a renewed militancy by the MDC and the desire of ZANU-PF and its allies to suppress this. However, there is perhaps also a sense in which the weakening of restraints upon criminal behaviour by state agents and ruling party supporters – notably exemplified by the attacks upon the judiciary – have increased the sense of impunity. If there has been an

⁸⁴ Zimbabwe Human Rights NGO Forum, *Human Rights and Zimbabwe's Presidential Election: March 2002*, Harare, May 2002

increase in violent actions by MDC supporters – and Human Rights Watch refers to “credible reports” – then this can be attributed to increased desperation and militancy.⁸⁵ Some 400 presumed opposition supporters were reported to have been arrested around the March strikes. Most were released without charge but many were reported to have been severely beaten or otherwise ill-treated.

While the activities of the militia remain unchecked, human rights groups have observed an increase in the involvement of the police in torturing opposition supporters, including prominent public figures.

5.3 Hate Speech

This organized campaign of violence has taken place in the context of an unremitting campaign of vilification of the government’s opponents in the officially controlled media. In addition to its monopoly of broadcasting, the government controls two daily newspapers, the *Herald* in Harare and the *Chronicle* in Bulawayo, which are part of the Zimbabwe Newspapers group. These newspapers have always been reliably pro-government, but until about 2000 did retain certain professional journalistic values. Since then, all government media have not only been grossly biased in the amount of coverage afforded to the different political parties. They have systematically portrayed the opposition as paid creatures of the British government, wishing to re-establish colonial rule in Zimbabwe. In fact, the conspiracy is often presented as being more wide-ranging, also involving the Central Intelligence Agency (CIA), gay members of the British House of Lords, the South African opposition parties, former members of the Rhodesian Special Forces and so on.⁸⁶ The inherent improbability of much of this, as well as the obvious factual inaccuracies, do not alter the extremely poisonous nature of what is broadcast and published. It appears that the main target audience of the government media has shifted. No longer are they primarily concerned with persuading the majority of the population that the government and ruling party are doing a good job. Rather the aim appears to be inciting and inflaming the hard core of Mugabe loyalists – the Green Bombers and war veterans. This audience, with no alternative sources of information about the world, are more vulnerable to the idea that national sovereignty is under threat from a coalition of whites, gays and neo-fascists.

5.4 Increase in Domestic Violence

There is strong anecdotal evidence that the general economic breakdown and the increase in violence in society has led to a significant increase in male violence against women in the home.

In 1996 the Musasa project, a non-governmental women’s rights group, conducted a survey of 972 women in Midlands Province. The survey found that one in three had been sexually abused or harassed, or forced to have sex against her will. One in six had been choked, strangled, intentionally burned or attacked with a weapon. Only 17 per cent of respondents reported no violence against them.⁸⁷

In Zimbabwean society customary law exists alongside Roman-Dutch law. Women only acquired full citizenship under the Legal Age of Majority Act enacted after independence.

⁸⁵ Human Rights Watch, *Under a Shadow...*

⁸⁶ Media Monitoring Project Zimbabwe, *Election 2000...*

⁸⁷ Inter Press Service, Zimbabwe-Human Rights: Baring the Ugly Facts, 11 February 1997

However, campaigners against domestic violence blame the commercialization of *lobola* (bride price) for contributing to the idea that a woman is her husband's property and making domestic violence acceptable.

There is no specific legislation in Zimbabwe relating to domestic violence, making it difficult to calculate the exact scale of the problem and to determine whether it is on the increase. There seems little doubt that general violence against women is on the increase, with politically motivated rapes and an increased demand for sexual favours in exchange for scarce commodities. Sheila Mahere, director of the Musasa Project, said: "We feel domestic violence is on the increase and reporting it is on the increase, which is a good thing because it is not hidden." She felt that shrinking economic resources in the home were a contributory factor: "[I]t causes frustration and can unleash violence. We don't want poverty to be an excuse for violence, but it does exacerbate the situation."⁸⁸

5.5 The Legacy of Impunity

The fact that perpetrators do not care whether they torture people who can identify them, or whether their acts of torture or ill treatment leave marks that can easily be recognized as caused by torture, underlines a clear assumption on their part of impunity. This assumption appears well founded: no prosecutions against perpetrators have been made in any of the cases of torture and ill treatment that we have documented, and this points to a deliberate policy by the authorities.⁸⁹

This was the conclusion of a report by the Danish Physicians for Human Rights in mid-2002. Since they made that observation the impression of impunity has only increased. In September 2002, police arrested Tom Spicer, a leading member of the MDC's youth wing. This was the eleventh time he had been arrested. The nine cases against him that were brought to court were all dismissed for lack of evidence. On this occasion he was beaten on the soles of his feet and tortured with electric shocks – and then brought to court.⁹⁰

In January 2003 Job Sikhala, member of parliament for a Harare constituency, was arrested along with human rights lawyer Gabriel Shumba and others. Sikhala and Shumba were given electric shocks to their genitals, mouths and feet and then forced to drink urine. Charges against them under the Public Order and Security Act were later dropped for lack of evidence.⁹¹

The significance of these two recent cases is not the mere fact of the torture taking place, but that the victims were prominent figures whose treatment was certain to be fully reported. This seems to have been no deterrent to the police.

Many Zimbabwean human rights activists believe that tackling the issue of impunity is crucial to resolving the country's crisis. The problem dates back to pre-independence times,

⁸⁸ United Nations Integrated Regional Information Network, *Zimbabwe: Economic Problems Exacerbate Violence against Women*, 5 December 2002

⁸⁹ Physicians for Human Rights – Denmark, *Hunger as a Weapon of War: Zimbabwe since the Elections*, Risskov, June 2002

⁹⁰ South African Press Association, *Zim Torture Victims Finally Released*, 1 October 2002, <http://iafrica.com/news/worldnews/166349.htm> [accessed July 2003]

⁹¹ Govt Backtracks on Killings/Torture Probe, *Zimbabwe Independent*, 4 July 2003

with the Rhodesian regime enacting the Indemnity and Compensation Act, indemnifying its security forces against prosecution. At independence a blanket amnesty was passed for human rights crimes on all sides. Mugabe's readiness to forgive Rhodesian war criminals was praised as evidence of reconciliation; the darker side of this was that security officials were retained to carry out continuing acts of torture and other human rights abuse in defence of the new government.⁹²

The Indemnity and Compensation Act was soon ruled unconstitutional, but was replaced by the Emergency Powers (Indemnity and Compensation) Regulations that had the same effect. Part of the deal leading to the end of the Matabeleland conflict was an amnesty on all sides – a measure that was repeated after the 2000 election.

The near certainty that they will not be held accountable for their actions is one of the main reasons for the routine abuse of human rights by security officials. The MDC is currently faced with a dilemma. It has always stated its commitment to ending impunity and bringing human rights violators to justice. It is now coming under increasing pressure to agree to an amnesty as part of a transitional package that would see Mugabe leave power. The question is whether the culture of human rights abuse can ever be ended while amnesty, indemnity and impunity are a matter of routine.

5.6 Groups at Risk

The repression in Zimbabwe over the past three years has been characterized by the exceptionally wide range of potential targets, reflecting the depth of hostility to the government ruling party in the country at large. Hence, for example, although it may be true to say that people from Matabeleland are at particular risk, given their ethnic origin and the region's solid support for the opposition, many of the targets of militia violence have in fact been the ruling party's "own" constituency – the Shona peasantry who are intimidated to prevent them from abandoning ZANU-PF.

However, certain groups can be identified as being at particular risk.

Ndebeles: The Matabeleland massacres of the 1980s, while essentially political in origin, were rationalized by the use of ugly tribalistic rhetoric. The overwhelmingly Shona Fifth Brigade told Ndebele villagers that they were avenging killings of their own people in the 1890s and the theft of their cattle. The use of tribalism against them and the deep scars of the 1980s have left people in Matabeleland hostile to the government. The government, in turn, regards it as a region where it has nothing to win politically. This explains the political interference with food aid in the region, the most affected by the drought. Since late 2001, the region has also seen some of the worst violence against the opposition.

Whites: The level of anti-white hate speech in the media is extreme and has been sustained over the past three years. The fairly explicit intention is to dehumanize whites and to legitimize violence against them. Before 2000, the white community, even those active in politics, was largely invulnerable to violence or other forms of repression. They were protected by the potential international repercussions of anti-white violence. In recent years this has no longer become a consideration and whites have rather become potential targets. The number of actual victims of violence is small: eight white farmers have been killed, by

⁹² Carver, R., *Zimbabwe: Drawing a Line through the Past*, in N. Roht-Arriaza (ed.), *Impunity and Human Rights in International Law and Practice*. New York: Macmillan, 1995

contrast with hundreds of black Zimbabweans. However, the white community is now extremely small. From 200,000 at independence and an estimated 70-80,000 three years ago, the white population has probably fallen to 30,000 out of a total population of some 11.6 million.

MDC officials: Active members of the opposition have, not surprisingly been the principal target of violence and repression of all kinds. Increasingly, these targets have been more senior party members. As indicated above, Tsvangirai himself has been arrested for treason at least three times. In 2002, an MDC legislator, Learnmore Jongwe, died in prison in unexplained circumstances after being arrested for the murder of his wife. In 2003, several more opposition members of parliament have been arrested and, in some cases, tortured.

The attack on lower level party officials has been sustained and violent. The MDC claimed that more than 100 of its elections agents were abducted in the run-up to the 2002 elections. Several were killed.

Farm workers and families: Farm workers were the initial target of the land invasions because of their support for the MDC. Hostility on the part of the militias was probably increased by the fact that many are of non-Zimbabwean extraction.

However, small farmers and their families in the communal lands may also be vulnerable if they are regarded as insufficiently loyal to ZANU-PF and being in need of re-education.

Journalists: Journalism has become an extremely hazardous occupation in Zimbabwe. It is not only that the media are circumscribed by restrictive legislation. There have also been repeated attacks on individual journalists and media houses. The most serious of these was the bombing of the printing press of the *Daily News*, the country's largest circulation newspaper, in Harare in January 2001. The incident was the second bombing of the papers premises, and was later followed by an arson attack on its Bulawayo offices. The bombing of the printing press came only hours after public threats against the paper by Information Minister Jonathan Moyo. No one has been arrested in connection with any of the attacks.

It is not only employees of the media themselves who are vulnerable. There have been several incidents of attacks on newspaper vendors. Militias and war veterans "ban" private newspapers, notably the *Daily News*, from areas under their control. Vendors are beaten and copies of the papers destroyed.

Lawyers: In addition to the threats against the judiciary, there have been a number of cases involving direct attacks on lawyers. Amnesty International reported that Tawanda Hondora, Chairperson of Zimbabwe Lawyers for Human Rights, was attacked in April 2001 in Chikomba constituency, Mashonaland East Province. He alleged that he was kicked, beaten and whipped by ZANU-PF supporters armed with stones and axes. Police officers were said to have stood by and watched the assault without attempting to intervene.⁹³ The president of the Law Society, Sternford Moyo and the group's secretary Wilbert Mapombere, were arrested in June 2002 on charges of agitating for political violence. More recently, Zimbabwe

⁹³ Amnesty International, *Report 2002: Zimbabwe*, London, 2002

Lawyers for Human Rights has reported continuing harassment of lawyers at police stations throughout the country.⁹⁴

6 Forced Displacement – Refugees and IDPs

6.1 Internal Displacement

Zimbabwe's current crisis began in 2000 with a move to displace a section of the population – the owners and workers in the commercial farming sector. The absence of mass refugee flows as such should not be surprising in a situation where migrants have, for the most part, followed well trodden routes to escape economic collapse and political repression.

Worst affected throughout have been the farm workers, who were deliberately displaced from their homes. Where seized farms have been subdivided for distribution to small farmers, no provision has been made for the workers. It seems also that in many cases workers have not been rehired when farms have been reallocated to new commercial owners. This tends to support the interpretation that one of the purposes of the displacement was to break the organized political voice of the farm workers.

The numbers affected are a matter of dispute but are probably several hundred thousand. An independent study of internal displacement concluded that most farm workers were staying where they were in the absence of better options. It reported that conditions for these people were poor, with access to safe water and sanitation a particular problem.⁹⁵ News media have reported deaths from diarrhoea and cholera among farm workers.

When displaced farm workers have left their home areas, they have generally moved to the towns rather than outside the country's borders, despite the fact that many of them have family connections with Zambia, Mozambique or Malawi. Farm workers are concentrated in the north-east of the country, where the rich agricultural land is more suited to intensive cropping than in the south and west. Zambia, Mozambique and Malawi would be the obvious nearest destinations. The fact that there have not been greater flows to these countries may well be explained by the fact that they were affected by drought and food shortages.

6.2 Displacement and Disenfranchisement

The displacement of farm workers was intended, in part, to disenfranchise them. Parallel to this was an amendment to the Citizenship Act in 2000, which required anyone entitled, no matter how theoretically, to the nationality of another country to renounce it or forfeit their Zimbabwean citizenship. Zimbabwe had prohibited dual citizenship since 1980, which is not in itself unusual. The difference now was that any Zimbabwean citizen would be stripped of their citizenship if they failed to renounce any other entitlement, even if they were not actually citizens of the other country.

The aim, quite transparently, was to disenfranchise many white Zimbabweans who would be entitled to be citizens of other countries (notably Britain and South Africa). The Registrar General, Tobaiwa Mudede, apparently maintained a "Removed Citizens List" of white

⁹⁴ Zimbabwe Lawyers for Human Rights, Harassment of Lawyers as Civic Action Continues, 5 June 2003 (press statement), <http://www.ircr.org/usr/ircr/home.nsf/> [accessed July 2003]

⁹⁵ Norwegian Refugee Council, Global IDP Project, *Zimbabwe: Country Profile*, Geneva, July 2003

Zimbabweans suspected of being eligible for foreign citizenship. This was distributed to polling stations and those on it were barred from voting in March 2002.⁹⁶

Human rights activist Judith Todd, who had been imprisoned and tortured by the Rhodesian government, challenged this procedure in the High Court. She had been required to renounce her claim to New Zealand citizenship – based on the fact that her parents were New Zealanders by birth. In May 2002 the High Court ruled in her favour and required the Registrar General to issue her with a passport.⁹⁷ On appeal to the Supreme Court in February 2003, Chief Justice Chidyausiku overturned the judgment of the High Court and gave Todd (who was out of the country at the time) just 48 hours to renounce her New Zealand citizenship.⁹⁸

Numerically the by far most significant numbers affected were Zimbabweans who were born – or whose parents were born – in other African countries. In other words, those affected were again mainly pro-MDC farm workers. The whole procedure threatened to create large numbers of stateless persons. Many of the affected countries did not even have procedures for renouncing citizenship. However, in late 2002, the government announced that it intended to amend the Citizenship Act again to avoid making stateless the tens of thousands of Zimbabweans who were born elsewhere in the Southern African Development Community, and who had failed to renounce their eligibility for citizenship elsewhere.

6.3 Refugee Flows

As Zimbabwe's crisis gathered pace in 2000, there was widespread expectation that there would be a massive flow of refugees, probably southwards into South Africa. The South African authorities set up a reception centre in an old army camp near the Beitbridge-Messina border crossing. Yet the refugees never materialized. The South African Home Affairs Minister, Chief Mangosuthu Buthelezi, told Parliament two years later that just five Zimbabweans had been granted refugee status out of 132 applications. Yet, according to popular estimates, there are some two million Zimbabweans living outside the country. Where did they all go?

Of course, the estimate of two million is necessarily questionable. The Zimbabwean census is notoriously unreliable and projecting population growth has become more difficult because of the severe impact of HIV-AIDS. However, what is not in question is that the number of Zimbabweans abroad is at least several hundred thousand. A recent survey of the loss of skilled personnel puts the number working in other countries at 479,000.⁹⁹ Even if this were accurate it does not include the accompanying families of people working abroad. In any case, it is bound to be an underestimate because so many leave the country simply by walking across the border without going through an emigration or immigration procedure.

Migration to find work in South Africa has been a common practice for decades. Many Zimbabweans have been employed seasonally on farms in South Africa's Limpopo Province,

⁹⁶ Landmark Citizenship Judgement, *ZW News*, 9 May 2002

⁹⁷ AG's Office Concedes Todd's Citizenship Claim, *Zimbabwe Independent*, 10 May 2002

⁹⁸ Mugabe Court Bars Passport to Native Daughter, *Mail & Guardian* [Johannesburg], 28 February 2003

⁹⁹ Zimbabwe, Scientific and Industrial Research and Development Centre, *An Analysis of the Cause and Effect of the Brain Drain in Zimbabwe*, Harare, 2003, http://www.sarpn.org.za/documents/d0000422/Zimbabwe_Brain_Drain.pdf [accessed July 2003]

while others have worked in industry and mining. Increasing numbers are involved in petty trading and other branches of the informal sector. The migrants themselves see this less in terms of fleeing persecution than as a strategy for coping with economic and social disruption. Those who compile the migration figures stress that they cannot determine who see themselves as permanent migrants and who as temporary. Most likely this is because the migrants themselves do not usually know. This view of migration as a coping strategy applies equally to professionals such as doctors, nurses and teachers, many of whom have found employment in South Africa, the United Kingdom and the United States.

The South African government has ruled out the possibility of granting Zimbabweans refugee status on a *prima facie* basis under the African Refugee Convention. Instead, applications will continue to be determined on an individual basis. Similarly the United Kingdom, despite its forthright criticism of human rights violations in Zimbabwe, has taken a generally restrictive attitude towards Zimbabwean asylum seekers. Until January 2002 Zimbabwean asylum applications were generally refused and applicants returned. This practice stopped after documented cases of arrest and ill-treatment of returned asylum seekers. However, the British imposition of a visa requirement for Zimbabwean visitors in late 2002 was apparently an effort to dissuade Zimbabwean asylum seekers from even entering the UK. Britain does not, however, apparently object to recruiting Zimbabwean health personnel to meet staffing shortfalls in its hospitals.

While the major host governments take this approach, the flows of Zimbabwean “refugees” will continue to be largely invisible and indistinguishable from the pre-existing patterns of economic migration. The significant exception is Botswana, which hosted many thousands of refugees from Matabeleland in the 1980s. They were housed at Dukwe camp near Francistown, which is the nearest significant town to the Zimbabwe border. It is currently estimated that some 125,000 Zimbabweans enter Botswana legally each month.¹⁰⁰ In addition many more enter illegally and 26,717 were deported in 2002.¹⁰¹ The Zimbabwean official press has reported ill-treatment of Zimbabweans in Botswana (and it appears that there have been cases of the mistreatment of Botswanans in Zimbabwe in reprisal). Botswana President Festus Mogae has been highly critical of President Mugabe’s record over the past three years and tensions between the two governments are palpable.

The one neighbouring country that has not yet received significant numbers of Zimbabweans is Mozambique, but it could be a possible destination in the event of increased tensions along Zimbabwe’s eastern border. The border province of Manicaland is highly contested by the two main political parties and has seen severe repression. The cross-border links are considerable. Mozambique hosted large numbers of Zimbabweans during the liberation war, while there were later many Mozambican refugees in Zimbabwe fleeing from their country’s civil war in the 1980s.

Most Mozambicans in the centre of the country are Shona-speakers, like the people of Manicaland. Indeed, the links between members of the Shona Ndaou sub-group on both sides of the border has been a source of some political tension over the years, with Zimbabwean Ndaou offering political support to the late Reverend Ndabaningi Sithole, an implacable opponent of Robert Mugabe, while many of their Mozambican counterparts supported the rebel movement RENAMO.

¹⁰⁰ Botswana Buckles under Illegal Immigrant Influx, *Mail and Guardian* [Johannesburg], 30 January 2003

¹⁰¹ Botswana Sends 26,000 Zimbabweans Back Home, *Mail and Guardian* [Johannesburg], 16 July 2003

The white community in Zimbabwe has probably more than halved in the past three years. Many have taken up entitlements to residence in the United Kingdom or South Africa, while others have migrated to Australia or New Zealand. Yet others, displaced commercial farmers, have settled elsewhere in the region, particularly in Zambia. The media recently reported the irony that ex-Zimbabwean commercial farmers in Zambia were exporting maize to their own country – now unable to feed itself.

7 Non-governmental Organizations

7.1 Development and Role of the Domestic NGO Sector

The non-governmental organization sector in Zimbabwe has largely developed since independence, with the availability of foreign funding. Under the unrecognized pre-independence Rhodesian regime, international NGOs were not present – nor international donors, limiting the development of domestic NGOs. The main exception was the large number of church welfare organizations. Human rights organizations in particular have emerged since the late 1980s.

Currently the Kubatana NGO website lists several dozen affiliated organizations, including human rights organizations of different types, as well as welfare organizations and civic groups.¹⁰² While the development of the NGO sector in Zimbabwe is not atypical of countries elsewhere in the region, a relatively high level of civic activism through groups like trade unions and residents' associations has given NGOs a more participatory character than in many African countries.

While government ministries involved in service delivery – such as health and social services – depend upon partnerships with NGOs, the political mistrust felt by government towards the non-governmental sector is not a new one and is similar in character to the official hostility towards independent social institutions such as trade unions, political parties and private media. Latterly, the government has also been concerned about the work of relief and welfare NGOs, since these cut across the aim of maintaining a monopoly of food aid distribution, allowing it to be manipulated for political ends. There are growing signs that the authorities are planning more formal regulation of the NGO sector.

7.2 Attempts to Limit NGO Activities

The first clear indication that the government planned to take legal steps against NGOs came with a notice published in the government-controlled *Herald* newspaper in September 2002. Placed by the Ministry of Public Service, Labour and Social Welfare, it advised NGOs to register with the Ministry in accordance with Section 6 of the Private Voluntary Organizations (PVO) Act.¹⁰³

The PVO Act is a piece of colonial legislation dating from 1967. It is quite possibly in conflict with Section 21 of the Zimbabwean Constitution, which guarantees freedom of association. Section 6 requires that “no private voluntary organization shall commence or continue to carry on its activities; or seek financial assistance from any source unless it has

¹⁰² See <http://www.kubatana.net/>

¹⁰³ First the Media, Now the NGOs, *Mail & Guardian* [Johannesburg], 11 October 2002

been registered in respect of the particular object or objects in furtherance of which it is being conducted”.

Registration with the Ministry is conducted through the High Court. Non-registration under the PVO Act is a criminal offence and the notice in the *Herald* warned that organizations that continued to operate without registering risked arrest and prosecution. Yet Zimbabwe has hardly ever enforced the provisions of the PVO Act. No NGOs are registered under the Act and the High Court apparently does not have the mechanism to conduct registration. The one occasion when the government attempted to invoke the PVO Act – in order to overturn the leadership of a women’s organization and replace it with favoured appointees – its action was overturned in the courts.

The PVO Act only applies to welfare organizations. Any body that is registered as a trust is not required to register under the PVO Act. Yet, the first target of the new clampdown was the Amani Trust – an organization that provided psychosocial services to victims of torture and other organized violence. Its name, *amani*, is the Kiswahili word for peace. In the frequent attacks in the government-controlled press it was usually referred to as “Armani”, possibly under the impression that it was somehow connected to the Italian fashion house. It was also, as the name implies, registered as a trust.¹⁰⁴ Yet, on 13 November 2002 Minister July Moyo attacked the Amani Trust in Parliament as an “illegal organization”. The Board of Amani Trust stated that its original trust deed was lodged at the Deeds Office. When it attempted to register a copy with the High Court it was told that no mechanism existed to do so.

In reality, the statement that the Amani Trust was “illegal” simply provided a justification for continuing harassment of the organization. It was subject to a campaign of vilification in the official media, which claimed that the Trust ran “safe houses” from which MDC hit squads operated. In fact, the Amani Trust had no connection with the MDC and its safe houses were precisely that – places where torture victims could feel safe. Amani Trust staff, including medical director Frances Lovemore, were arrested. Another senior psychologist with the organization, Tony Reeler, fled the country. The Bulawayo office was a particular target, having organized the exhumation and reburial of many of the victims of the Fifth Brigade massacres in Matabeleland. By the end of 2002 the organization decided that it could no longer provide the necessary service to its clientele and closed down.¹⁰⁵

The fear among Zimbabwean NGOs is that the notice in the *Herald* and the closure of Amani presage a further round of restrictions on NGOs. If the authorities were to try to implement the PVO Act they could deregister and thereby criminalize organizations of whose work they disapproved. There are also indications that the government intends to introduce new legislation curtailing the activities of NGOs, possibly through prohibiting receipt of foreign funding. Government spokespersons have repeatedly attacked NGOs as agents of foreign governments – a major source of funding for most such organizations. There is an important regional precedent, since this is precisely the step that the South African government took against non-governmental organizations in the 1980s.

¹⁰⁴ Media Monitoring Project Zimbabwe, *Weekly Report*, 2 December 2001

¹⁰⁵ Amnesty International, *Rights...*

7.3 NGOs and Food Distribution

In practice the biggest source of conflict between the government and both non-governmental and inter-governmental organizations has been the administration and distribution of food aid.

The government's strategy has been to distribute grain through the parastatal Grain Marketing Board, with the WFP feeding programme the only alternative. The reason has been the desire for control of food distribution along party political lines, or as a means of bribing voters in the 2002 election. But as late as November 2002, a report by the Danish Physicians for Human Rights concluded that the government was stopping the supply of food to opposition supporters. This may have been particularly connected to the local elections that took place in September 2002. A spokesperson for the organization said: "If it is not possible to increase non-partisan food supplies in the country, it is our opinion that starvation and eventually death will occur along party political lines in Zimbabwe."¹⁰⁶

On occasions the authorities intervened to stop food distribution by NGOs. Oxfam and the Catholic Church were prevented from distributing food in Binga in Matabeleland North, one of the poorest areas of the country (which also recorded the largest majority for the MDC in the 2000 election). The Catholic Fund for Overseas Development (CAFOD) was prevented from importing grain for distribution.¹⁰⁷ During the Insiza by-election in October 2002, the WFP suspended delivery of food to parts of the district after ZANU-PF had intimidated the WFP's local implementing partner, seizing three tonnes of maize and distributing it as part of the election campaign.¹⁰⁸

8 Possible Scenarios and Their Impact on Forced Migration

The speed with which the crisis in Zimbabwe has evolved makes it more than usually hazardous to try to speculate on what will happen in the coming months. Nevertheless, four broad possible scenarios can be envisaged.

Scenario 1: Mugabe remains in power: The first possible scenario is, essentially, more of the same. Robert Mugabe remains as President and the collapse of political institutions and the economy continues apace. Repression against the MDC and its perceived allies would continue and perhaps even increase. The MDC would be likely to respond with increased mass action, but would run the risk of provoking greater violence against its members.

It seems almost inevitable that if Mugabe were to remain in power, this continued downward spiral would be the outcome. The simple reason is that retaining power for its own sake has become the objective. A lessening of repression at this point would be seen as making Mugabe vulnerable. After three polls in as many years, Mugabe's deep unpopularity is not in question. Only a constant manipulation and distortion of the normal processes of government can keep him in power. Given this unpopularity, the immiseration of vast numbers of the population no longer appears to be a serious political problem.

¹⁰⁶ Physicians for Human Rights – Denmark, *Vote ZANU-PF...*

¹⁰⁷ International Crisis Group, *The Politics...*

¹⁰⁸ United Nations Integrated Regional Information Network, Zimbabwe: WFP Suspends Food Aid in Insiza District, Johannesburg, 18 October 2002

It is reasonable to suppose that the flows of Zimbabwean migrants will continue and perhaps even increase, as it becomes apparent that the crisis of the past three years is not a temporary aberration but the normal state of affairs from now on. Most will travel the well-trodden route to South Africa. But it is possible that many people of Malawian, Zambian or Mozambican extraction will seek to go to those countries. Until now, even given the collapse in Zimbabwe, these three countries appeared to offer little. As Zimbabwe's decline continues they may hold greater attractions.

Scenario 2: Mugabe holds new elections: This is a variant on the first scenario that is looking increasingly possible. The rationale would be that ZANU-PF has the opportunity to crush the MDC electorally if it holds elections now, rather than waiting until 2005. The attraction is that if it can push the MDC below 50 seats in parliament then it will once more be in a position to amend the constitution. There are 120 elected seats in parliament, of which the MDC won 57 in the 2000 elections. However, the president nominates 30 members of parliament. This makes 71 elected seats (101 total) the target for obtaining the two-thirds majority required.

The particular significance of amending the constitution is that, at present, if the president resigns (or leaves power by any other means) there must be a new presidential election within 90 days. Mugabe, so the reasoning goes, would prefer to win a further election and amend the constitution so that he will have the succession within his gift.

More generally, using the same tactics as in 2002, ZANU-PF would hope to break the MDC's capacity to campaign and organize. A further election victory would be used by Mugabe as evidence that he has a popular mandate, strengthening his hand in relation to South Africa and perhaps releasing him from any obligation to participate in negotiations at all.

The assumption behind this approach is that the MDC is weaker than ever before as a result of repression. In one sense this may be true. Most of those who have fled the country or been displaced from their homes would be MDC supporters and are now disenfranchised. However, the widespread support for the general strikes in March and June suggests that there is still great popular support for the MDC and an increased determination that Mugabe must go.

If there is a new election in the coming months, a worsening of the human rights situation and increased outflows of migrants would be inevitable.

Scenario 3: Mugabe hands over to ZANU-PF successor: President Mugabe's departure from power is negotiated, conditional upon ZANU-PF remaining in power.

This is the favoured scenario of the South African leadership. President Mbeki's policy is driven by a number of considerations:

- Instability and economic decline in Zimbabwe is harmful to South Africa's political and economic interests in a variety of ways;
- South Africa's aspirations for continental leadership preclude overt criticism of a fellow African government – particularly one that, in common with the ANC, is a liberation movement in power;

- The MDC should not come to power. It will be a less reliable ally of the Mbeki leadership and could prompt the emergence of a trade union-based left opposition within South Africa.

The clear conclusion from all of this is that ZANU-PF should remain in power but without Mugabe at its head. Given that this option is also favoured by a very large segment of opinion within ZANU-PF itself, it has a very good chance of being realized. The government-controlled press has even begun to talk about the identity of Mugabe's successor – something that was previously unheard of.

There are three obvious problems, however. The first is, how can Mugabe be persuaded to relinquish power? This question has several aspects to it. Partly there is the matter of providing guarantees of safety and immunity from prosecution. Partly, the question is simply how to overcome the vanity that sees retaining power as an end in itself.

The second problem is, who will take over the leadership? Clearly this is partly related to the first problem, since Mugabe will only give up power to someone who can provide him with the necessary guarantees. The obvious candidate, Emmerson Mnangagwa, would have Mugabe's support but not much else. The real danger for this option is that it will founder on intra-party rivalry inside ZANU-PF.

The third problem, as already indicated, is that a handover to a chosen successor would have to be ratified by the electorate within 90 days. If this was part of an internationally negotiated deal the election would probably have to be rather fairer than the 2002 election. And then ZANU-PF might not win.

It is very difficult to predict what would be the impact of such a settlement since, according to constitutional principle at least, it should be followed by an election. But that is not what Mbeki wants – rather he would prefer a cooling-off period before the next parliamentary elections in 2005. Such a period would undoubtedly lead to an improvement in everyday life for the bulk of Zimbabweans, but it would be unlikely to bring about any significant shift in economic realities.

Scenario 4: Negotiated Transition to New Elections: This scenario is perhaps the least likely, but certainly not impossible. It represents, essentially, the position of the MDC. The MDC has said that it would not engage in any power-sharing option (“government of national unity”), on the grounds that the crucial issue is the denial of the Zimbabwean people's democratic rights as expressed in the 2002 election. Instead, a short-term timetable for elections would need to be agreed.

Clearly this scenario is premised upon Mugabe being removed from the political scene. While the MDC would probably be prepared to offer the necessary guarantees to achieve this – immunity from prosecution etc. – it is almost inconceivable that Mugabe would agree to depart unless power was retained by a chosen successor. So this option could only happen if Mugabe were tricked in some way or was removed from power in a palace coup. Neither of these possibilities seems very likely.

The only alternative way that this scenario might be realized is if there were intensive pressure from South Africa. So far this has not been forthcoming.

Internationally supervised elections would undoubtedly be the best way of bringing about normalization in Zimbabwe. The likelihood is that, if forced to contest reasonably fair elections with Mugabe, ZANU-PF would disintegrate and its capacity for repression would wither. This still leaves a wide range of questions about how the country could be rebuilt and what sort of government the MDC would provide. But it still looks the best, if least likely, scenario.

9 Conclusions and Outlook

Since it is impossible to evaluate the various alternative scenarios with any confidence, it is safer to observe what elements in the current situation are likely to remain constant, whatever the precise course of events:

- President Mugabe and his allies have committed an enormous amount of energy and political capital into their strategy to retain power. They will not give this up without cast-iron guarantees.
- At the same time, ZANU-PF is fundamentally weak and disunited. Competent and credible leaders have drifted away or remain in the background biding their time. There is a strong sense that things cannot continue as they are.
- A new class of business people allied to the President's faction has benefited enormously out of the present economic chaos. They have no interest in improving the situation for the benefit of the ordinary population.
- The mass of Zimbabweans increasingly feel that they have nothing left to lose. The more militant turn of the MDC in 2003 is a direct reflection of that popular mood. If the MDC had not been willing to lead militant mass action, some people, especially in the urban areas, could have sought other political alternatives. They may yet do so if the MDC is seen to be soft on Mugabe; the MDC leadership is aware of this.
- The migration of Zimbabweans, to South Africa, is not going to be reversed in the immediate future. Even given a resolution to the political conflicts, economic reconstruction will be a long process.
- Central to rebuilding the economy is a resolution to the land question. The commercial farming sector having been largely destroyed (with the loss of 90 per cent of productivity) some viable alternative needs to be created.

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