

ALL BARK AND NO BITE?

**THE INTERNATIONAL RESPONSE
TO ZIMBABWE'S CRISIS**

25 January 2002



TABLE OF CONTENTS

EXECUTIVE SUMMARY AND RECOMMENDATIONS	i
I. INTRODUCTION	1
II. THE DEEPENING CRISIS	3
A. DE FACTO STATE OF EMERGENCY	3
B. ESCALATION OF STATE VIOLENCE AND INTIMIDATION.....	4
C. HUMANITARIAN AND ECONOMIC FACTORS	5
III. ELECTION SCENARIOS	8
A. AN UNCERTAIN OUTCOME	8
B. THREE SCENARIOS	8
C. ZIMBABWE’S ARMY: THE X-FACTOR	9
D. ZANU-PF: DIVERSITY AND DIVISION	11
E. THE MDC: KEEPING HUMPTY DUMPTY TOGETHER.....	11
IV. FUNDAMENTAL QUESTIONS	12
A. IS THE ELECTION UP FOR GRABS?	12
B. SHOULD THE ELECTION BE DEEMED ILLEGITIMATE IN ADVANCE?.....	13
V. OUTSIDE ACTORS	14
A. THE EU POLICY LABYRINTH	14
B. U.S. DEBATES: NOT IF BUT WHEN.....	16
C. THE COMMONWEALTH: TO SUSPEND OR NOT TO SUSPEND?	17
VI. POLICY ISSUES	18
A. TARGETED SANCTIONS	18
B. AID TO CIVIL SOCIETY: PUSHING THE ENVELOPE.....	20
C. ACCOUNTABILITY FOR GRAVE HUMAN RIGHTS ABUSES	20
VII. CONCLUSION	21
APPENDICES	
A. MAP OF ZIMBABWE	23



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EXECUTIVE SUMMARY AND RECOMMENDATIONS

The 9-10 March 2002 presidential election is the decisive date for Zimbabwe's intensifying crisis. With political violence escalating, new repressive legislation has highlighted the government's efforts to clamp down on the media, the judicial system, civil society and the political opposition in order to retain power by any means. International action, not merely further expressions of concern, is needed before time runs out on the possibility of conducting the freer and fairer election that is the best chance to head off destabilisation that would inevitably cross the country's borders and affect all southern Africa.

With maximum feasible coordination between the Commonwealth, the European Union (EU), the United States (U.S.), and the Southern African Development Community (SADC), and complementary steps within the United Nations, this international action should concentrate on four areas:

- imposition of targeted sanctions on key decision-makers, particularly those responsible for undermining the rule of law and institutionalising state violence;
- support for voter turnout to increase the chances that the will of Zimbabwe's people can be fulfilled;
- robust "monitoring" or "observation" of the election process, beginning well in advance of the dates on which voting is held; and,
- delivery through public and private diplomacy of a message that no government

will be recognised if the March election is stolen.

According to the limited polling evidence available, the opposition Movement for Democratic Change and its candidate, Morgan Tsvangirai, lead in voter preference. However, President Robert Mugabe's ZANU-PF government seeks to beat and intimidate voters either to withdraw their support from the MDC or not to vote at all. MDC leaders are being killed and others arrested on petty charges or harassed. The government is deploying troops for internal repression and training a paramilitary force to backstop the ongoing efforts of "war veterans", who over the last two years have wreaked havoc on opposition officials, farm owners, farm workers, and other perceived opponents of the ruling ZANU-PF party.

The Supreme Court, until recently a bulwark of the rule of law, has been packed with pro-government justices, and no confidence remains that the judicial system retains independence. Support for farm invasions by military, police and security personnel has created an atmosphere of lawlessness.

The economy is deteriorating with more than 75 per cent of the population living under the poverty line. Short-sighted policies have led to a more than 7 per cent contraction of GDP and suspension of foreign aid. Despite the country's enormous agricultural potential, crippling farm invasions and price controls have produced a situation in which

Zimbabwe must now import hundreds of thousands of tons of maize to feed its people.

The ZANU-PF government discounts the numerous ultimatums and threats the international community has issued to date because none has yet been backed up with meaningful action. It is all the more important, therefore, that the international community begin to move as early as the meeting of EU foreign ministers (28-29 January 2002) on at least some of the fronts suggested in this report because despite the repression, there is still a distinct possibility that the election can reflect the will of the people and offer hope for a way out of the downward spiral.

RECOMMENDATIONS

TO THE EU AND U.S.:

1. Implement before the end of January 2002, as proof of serious intent, a framework of targeted sanctions that would be directed first at a small group of top government leaders but allow for incremental increase in pressure through expansion to additional officials.
2. Press Zimbabwe to implement the conditions for free and fair elections that have formally been agreed within SADC, including by Zimbabwe itself, and send a clear, unified message to President Mugabe and the Zimbabwean public that if the election is stolen the results will not be recognised, and Zimbabwe will be isolated.
3. Increase assistance to civil society organisations and reduce delivery timelines to provide immediate help, particularly with the objective of supporting voter turnout.

4. Develop a comprehensive communications strategy to spread the messages that “your vote counts, and your vote will be secret”.
5. Make clear that land reform is a real issue that the international community is prepared to assist with but that it must be dealt with in the context of the rule of law and with the involvement of all key parties.
6. Make clear to South Africa, Nigeria and other key African countries that their constructive agenda for the continent, the New Partnership for African Development (NEPAD), will be regarded as stillborn by G-8 countries if they do not respond more actively to the test of Zimbabwe's crisis.

TO THE COMMONWEALTH:

7. Begin in January 2002 a credible process pointing toward suspension of Zimbabwe at the 2-5 March 2002 Heads of Government Meeting (CHOGM) if the conditions for a free and fair election clearly have not been met.

TO THE UNITED NATIONS

8. The High Commissioner for Human Rights should travel to Zimbabwe, or send a senior representative, before the election and report findings in order to prepare for discussion at the session of the Commission on Human Rights that convenes 18 March 2002.

Harare/Brussels, 25 January 2002



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I. INTRODUCTION

It [the presidential election] is not like the June 2000 parliamentary elections, which was like a football game where I was the central striker. We will have a command centre, unlike last year. This is war; this is not a game. You are the soldiers of ZANU-PF for the people. When we come to your province, we must see you ready as the commanders. When the time comes to fire the bullet, the ballot, the trajectory of the gun must be true.¹

President Robert Mugabe, 16 December 2001

As Zimbabwe's crisis has intensified over the two years since the government's defeat in the constitutional referendum, the International Crisis Group (ICG) has documented and analysed the strategies employed by the government to maintain power at all costs. ICG has also analysed policy options available to the international community, focusing on targeted sanctions against key ruling party officials and innovative assistance to civil society.² This report concentrates on what the

European Union, the Commonwealth of States, and the United States can constructively do in the remaining weeks before the 9-10 March 2002 presidential election. It should be considered in tandem with ICG's recent briefing paper on policy options available to South Africa and the Southern Africa Development Community (SADC).³

EU and Commonwealth ministers hold separate meetings, 28-29 January 2002 and 30 January respectively.⁴ They are important opportunities to make credible the numerous ultimatums issued over the past year and give President Mugabe's government reason to believe that the international community takes seriously the opportunity the upcoming election offers to turn the Zimbabwe situation around before it brings chaos to the wider southern Africa region.

The March election is the first time the ruling ZANU-PF party has faced potential defeat in a presidential poll since the country's independence. The prospect of democratic elections has galvanised a wide segment of the populace into political activities aimed at transferring power through peaceful means. However, the government has systematically increased violence and intimidation to cow the electorate. It has introduced new legislation to provide a veneer of legality to repression, destroyed the independence

¹ Speech to the ZANU-PF conference in Victoria Falls, 16 December 2001.

² See ICG Africa Report No. 32, *Zimbabwe in Crisis: Finding a Way Forward*, 13 July 2001, ICG Africa Briefing, *Zimbabwe: Time for International Action*, 12 October 2001, ICG Africa Briefing, *Zimbabwe: Three Months after the Elections*, 25 September 2000, and ICG Africa Report No. 22, *Zimbabwe: At the Crossroads*, 10 July 2000.

³ See ICG Africa Briefing, *Zimbabwe's Election: The Stakes for Southern Africa*, 11 January 2002.

⁴ European Union foreign ministers meet as the EU's General Affairs Committee on 28-29 January 2002 in Brussels. The Commonwealth Ministerial Action Group meets on 30 January 2002 in London.

of the judiciary, restricted freedoms of speech and assembly, cracked down on civil society groups, and created a maze of legal and administrative restrictions on voting rights that effectively disenfranchises millions of citizens inside and outside the country. Seeing their support still eroding, ZANU-PF officials are manipulating voter rolls.

Nevertheless, there remains a possibility that the freely expressed will of the people can still be reflected on election day. But for this to have the best chance of happening, the international community will have to increase its efforts dramatically on behalf of a fair electoral process.

President Robert Mugabe is efficiently putting in place a broad edifice of legislation that creates a *de facto* state of emergency. The objective is to crush all forms of opposition or criticism. The latest legislative and executive actions are remarkably similar to the measures used by Ian Smith's white minority Rhodesian regime to repress ZANU-PF and other freedom fighters in the 1970s. After all the proposed legislation is passed and the dust settles, any journalist criticising the president can be thrown into prison, and any politician undertaking normal campaigning can be jailed.⁵

Mugabe's new Public Order and Security Bill in fact goes further than Smith's infamous Law and Order (Maintenance) Act as a tool for maintaining power. As the Smith regime did, ZANU-PF relies on violence to execute its will. The one-time freedom fighter now mimics the very forces of repression and exclusion that he fought against. "The parallels between Mugabe and Smith are increasing", observed a Zimbabwean analyst. "They always saw the other guy as wrong; they only act in self-interest; and they both believe in eliminating opponents".⁶

ZANU-PF's reliance on violence has unleashed forces that it cannot fully control and that will complicate any future effort to restore the rule of law. War veterans and youth militias⁷ have been

given free rein in many rural areas, dominating the process of farm expropriations while at the same time stamping on any form of opposition to ZANU-PF. The longer they are unchecked, the more these violent networks become locally controlled and associated with criminal activity. The price for this will only be fully exacted in years to come. The potential for low intensity civil war and an irreversible degradation of the rule of law, however, is immediate.

The international response has been characterised by much bark – hand wringing, rhetorical posturing, and ultimatums – but little bite. The former plays into the hands of the government propaganda machine, which portrays the international clamour as a sign of racist conspiracy against the black majority and blames the country's increasing economic woes on non-existent international "sanctions".

A consensus has formed on the causes of Zimbabwe's problems but there remains great disagreement about what to do. It has accordingly been relatively simple for ZANU-PF to amplify confusion within the international community and to send different signals to different quarters. It has used negotiations and consultations to buy time by blatantly distorting mutually agreed timelines and forwarding alternative interpretations of agreements Zimbabwe has reached with international actors.

Too many uncoordinated international initiatives undermine each other, play into the hands of the government and convey a perception of impotence. "The U.S. is waiting for South Africa; South Africa is waiting for the international community; everyone is waiting for everyone", charged one regional analyst. "SADC has demonstrated that no one is willing to take the lead on Zimbabwe".⁸ A member of the independent press added: "The international community cannot continue to cry and talk and do nothing".⁹ Time is running out for meaningful international action.

⁵ *The Economist*, 10 January 2001.

⁶ ICG interview in Harare, December 2001.

⁷ For discussion of the war vets organisation, including distinctions between the many thousands of peaceful veterans of the independence struggle and those who have become, in effect, ZANU-PF shock troops, see ICG Report, *Zimbabwe in Crisis*, op. cit. The youth militias are

a new element in the government's multi-tiered insurance policy for an electoral victory. "These youth militias are like the old Hitler Youth", charged one Zimbabwean. "Their job is to coerce the vote for ZANU". ICG interview, December 2001.

⁸ ICG interview in South Africa, 15 December 2001.

⁹ ICG interview in Zimbabwe, December 2001.

II. THE DEEPENING CRISIS

A. DE FACTO STATE OF EMERGENCY

A raft of new government-drafted bills, if signed into law, would create a *de facto* state of emergency, giving the authorities sweeping powers to suppress any opposition and otherwise change the rules of the game for the upcoming election and its aftermath.

The Public Order and Security Bill is intended to replace the notorious Law and Order (Maintenance) Act of 1961¹⁰ that was used throughout the Rhodesian period to suppress African nationalism, prevent rallies, and jail nationalist politicians for long periods without trial. Ironically, the current government has used the same Law and Order (Maintenance) Act to suppress opposition, especially the MDC party that is challenging its political control. Because the Supreme Court declared a few clauses of the Law and Order (Maintenance) Act unconstitutional, ZANU-PF decided on new legislation.¹¹ The new bill, which takes over numerous paragraphs from the old,¹² creates criminal offences for, among other things: engaging in or advocating civil disobedience, publishing false statements prejudicial to the state or "undermining the authority of or insulting" the president. Senior police officers are to be given broad powers to control, prohibit or disperse public gatherings.

The Public Order and Security Bill has been criticised by numerous international human rights watchdog groups. On 19 December 2001, the New York-based Lawyers Committee for Human Rights issued a detailed analysis, stating that it "violates fundamental human rights and freedoms protected by international law and the Constitution of Zimbabwe".¹³

Delayed in part by the international uproar but also slated for early passage by Parliament is the Access to Information and Protection of Privacy Bill, which would create new regulations to control the press. It mandates that all journalists working in Zimbabwe must have a government licence. Only citizens and foreigners with permanent resident status are eligible for the licence, and special approval from the Minister of Information is needed for anyone who wishes to write for the foreign press. The 44-page bill lists numerous restrictions on how journalists may work. For example, it forbids quoting a story from a newspaper without written permission from the newspaper's owner.¹⁴

Zimbabwe's Legal Resources Foundation issued a detailed study that labelled the information bill "ill-conceived, badly drafted and dangerous" and concluded that most of the controls the government seeks to impose are unconstitutional.¹⁵ The Media Institute of Southern Africa (MISA) was equally critical.¹⁶

rights standards contained in Articles 19, 21 and 25 of the International Covenant on Civil and Political Rights, Articles 9, 11 and 13 of the African Charter on Human and Peoples' Rights, and Article 11 of the Zimbabwe Constitution.

¹⁴ Minister of Information Jonathan Moyo said that this restriction is designed to prevent journalists from "plagiarising" from Zimbabwe's state-owned newspaper, *The Herald*.

¹⁵ Report by the Legal Resources Foundation on the Access to Information and Protection of Privacy Bill, published 4 January 2002. "The government has decided to impose an authoritarian control over the news media regardless of any constitutional restrictions", the report asserted.

¹⁶ "An Analysis of the Access to Information and Protection of Privacy Bill" by the Media Institute of Southern Africa, Zimbabwe chapter, submission to the Legal Committee of the Parliament of Zimbabwe. It called the bill "alarming" and added: "This bill contains provisions that seriously set back the freedom of expression enshrined in a constitutional democracy. The bill seeks to stop the growth of the press industry rather than expand it, in contrast to the trend in other democracies. The bill is clearly targeted at certain individuals and seeks to protect public bodies from the scrutiny of the public. It shows a Big Brother syndrome reminiscent of a bygone era, which we need not return to. It clearly allows one individual, who will be controlling the Ministry of Information, to be able to do virtually anything to anybody for any excuse that might crop up. The provision should not exist in a constitutional democracy at all".

¹⁰ Statement by Minister of Justice Patrick Chinamasa to parliament, 30 November 2001, *Hansard*.

¹¹ For example, on 20 November 2001, the clause (section 20), under which MDC leader Morgan Tsvangirai was charged with inciting public violence, was declared unconstitutional by the Supreme Court.

¹² Public Order and Security Bill; the summary at the front of the bill describes which paragraphs are taken from the old Law and Order (Maintenance) Act.

¹³ Statement from the Lawyers Committee for Human Rights, issued 19 December 2001. Cited were human

The fact that the government has not yet enacted all of the draft legislation means that international and regional pressure may be having some effect. However, the parliament has also passed additional suspect legislation in January 2002, such as the Broadcasting Bill and amendments to the Electoral Act and the Labour Relations Act. These added further restrictions on broadcasting and increased state control over elections and restrictions on trade unions. They also excluded thousands from the electoral rolls, mostly those whose characteristics suggested they were likely to support the opposition.¹⁷

Although large parts of the new bills appear clearly unconstitutional, several leading legal experts say it is very uncertain whether the Supreme Court will strike any of them down since President Mugabe in 2001 forced Chief Justice Anthony Gubbay to take early retirement and appointed a new Chief Justice and three justices all widely viewed as pro-ZANU-PF. A top Harare lawyer said:

The gravest strike at the rule of law could actually come from the courts themselves. The Supreme Court can simply state that because a statute has been passed by parliament that it is a valid law without ever scrutinising that statute to see if it is in accordance with the constitution. By avoiding that scrutiny and declaring a law to be valid because it was passed by parliament and signed by the president, the courts are furthering the breakdown of the rule of law. Those are the kind of short-sighted judicial rulings that allowed unconstitutional laws to stand in minority-ruled Rhodesia ... and in apartheid South Africa. The legal community in Zimbabwe is very concerned that the new Supreme Court will not question the constitutionality of these new pieces of legislation.¹⁸

Several Zimbabwe lawyers also expressed the opinion that the raft of repressive legislation has been created not just to win the elections, but to allow the Mugabe government to hold on to power for some time to come.¹⁹

B. ESCALATION OF STATE VIOLENCE AND INTIMIDATION

The ZANU-PF government has begun to target individual leaders for arrest, intimidation, and in some cases murder. Like a number of other authoritarian states, it has seized on the post-11 September global effort to brand any opponent a "terrorist".

Political murder is increasingly common. In late December 2001 and early January 2002, ten people were killed "in violent repression by state-sponsored militias", according to Amnesty International.²⁰ This signalled the start of what promises to be an increasingly violent election campaign. One Zimbabwe political analyst concluded:

They want to make a lesson of certain people. They are making people think twice about any action they might take. They're going after the bigger fish to intimidate the smaller fish. Everyone in leadership positions in the MDC will eventually face some form of criminal charge which they will have to answer, taking away time from the campaign. What we infer from this is that ZANU still fears losing.²¹

The increase in the military and intelligence budgets, recent arms imports and a hardening siege mentality on the part of Mugabe and his inner circle suggest that substantial violence is virtually certain. The November 2001 budget doubled defence spending²² despite the ceasefire in the Congo, strongly suggesting that the new funds were for internal repression. There was also a 142.6 per cent increase in the Central Intelligence Organisation budget, which is categorised under "special services" and cannot be scrutinised by parliament or government auditors. The war veterans were allocated more than U.S.\$7 million through the Ministry of Defence.²³ The security

¹⁷ *Wall Street Journal Europe*, 14 January 2002.

¹⁸ ICG interview in Harare, 16 December 2001.

¹⁹ ICG interviews, December 2001.

²⁰ Amnesty International, Memorandum to SADC Heads of State, 11 January 2001.

²¹ ICG interview in Harare, December 2001.

²² The new figure for defence spending was Zimbabwe\$234.4 billion, approximately U.S.\$4.08 billion at the exchange rate of 24 January 2002: one U.S. dollar = 57.45 Zimbabwe dollars.

²³ *Mail and Guardian*, 15 November 2001 The actual allocation was Zimbabwe\$429 million.

forces have also been bolstered with major new supplies of arms and ammunition, according to recent reports. The Namibian and Congolese governments are allegedly helping to pour in arms ahead of the election.²⁴

In mid-December 2001, using the 11 September rationale as justification, the government began deploying army units and militia into Matabeleland, sparking fears of increased repression and violence. Home Affairs Minister John Nkomo explained: "The enemy is employing new terror tactics and, as the government of Zimbabwe, we have to activate our security to curb terrorism".²⁵

In conjunction with the security preparations, Mugabe is said to be fortifying his offices and residences. These are the measures of a man who has vowed that the opposition will never rule Zimbabwe in his lifetime.²⁶ His declarations should not be too hastily discounted as campaign rhetoric since he has acted on similarly bellicose words in the past. In 1982, he warned opponents that their days were numbered and then unleashed the notorious North Korean-trained Fifth Brigade to kill thousands in Matabeleland and decimate the support base of Joshua Nkomo's ZAPU party. Today Libya provides fuel, arms, investment capital, and political support to the Mugabe regime. Its leader, Muammar Ghaddafi, uses the relationship to annoy President Mbeki of South Africa, with whom he considers himself in competition for African leadership.

If anything, Mugabe's political position is more tenuous than it was in 1982, and he has greater incentive not to step down. If he loses power, he risks an accounting, perhaps trial and imprisonment, for past atrocities. Stepping down would also be a prestige loss to a man who wants to be remembered for his achievements in liberating Zimbabwe. As long as he can retain

power he and his inner circle can continue to enrich themselves through operations in the Congo, where Zimbabwe has interests in timber concessions that cover 1.5 times the area of the United Kingdom. The resulting revenue reportedly goes directly to Mugabe and other senior ZANU-PF figures.²⁷ Another incentive to retain power is the diamond mining concessions in the Congo (Kasai) acquired by the military-controlled OSLEG (Operation Sovereignty Legitimacy).

ZANU-PF electoral strategy is partly aimed at ensuring victory by reducing voter turnout. The party is graduating 1000 recruits a month from the Border Gezi youth training camp to form brigades in support of the war veterans and corrupted elements of the police and military. Hundreds of these youth militia have been accused of recent attacks on MDC members²⁸ and of a reign of terror in Harare's high-density suburbs.²⁹ As these paramilitary forces increasingly hold sway in rural areas, the rule of law is further degraded.

Through state violence and intimidation, ZANU-PF is attempting to undermine or destroy MDC and other smaller party structures at the local level, particularly in rural areas outside the eye of the media. "A party can't be a party without a structure or organisation", observed one Zimbabwean activist.³⁰

C. HUMANITARIAN AND ECONOMIC FACTORS

The concept of people dying of starvation in Zimbabwe only a few years ago would have been preposterous. This is beginning to happen, however, as massive grain deficits develop, caused by harmful economic policies and the violence of the government's land program. For example, in December 2001 Zimbabwe newspapers reported that two children died of starvation in Matabeleland North when the local Grain

²⁴ *Africa Today*, November 2001.

²⁵ *Zimbabwe Daily News*, 19 December 2001. Matabeleland is the site of ZANU-PF's worst atrocities as a governing party. Over 20,000 were killed there in the early 1980s in response to a political challenge from Matabeleland politicians.

²⁶ In a speech in Tsholotsho, Matabeleland North, April 2001, President Mugabe reportedly vowed: "I am firmly asserting to you that there will never come a day when the MDC will rule this country, never ever".

²⁷ Global Witness Briefing Document, 26 August 2001.

²⁸ Amnesty International, "Memorandum to the SADC Heads of State", 11 January 2001. Amnesty says that it has interviewed eyewitnesses who claim military training is occurring in the training camp, while the government says it is part of a national service program.

²⁹ Zimbabwe Human Rights NGO Forum, "Political Violence Report for December 2001", January 2002, p. 1.

³⁰ ICG interview in Harare, 20 December 2001.

Marketing Board ran out of maize (corn) for people in the fast-track resettlement program. "More people will die, especially children, because we are going days without food", said a relative of the children.³¹ Shortages are principally caused by the government's price controls, its reluctance to reveal the severity of grain production shortages in a timely fashion, and its manipulation of the humanitarian response. These shortages are expected to intensify in early 2002, and inadequate foreign exchange, also resulting from government policies, makes commercial imports of food more difficult.

The agricultural sector, one of the "major determinants of the health of the economy",³² is in serious decline. Far from fulfilling its potential as the breadbasket of southern Africa, the country will need to import up to 800,000 tons of maize to feed the half-million Zimbabweans considered at risk of hunger and starvation by the World Food Program. This is the first time Zimbabwe will be a net importer of maize in a non-drought year.³³ Commercial food production has been devastated by the farm invasions, and food companies such as National Foods are losing money rapidly, with real potential of bankruptcy. Production of tobacco, the major earner of foreign exchange in the agricultural sector, has dropped more than 50 per cent in the last year.

Government price controls are too low for domestic producers to make a profit. Because of artificially low prices and the weakening of Zimbabwe's dollar, much agricultural production is smuggled across borders.³⁴ Zimbabweans across the country often complain of shortages of such basic goods as meal, cooking oil, sugar, soap, and dried fish. "Mugabe says that it is international sanctions causing shortages in primary consumer durables", says a Zimbabwean academic, "but Zimbabweans are increasingly seeing through this, recognising that price controls and other

government policies are primarily responsible".³⁵ For example, new legislation forces farmers to sell all maize to the government and then buy back what they need for feeding their animals at higher prices.

Beyond the immediate potential for a food emergency, economic trends reveal a deepening structural crisis born of damaging policies, continued political violence and a complete loss of investor confidence. Although the land invasion strategy has exacerbated this, the fundamental cause is the "inability of the government to build the economy over the last two decades".³⁶ Nearly every figure highlights the emergency. Real GDP contracted 7.5 per cent in 2001, agricultural output was down 12-20 per cent, and foreign direct investment declined more than 90 per cent since 2000.³⁷ Having grown more than 100 per cent in 2001, the money supply is spiralling out of control. The fiscal deficit has averaged 16 per cent of GDP over the past three years, and the brain drain is accelerating.³⁸ The stock market has dropped 19 per cent over the last two months. Perhaps the most telling statistic is a comparison of Zimbabwe and its neighbour Botswana. While Zimbabwe nearly doubled Botswana's GDP in 1997, by 1999 Botswana's economy had surpassed its neighbour's.³⁹

Gross Domestic Product (U.S.\$bn)	1997	1999
Botswana	4.9	6.0
Zimbabwe	8.6	5.6

Some 75 per cent of Zimbabweans now live below the poverty line, and unemployment has reached 60 per cent. In the past eighteen months, 700 firms have closed, and 90,000 people have lost jobs.⁴⁰ Over 25 per cent of the adult population is infected with HIV/AIDS,⁴¹ and the standard of living,

³¹ *Zimbabwe Daily News*, 18 December 2001.

³² Economist Intelligence Unit, "Country Profile: Zimbabwe", 1998-1999.

³³ The main maize crop for 2002 is estimated to come in 28 per cent lower than the previous year's. Food and Agriculture Organisation of the United Nations, press release, 24 January 2002.

³⁴ Inflation is at 103 per cent. See *Zimbabwe Daily News*, 18 December 2001.

³⁵ ICG interview in Harare, 20 December 2001.

³⁶ Moeletsi Mbeki, Greg Mills, and Fred Phaswana, "Zimbabwe Before and After the Elections: A Concerned Assessment", January 2002, p. 1.

³⁷ Economist Intelligence Unit, "Country Report: Zimbabwe", 6 December 2001.

³⁸ Mbeki et al, op. cit., p. 1.

³⁹ Ibid; see also Economist Intelligence Unit, "Country Profile: Zimbabwe", 1998-9.

⁴⁰ *Nedla* (South Africa), "Features - News Analysis", 28 September 2001.

⁴¹ This was the figure given by Zimbabwe's Finance Minister, Simba Makoni, at a World Peace

measured by the UN human development index, is plummeting.⁴² Increasing refugee flows out of the country are creating political problems in neighbouring states and the UK.

President Mugabe's lack of commitment to trade liberalisation and fiscal discipline led the IMF to bar Zimbabwe from all loans and access to Poverty Reduction and Growth Facility (PGRF) resources in September 2001. The Ministry of Finance and the Central Bank are engaged in short-term crisis management to keep a budget deficit under control that by late 2001 was 22.7 per cent of GDP.⁴³ Their policies of pushing down nominal interest rates and maintaining public sector wages, however, will have an enormous long-term impact on the financial sector, as government Treasury bills with high negative real interest rates begin to mature in 2002.

The government's fast track land resettlement program and accompanying political violence have also contributed to the economic crisis. Through legislation such as Statutory Instrument 338, the Mugabe regime is trying to limit the size of farms. These acts, combined with the government's refusal to obey several Supreme Court rulings, have resulted in dramatically lower investment in commercial farming. Furthermore, continued military operations in the Congo, while benefiting a few generals and top ZANU-PF officials, have drained hundreds of millions of dollars from the economy.

According to one Zimbabwe economist, the underlying economic deterioration is only masked by large state and consumer spending:

Lots of money [is] coming in from expatriate Zimbabweans for housing, cars and other consumer items. There is a great deal of cross-border purchasing in Zimbabwe from neighbouring countries. This is distorting the economy. Inflation and unemployment are up, while real wages continue to decline. Production is plummeting. This is just an artificial bounce. This consumer spending

makes the situation look better than it actually is.⁴⁴

Privatisation has been a major element of ZANU-PF's asset-stripping strategy. Through a misnamed "liberalisation" program and in non-transparent transactions, ZANU-PF officials have acquired key national assets and economic institutions at fire sale prices. They are also buying up failing companies and have been the primary beneficiaries of the farm seizures. Many are now selling their land to make housing plots and are giving government scholarships to their children.⁴⁵ Libya shares in the spoils as payback for its support over the last year.

The government has even moved to politicise the response to the HIV/AIDS epidemic. In November 2001, it shifted AIDS funds from village action committees to ZANU-PF-controlled district councils.⁴⁶ This gives the ruling party yet another tool with which to influence voters.

In sum, Zimbabwe's economy is in severe crisis but has not yet fully collapsed. Its previous strength in mining, agriculture, and tourism suggest potential for recovery. The most recent Economist Intelligence Report indeed predicted that GDP will contract at a decreased rate in 2002.⁴⁷ Whether a real turnaround is realised, however, depends on a much deeper commitment to multifaceted reform, including genuine fiscal discipline and devaluation of the Zimbabwe dollar, as well as respect for the rule of law, human rights, and political opposition.

Foundation/South African Institute of International Affairs conference in Johannesburg, 12 November 2001.

⁴² UNDP, United Nations Human Development Report 2001, (Oxford University Press, New York, 2001).

⁴³ Economist Intelligence Unit, "Country Report: Zimbabwe", 6 December 2001.

⁴⁴ ICG interview in Harare, 17 December 2001.

⁴⁵ "They are budgeting and preparing for the future by taking control of the assets of the state and the private sector" is the way one observer ICG interviewed in Harare in December 2001 summarised matters.

⁴⁶ IRIN, 15 November 2001, and BBC, 15 November 2001.

⁴⁷ GDP is expected to fall 5 per cent in 2002 instead of the 7.5 per cent that it did in 2001. See Economist Intelligence Unit, "Country Report: Zimbabwe", 6 December 2001. The prediction assumed that some limited economic reforms would be introduced after the March election.

III. ELECTION SCENARIOS

A. AN UNCERTAIN OUTCOME

The election outcome is not a foregone conclusion. The electorate itself remains a mystery. Although the few available polls show the MDC in the lead,⁴⁸ no one knows the degree to which violence and intimidation will keep people home or even swing votes to ZANU-PF. This uncertainty has led to further manipulation of the voter rolls and plans for stuffing ballot boxes in ZANU-PF strongholds, particularly Mashonaland. Government-inspired restrictions are likely to be most effective in disenfranchising urban voters, while violence is expected to impact more severely on rural areas. It is believed that the MDC will dominate results in urban areas, while ZANU-PF remains strong in rural areas, not necessarily because it has support there (outside the Shona heartlands), but because it has control.

The land issue, on which ZANU-PF has staked its campaign, appeals to some rural constituencies, but its implementation alienates as many potential voters as it wins over. "Where is the reform?" asked one Zimbabwean community activist. "Most of the land allocation is based on patronage, which has exposed ZANU's greed and corruption".⁴⁹

A number of regions remain uncertain, perhaps most importantly Masvingo, a major swing area which is slipping away from an increasingly divided ZANU-PF. War veterans are threatening to remove forcibly the ZANU-PF governor, Josaye Hungwe, because he has not supported them aggressively enough.⁵⁰ This is only one of many fissures, exacerbated by ZANU-PF's policy of imposing officials from the centre. "Whither Masvingo, whither Zimbabwe", predicted one Western diplomat.⁵¹ ZANU-PF also has internal

problems in Mashonaland West. Manicaland and Midlands are wide open.

The government delayed the election until the last possible moment constitutionally in order to give its intimidation, violence and voter restrictions time to work. One Zimbabwean analyst predicted: "Violence will eventually be scaled down, media coverage will open up, and then a week before the election observers will be allowed in and the vote will be as peaceful as possible".⁵² A western diplomat concurred: "ZANU-PF wants to have a smooth election, and to win by one vote".⁵³

If legitimacy were not an issue for Mugabe, the election results would already be mailed in: ZANU-PF in a landslide. However, he may feel compelled to make the voting credible enough to ensure SADC and African Union certification. This provides the opportunity for international action to make a difference.

B. THREE SCENARIOS

Possible scenarios include:

1. *The election is deeply flawed, and ZANU-PF declares a narrow victory.* This is perhaps the most likely scenario. If SADC and the African Union immediately endorse the result, and there are few signs of internal protest, it will be difficult for the rest of the world to declare the resulting government illegitimate. ZANU-PF calculates that SADC will legitimise Mugabe's re-election and act as a bridge to reengagement with the international community, particularly aid donors and multilateral development banks. SADC's past actions give some grounds for this belief.⁵⁴ In the event of mass protests and widespread civil disobedience, however, all bets are off. They might galvanise international support for pro-democracy elements on the ground. More than likely, though, the government would deal severely with the first signs in order to smother any popular revolt. "ZANU leaders will kill any

⁴⁸ Tsvangirai led Mugabe by four percentage points in a June 2001 poll, but many of those questioned were afraid to identify their political affiliation. The opposition leader has led by as many as eleven points in other polls. See R.W. Johnson, "If the people could choose", a Helen Suzman Foundation report, December 2001, available online at hsf.org.za/focus24/zimsurvey.pdf

⁴⁹ ICG interview, December 2001.

⁵⁰ *Zimbabwe Daily News*, 17 December 2001.

⁵¹ ICG interview, December 2001.

⁵² ICG interview in Harare, December 2001.

⁵³ ICG interview, December 2001.

⁵⁴ In December 2001 SADC did not challenge Zambia's deeply flawed election.

police or army who support the people”, said one civil society leader.⁵⁵

2. *The government declares a state of emergency, postpones the elections and bans the MDC.* This could occur in reaction to the municipal elections the MDC has already won, public opinion polls indicating an expanding opposition lead, and a ZANU-PF calculation that it cannot win the election no matter how comprehensively it rigs the process. This would deepen the economic and political crisis for the entire region but could become likely if the extremist faction takes control of ZANU-PF that advocates ignoring most of the international community while deepening ties with Libya, China and a few other states not bothered by current conditions.

3. *The MDC wins an outright victory.* “If ZANU-PF actually loses on election day, they will give up power”, predicted one European diplomat. “They won’t be able to withstand the pressure from inside and from the sub-region”.⁵⁶ A number of variants are conceivable if this occurs. The best case would be a new government supported by significant international aid. An MDC government would face enormous challenges, due to its own internal contradictions and perhaps because it would be undermined by ZANU-PF-dominated security institutions. “The MDC is an election machine that is disgruntled with Mugabe”, suggested one South African academic. “It is simply a huge expression of the lowest common denominator: remove Mugabe. The party would break down and open the door for the army”.⁵⁷

Implicit in this negative interpretation is belief that the army leadership and other organs of state security would remain loyal to ZANU-PF. If so, they would destabilise an MDC government, or at least not confront the war vets and youth militias, thus making it impossible to govern effectively. Some allege that planning for this outcome is

already underway. “Some in ZANU are thinking about how to respond to the loss scenario”, said an academic. “They are thinking about how to destabilise an MDC government using state structures and violence”.⁵⁸ In this case, long-standing South African efforts to forge a deal between ZANU-PF and the MDC might become relevant.

C. ZIMBABWE’S ARMY: THE X-FACTOR

The military is critical for the electoral process but observers are divided over its role. Will it oppose violence against potential civil disobedience? Will it be a key instrument for ensuring a ZANU-PF victory? Will it demand that the results be upheld, no matter who wins? Much depends on what the ZANU-PF leadership asks it to do.

In January 2002 General Vitalis Zvinvashe, the army chief, read out a statement declaring that the military leadership “will not accept, let alone support or salute, anyone with a different agenda that threatens the very existence of our sovereignty, our country and our people”.⁵⁹ This was widely interpreted to mean that a victory by the MDC’s Morgan Tsvangarai would not be respected. This is what Mugabe has sought from the army ever since it played a key role in having the results of the February 2000 constitutional referendum – a government defeat – respected.⁶⁰ His strategy to deepen the military’s stake in a ZANU-PF victory has been to increase service benefits and the number of those compromised by or complicit in ZANU-PF policies.

Zimbabwe’s involvement in the Congo has made significant financial opportunities available to military personnel, particularly the leadership.⁶¹ Economic ties chain the top generals to ZANU-PF leaders. The companies benefiting from the Congo

⁵⁵ ICG interview in Harare, December 2001.

⁵⁶ ICG interview in Harare, December 2001.

⁵⁷ ICG interview in South Africa, 13 December 2001.

⁵⁸ ICG interview in Harare, 20 December 2001.

⁵⁹ *Zimbabwe Herald*, 10 January 2001.

⁶⁰ A very senior army commander at the time confirmed this version of events with ICG in a December 2001 interview.

⁶¹ See United Nations, “Addendum to the Report on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Congo”, November 2001; see also ICG Africa Report No. 38, *Disarmament in the Congo: Jump-Starting DDRRR to Prevent Further War*, 14 December 2001.

have been military-affiliated entities such as Osleg, and the windfalls have been significant.⁶² For example, Army Commander Lt. General Constantine Chiwenga is building a six-story house with elevator in Harare, something an army salary would not permit. He reportedly began campaigning for ZANU-PF in the barracks, but faced opposition from others who found this inappropriate for a senior figure in a professional army.

The government has also provided a cash bonus of 50,000 Zimbabwean dollars, double the army salary,⁶³ to all military personnel and has offered expropriated land to rank and file soldiers and officers. Soldiers are being told they can bring their children into the army, which is meaningful in the current economic crisis. Most land promises for army personnel are scheduled to be fulfilled only after the election, thus ensuring a stake in the outcome for prospective beneficiaries. This has undercut those seeking to maintain army neutrality. "There is a huge run on assets by those trying to get what they can while they can get it", observed a Zimbabwean analyst.⁶⁴ Another offered: "ZANU is giving carrots to ensure its survival. Many soldiers are falling for this...They are intoxicated by all of the incentives. They are told that the MDC would renounce all of these promises. This ruse might work".⁶⁵

Intimidation and repression have been directed toward the same goal. "If you don't follow orders to deploy or to beat people, you go to jail", alleged one observer with relatives in the army.⁶⁶ Mugabe is not placing all his bets on the military, however. In addition to favouring the war vets, ZANU-PF is also training youth militias that can act as a private army if necessary.⁶⁷

Some analysts believe the army will maintain its professionalism and defend the constitution because it would not want the situation to degenerate into civil conflict, especially in Matabeleland. Those holding this view say MDC promises to respect and support a professional army are important. Others believe that the numbers of compromised officers and soldiers make it impossible for the army to stay neutral.

MDC statements and positions could pose problems. A former senior officer told ICG that it was "very dangerous" for the MDC to say that it will try to bring leaders of the armed forces and the president to court. "This will scare the armed forces if the MDC wins. The army could overturn the election based on the MDC building a case against the army. This could change calculations. It will certainly be part of the thinking".⁶⁸ Some Zimbabweans claim that the army dislikes the MDC Shadow Minister of Defence because he is not a former freedom fighter. "They distrust this", said one Zimbabwean analyst. "This is a big error on the part of the MDC".⁶⁹

The Central Intelligence Organisation and police have been compromised as well, making them ZANU-PF tools in the election. Significant fiefdoms within the army and police benefit from instability, as well as from continued ZANU-PF rule.

In spite of all this, it is instructive to look at voting patterns, to the extent they can be ascertained, of rank-and-file military personnel in the June 2000 elections. In Harare South, where two battalions are stationed, there were only 45 votes out of around 1,500 in favour of ZANU-PF.⁷⁰ Some central reasons for rank-and-file dissatisfaction then appear not to have been addressed. Food and fuel shortages within the military produce numerous reports of widespread dissatisfaction.⁷¹ In what is alleged to be the tip of the iceberg, top officers were suspended for diverting to the black market rations for their soldiers in the Congo.⁷²

⁶² These companies stand to benefit further if talks succeed between Zimbabwe and Angola concerning establishment of a joint company to manufacture weapons. See *Zimbabwe Financial Gazette* web site, 20 December 2001.

⁶³ *The Economist*, 10 January 2001.

⁶⁴ ICG interview, December 2001.

⁶⁵ ICG interview in South Africa, 15 December 2001.

⁶⁶ ICG interview in Harare, 19 December 2001.

⁶⁷ To further guard against any insurrection within the ranks of the military, an ex-army officer said, the government never deploys entire divisions to the Congo, preferring to break them up as a means of preventing long-term cohesion. ICG interview in Zimbabwe, December 2001.

⁶⁸ ICG interview in Harare, 21 December 2001.

⁶⁹ ICG interview in Harare, 17 December 2001.

⁷⁰ ICG interview in Harare, December 2001.

⁷¹ ICG interviews in Zimbabwe and South Africa, December 2001.

⁷² One local paper alleges that there is "massive looting of rations destined for soldiers in the Congo". See *Zimbabwe Standard*, 2 December 2001.

Ethnically driven promotion patterns are another source of frustration.

A scenario not reflected above would involve the small possibility of a coup by mid-level officers in response to continuing deterioration or a fraudulent election that makes Zimbabwe a pariah state. Disaffected elements within the hierarchy might combine with soldiers from the Congo to form the backbone of a move against ZANU-PF. ICG could not independently confirm a story in December 2001 to the effect that senior army officers urged President Mugabe to resign before that month's ZANU-PF conference and identify a successor to contest the election.⁷³

There will be a significant battle within the military over how to respond to the election results. As matters now stand, however, it appears that enough of the leadership has been compromised to ensure support for whatever ZANU-PF decides.

D. ZANU-PF: DIVERSITY AND DIVISION

The ruling party is increasingly divided over its present strategy and future. Numerous factions are in play, including the war veterans, an old guard that continues to back the president, "Young Turks", who benefit economically from the instability and their association with the government, and former ZAPU military who joined the government in the 1980s. Reform-minded officials who are fed up with the negative trends are primarily concentrated in parliament where there is real ferment and party leaders have had an increasingly difficult time imposing discipline as legislation has become more draconian. Furthermore, according to a Western diplomat, "Mugabe is increasingly ignoring advice from within the party. Resistance from within ZANU will increase the more the top leadership tries to steal the election".⁷⁴

On 14 January 2002, in the aftermath of the SADC heads of state summit, Mugabe reportedly read the riot act to his cabinet and key MPs. Having been embarrassed by SADC leaders who told him that he had the election won but tainted it by using violence, he apparently accused some of his

colleagues of ruining his reputation. The divisions and distrust will only increase as the election nears.⁷⁵

The succession issue grows increasingly important with each story of Mugabe's ill health or of speculation that he will step down after the election. A handful of senior party officials have already told him that he should not run again, and many others are quietly consulting friends and allies in Zimbabwe and around the region in search of a way forward.⁷⁶ This colours all calculations as everyone in the party is beginning to position himself for the post-Mugabe era. It is possible that if he were to retire eventually, ZANU-PF would collapse into ethnic and interest-based fiefdoms.⁷⁷

Another key issue that affects the calculations of individual ZANU-PF members is accountability. The fear of prosecution, for violent crimes or theft, is a driving force behind the effort to maintain power.

At the same time, the war veterans and newly trained youth brigades present a Frankenstein scenario. They will not be reined in easily by any post-election government. "If you pay thugs to undertake violence and you don't have a demobilisation plan, then you have a huge problem", observed one regional analyst.⁷⁸

E. THE MDC: KEEPING HUMPTY DUMPTY TOGETHER

The opposition will have to deal with its own internal contradictions at some point.⁷⁹ If divisions over policy or strategy explode before the election, this could have a negative effect on the outcome.

An MDC victory would quickly highlight major internal differences. Although the MDC economic plan focuses heavily on structural adjustment, many key constituencies recall that these were disastrous in the early to mid-1990s. The country de-industrialised rapidly, the stock market and currency crashed, and the seeds of opposition to

⁷³ *Financial Gazette*, 20 December 2001, p. 1.

⁷⁴ ICG interview in Harare, December 2001.

⁷⁵ ICG interviews, January 2001.

⁷⁶ ICG interviews in South Africa and Zimbabwe, December 2001.

⁷⁷ This will be the subject of a future ICG report.

⁷⁸ ICG interview in Harare, December 2001.

⁷⁹ See ICG Report, *Finding a Way Forward*, op. cit.

ZANU-PF were planted, eventually producing the MDC itself. "The MDC economic plan makes wild promises about the pace and scope of privatisation", charged an economist focusing on the region. "But unions – a key constituency within the MDC – won't accept this. There are crucial class cleavages within the MDC that will emerge forcefully after an MDC victory".⁸⁰ Also, some believe the party is not campaigning enough at the grassroots, which creates tensions over electoral strategy. Some of the shortcomings of the MDC, however, parallel those that the African National Congress overcame in South Africa in the early 1990s. The MDC has the advantage of having members of parliament and civil administrators who are already learning the ropes of governance.

IV. FUNDAMENTAL QUESTIONS

Governments must consider several basic questions before constructing their policies.

A. IS THE ELECTION UP FOR GRABS?

The most important policy question is whether there are circumstances in which ZANU-PF will allow an MDC victory, or whether it will "win" by any means necessary. If after all the intimidation, violence and restrictions on voters during the campaign, ZANU-PF is prepared to allow the will of the remaining electorate to be reflected through the ballot, this would indicate one set of immediate priorities. But if Mugabe means his threat that the MDC will never take power, different options are indicated.

Civil society and opposition leaders still believe in the possibilities of a contested election, however flawed. The international community should not get ahead of them in its assumptions so it should concentrate on the following actions:

- unify around an advocacy platform demanding implementation of SADC's own minimum standards for a free and fair election;
- work to widen existing ZANU-PF cleavages between those who want to maintain power at all costs and those that want a better future for their country;
- influence other key actors within Zimbabwe, particularly the military, to play a constructive role;
- maximise voter turnout through support to civil society and public diplomacy, prioritising the messages that every vote counts and all votes are secret; and,
- make early placement of independent international and domestic monitors or observers an even more pressing priority.⁸¹

⁸¹ Distinctions are sometimes made between "monitors" who would have the right to intervene if they discovered improper behaviour during the electoral process and "observers" who could only take note of and publicise such behaviour. While the functional distinction is meaningful, the international community is concentrating upon getting personnel in position on the ground far enough ahead of election day to restrain efforts to rig the

⁸⁰ ICG interview, December 2001.

“Overwhelming turnout is the best hope”, argued a Zimbabwean activist. “There is a limit to how much they can cheat. Mugabe has strong core support. The will of the people can only be measured with a massive turnout”.⁸² Even monitors or observers allowed in only at the end of the process could still play a major role in checking abuses on election day. “All we need from monitors or observers is to focus on preventing the stuffing of ballot boxes with fake votes”, implored one top opposition official.⁸³ A Zimbabwean academic agreed: “Rigged elections can be won. There is no way that people will be discouraged from voting”.⁸⁴

If the assumption on the ground that the election is still open changes, however, the international community should implement different tactics including:

- ❑ a stern message to Mugabe and ZANU-PF that the illegitimate government that would result from a stolen election will not be recognised; and,
- ❑ measures to isolate the regime regionally, continentally and internationally.

For now, evidence as to how far ZANU-PF is prepared to go is inconclusive. For example, in a mayoral election held in Chegutu in Mashonaland West in November 2001, only 5,000 of a possible 20,000 voted, suggesting that the violence and intimidation that preceded the ballot resulted in many stay-aways. “People are afraid”, concluded one Zimbabwean analyst.⁸⁵ Remarkably, the MDC won this election, again demonstrating that ZANU-PF may not completely steal the election. But ZANU-PF thugs then further confused the predictive value for the upcoming national vote by preventing MDC officials from taking office.

process and with independence to control their own movements. Whether such international officials are called “observers” or “monitors” is less important for practical purposes than the mandate that is negotiated for them, and the terms are used in this report, therefore, and in this limited sense, as acceptable alternatives.

⁸² ICG interview in Harare, December 2001.

⁸³ ICG interview in Harare, 19 December 2001.

⁸⁴ ICG interview in Harare, 20 December 2001.

⁸⁵ ICG interview, December 2001.

B. SHOULD THE ELECTION BE DEEMED ILLEGITIMATE IN ADVANCE?

Closely connected with the first question is whether there is a point between now and election day at which the evidence of intended theft becomes so great that the international community should deem the entire process illegitimate.⁸⁶ An increasing number of voices within Zimbabwe are indeed saying the process has already been so deeply flawed that the election should be declared illegitimate now. Some argue further for a boycott of the election or non-participation or even immediate mass protests. One such activist concluded:

Mugabe will not accept losing. We need to take him at his word. We need to undermine the credibility of the elections to prevent them from taking place. If there are spontaneous mass protests after a stolen election, they will easily be crushed. But if people start planning now, they will be arrested. It would be better to simply boycott the elections”.⁸⁷

However, responds a Zimbabwean academic, “a boycott gives Mugabe a blank check. Going this route now plays into the stereotype of people [bowing] to ZANU’s intimidation as well as ZANU personnel on the ground throughout the country uniformly wanting to rig the election. Neither may be the case. We will only lose if there is no election”.⁸⁸

Once again, since on balance the majority of civil society organisations remain committed to promotion of a freer and fairer election, and the

⁸⁶ Numerous factors need to be considered. For example, the electoral roll is vitally important. Reportedly, members of the High Court went to the Registrar-General’s office in Harare to inspect the roll in December 2001 and found the printers not working, a backlog of 800,000 applications, and more coming in every day. Without rectification, hundreds of thousands of additional voters will be disenfranchised. Furthermore, holding the election on a constituency basis rather than on a national basis will strengthen ZANU-PF’s considerable logistical advantages, and in effect disenfranchise hundreds of thousands more voters. The manner in which these kinds of detailed issues are resolved will directly impact whether the will of the people can be reflected on election day.

⁸⁷ ICG interview in Harare, 20 December 2001.

⁸⁸ ICG interview, December 2001.

MDC is determined to contest it, it would be inappropriate for the international community to get ahead of those with the greatest stake.

V. OUTSIDE ACTORS

The wider international community has condemned the breakdown of the rule of law in Zimbabwe with increasing emphasis but the lack of follow-up action has emboldened the ZANU-PF leadership, which now tends to discount the warnings. Nevertheless, debate continues in European and North American capitals about what measures, and with what timing, might have the most impact.

A. THE EU POLICY LABYRINTH

The EU has sent mixed signals. It chose to embark on a lengthy negotiating process with Harare instead of responding to early signs of the crisis promptly with targeted sanctions. Thus, in March 2001 foreign ministers initiated the enhanced “political dialogue” procedure under Article 8 of the Cotonou Agreement,⁸⁹ which is meant to caution an offending state and provide an official framework for discussion of contentious issues of “mutual concern”. In June 2001, EU foreign ministers issued a statement deploring the “lack of progress” in improving the situation on the ground and spelled out that “as a first priority the dialogue should yield rapid and tangible results on the following:

- ❑ an end to political violence, and in particular an end to all official encouragement or acceptance of such violence;
- ❑ an invitation to the EU to support and observe coming elections and full access to that end;
- ❑ concrete action to protect the freedom of mass media;
- ❑ independence of the judiciary and the respect of its decisions; and,
- ❑ an end of illegal occupation of properties.”⁹⁰

On 29 October 2001, the EU warned President Mugabe that, the political dialogue having in effect been exhausted, Zimbabwe faced possible sanctions under the Cotonou Agreement unless

⁸⁹ The Cotonou Agreement is a multilateral document that governs EU development assistance and trade relations with a large number of African, Asian and Pacific countries, including Zimbabwe.

⁹⁰ General Affairs Council, Conclusions, 25 June 2001.

specific steps were taken to restore the rule of law and create conditions for free and fair elections. At the time, however, British Foreign Secretary Jack Straw said that the EU was only moving from “a benign position to one of active engagement”.⁹¹ On 11 January 2002, after further delaying tactics from Harare, a meeting was held in Brussels with a high level Zimbabwe delegation led by Foreign Minister Stan Mudenge. It ended with a stiff EU warning of action possibly to be taken at the next session of EU foreign ministers (the General Affairs Council), on 28-29 January.⁹²

The EU's goal is for the 9-10 March presidential election to take place in the best possible circumstances. However, the EU has had difficulty speaking with one voice on Zimbabwe. Its member states were divided roughly equally for most of 2001 between those (Scandinavians, the Dutch, usually the British, but not always) who wanted to act quickly and increase pressure on Mugabe, and those, like France and Belgium, who insisted that time for action was not yet ripe.

The official reason given for the latter position was that the EU should tread softly while there was still a decent chance of negotiating deployment of its election observers. A more sceptical interpretation was that the French and Belgians, with their particular interests in the Congo, did not wish to antagonise Mugabe because his support was important for the Kabila government in Kinshasa.

The European Parliament has taken the most forthright position on Zimbabwe of any of the EU organs. In its resolution of 6 September 2001, it

singled out the French government for criticism, stating that “whereas most [EU] Member States have substantially cut or suspended their financial support and development aid to Zimbabwe, ...France had significantly increased its engagement”, and called on Paris “to adhere to the line taken by the other Member States”. The European Parliament, however, has only the right to recommend, not to share in decisions on this kind of foreign policy issue.

The UK was the first and, for a while, only champion among EU member states for tough action against Mugabe in the first half of 2001. After the signing of the Commonwealth-sponsored Abuja Agreement of 6 September with Zimbabwe, however, British representatives argued that Mugabe should be given additional time to demonstrate his good faith. London indicated an understandable desire to see some of the running on the issue taken over by Mugabe's fellow African leaders, such as Nigeria's President Obasanjo. This effectively removed pressure for concerted EU action during much of the fall. As the progress hoped for from Abuja has increasingly been revealed as a mirage, and a parallel SADC initiative also has appeared to run out of steam, however, interest in a tougher EU position has again picked up, spurred in particular by the Netherlands, Finland, Sweden, and Germany. The British also are reliably reported to have resumed support for meaningful EU action.

The 28-29 January meeting of EU foreign ministers, which has a wide range of issues on its agenda in addition to Zimbabwe, will consider the most recent response from Harare. It could conceivably postpone decisions until one or another aspect of that response has been explored further.⁹³ There is a realisation within EU circles, however, that time is rapidly running out if something is to be done that has a possibility of impacting on an election that will then be less than six weeks away.

⁹¹ United Press International, 29 October 2001.

⁹² Legal questions have been raised as to whether a literal reading of the Cotonou Agreement requires the EU to allow additional time to elapse before acting pursuant to that document, so much time in fact that Zimbabwe's election would already be over. Under this interpretation, after the 29 October 2001 warning, Cotonou procedures envisaged fifteen days for exchange of correspondence followed by a 60-day countdown-to-sanctions period. However, the countdown may formally have begun only with the 11 January meeting, in which case it would end several days after the election. There are two reasons why this is more an excuse for those who wish to take no action, or at least postpone a decision indefinitely, than a serious objection. Formal consultations were delayed by President Mugabe's own tactics, and the Cotonou Agreement permits accelerated procedures as required by circumstances. The EU applied such an acceleration process previously to Haiti.

⁹³ Foreign Minister Mudenge wrote 18 January 2002 to the Spanish EU Presidency providing answers to questions raised at the 11 January meeting in Brussels. The EU anticipated exploring these through representatives of its “Troika” in Harare in the days immediately preceding the General Affairs Council. ICG interviews in Brussels, 23-24 January 2002.

If the ministers choose to act, they could, with the authority of the Article 96 procedures of the Cotonou Agreement, suspend EU assistance and trade. The former has already dropped to low levels, except for some health and education projects that do not benefit the central government and that EU states would understandably be reluctant to touch. One EU source points out that "Zimbabwe gets a lot of preferential access to EU markets, particularly for its food products and textiles, and this access may be reviewed",⁹⁴ though the economic deterioration means that Zimbabwe presently has little to export even with the benefit of the preferences. Nevertheless, there will likely be considerable reluctance to strike blows at an economy that is already in a critical state and whose impact would presumably be felt most by those who are most vulnerable.

Regardless whether EU ministers consider it inappropriate to proceed on the Cotonou track, they should give greater attention to the possibility of imposing "smart" sanctions such as travel visa restrictions, the freezing of personal bank accounts, or the revocation of study-abroad opportunities for children of the ruling elite.⁹⁵ These would be targeted not at the economy as a whole or the general population but at the top echelon of Zimbabwe's political leadership.

A frustrated European diplomat in Harare predicted to ICG in December 2001 that "There won't be any decision by the EU before the elections. This is yet another victory for ZANU. Europe does not want to make a big case of Zimbabwe. The result is pathetic... The EU has become a laughingstock here in Zimbabwe. It has remained in between talk and action for the last nine months. There is no leadership".⁹⁶

From the perspective of Brussels that judgement seems overly harsh and certainly premature. The issue that is most time sensitive and so most crucial in the EU's assessment is whether Harare allows deployment of EU election observers. EU Council officials have said that how Harare treats

this matter will be interpreted by the EU as indicative of its good faith with respect to the other EU requirements. EU representatives ICG interviewed in January before the foreign ministers meeting were reluctant to discuss targeted personal sanctions, claiming that the threat of Article 96 action might still be effective, especially for obtaining entry for EU election observers. The complicated "interaction between sanctions and elections observers"⁹⁷ is consistently given as the main argument for holding back the personal sanctions instrument. However, ministers will need to decide whether such targeted measures are inconsistent with getting election observers into the country or, as ICG believes, precisely the kind of tangible incentive the Mugabe government needs to take the EU seriously enough to give it that concession.

B. U.S. DEBATES: NOT IF BUT WHEN

The passage in Congress and President Bush's signature on the Zimbabwe Democracy and Economic Recovery Act (ZDERA) in December 2001 demonstrated in principle a bipartisan willingness to ratchet up pressure on Mugabe. Major questions remain, however, concerning what the U.S. will do and when it will do it.

The U.S. should in any case intensify its public diplomacy to explain the bill to the Zimbabwean public. Despite ZANU-PF's efforts to paint it so, ZDERA is not a sanctions bill *per se*. It represents a balanced approach that includes incentives for a free and fair election, such as an authorisation of U.S.\$26 million to support land reform and economic development. It also encourages President Bush to use his executive authority to impose targeted sanctions against key government officials and urges consultation with U.S. allies in further pursuit of this measure. The clause most widely portrayed as a sanction against the people requires that the U.S. vote against any new multilateral aid in the international financial institutions until the rule of law is restored and free and fair elections are held. But the World Bank and the IMF had already suspended relationships with Zimbabwe.

⁹⁴ IRIN, 27 November 2001.

⁹⁵ Targeted sanctions of the sort discussed above come under the ambit of the EU's Common Foreign and Security Policy and may be decided upon as a matter of policy discretion without regard to Cotonou procedures and timetables.

⁹⁶ ICG interview, December 2001.

⁹⁷ First heard by ICG in an interview with a French government official in Brussels in September 2001.

Just before passage, Assistant Secretary of State for African Affairs Walter Kansteiner travelled to Zimbabwe and South Africa to consult on next U.S. policy steps. "Zimbabwe can be put on the right path", he said. "We are eagerly awaiting to see how Zimbabwean government officials and civil society react".⁹⁸ In South Africa he delivered public and private messages that the G-8 countries would closely watch SADC's response to the Zimbabwe crisis as a test of the region's ability to implement its professed good governance objectives.⁹⁹ Administration officials say that more robust action by the region is a key objective, and they believe U.S. relations and leverage with South Africa will be crucial in obtaining it.

There is a difference of views within the U.S. government whether to impose targeted sanctions against key ZANU-PF officials before the election. Reportedly the administration has drawn up target lists and gathered significant intelligence about the assets of senior officials.¹⁰⁰ However, to date, the U.S., like the EU, has done little to persuade the Zimbabwe government that it is serious about acting to influence the conduct of the March election itself. Congressional pressure is likely to increase during February if the administration continues to hold back.

U.S. officials, again like their European counterparts, do issue statements that are increasingly urgent in tone, often in conjunction with visits to the country or region by middle level officials such as Kansteiner or the Assistant Secretary of State for Democracy, Human Rights and Labour, Lorne Craner.¹⁰¹ But again, there is a risk in Washington as in Brussels that bark without as yet any bite can play into the ZANU-PF propaganda machine and reinforce the notion that the West is unwilling to act.

C. THE COMMONWEALTH: TO SUSPEND OR NOT TO SUSPEND?

The Commonwealth disposes of far less real political, economic or military power than the EU or the U.S. Accordingly, it risks all the more significant self damage to its influence if it fails to act effectively to counter the public defiance of a member to its basic norms.

The most recent warnings on the table are from Australian Foreign Minister Alexander Downer, who indicated late in 2001 that the Commonwealth Ministerial Action Group would consider suspending Zimbabwe when it meets on 30 January 2002 "if nothing changes for the better",¹⁰² and British Foreign Secretary Jack Straw, who also threatened suspension if the situation "continues to deteriorate". Nevertheless, ZANU-PF reaction is probably typified by Justice Minister Patrick Chinamasa, who responded publicly that such action will not be taken because, aside from Canada, the UK and Australia, "the rest of the Commonwealth has rallied behind us".¹⁰³

Momentum had appeared to be building during summer 2001 for some kind of forceful action. The apparently promising Abuja Agreement was concluded with Zimbabwe on 6 September 2001, and suspension was expected to be under review at a Commonwealth Heads of Government Meeting (CHOGM) scheduled for 6-9 October 2001 in Brisbane. Following the terror attacks in the U.S., however, the summit was postponed until 2-5 March 2002, awkwardly just one week before Zimbabwe's election. The matter was turned over in the interim to a Committee of Commonwealth Foreign Ministers, which has focused on Abuja implementation.

A Commonwealth Committee delegation that visited Zimbabwe on 25-27 October 2001 issued a weak public statement because it could not agree whether the fundamental issue in Zimbabwe is land or rule of law. Rumbles of possible measures under consideration again emanated from the

⁹⁸ Dow Jones International News Service, 11 December 2001.

⁹⁹ *The Star* (South Africa), 13 December 2001. Mr. Kansteiner said: "... the test case is Zimbabwe".

¹⁰⁰ ICG interviews, January 2002. Also see *Financial Times*, 14 January 2002.

¹⁰¹ "You can expect the U.S. to continue to ratchet [pressure] up between now and March 10", promised Representative Ed Royce", a major Congressional advocate. AFP, 16 January 2002.

¹⁰² *Financial Times*, 23 December 2001, p. 5.

¹⁰³ IRIN, 10 January 2002. Later that week, Straw charged that the clampdown on the independent media was "resonant of dictatorship" and "completely inconsistent" with Commonwealth principles. *The Independent*, 14 January 2002. The UK government has suspended deportations of Zimbabwean asylum-seekers.

Commonwealth Ministerial Action Group¹⁰⁴ that discussed the new legislation introduced by ZANU-PF on 20 December 2001 in London.

Initial Commonwealth hesitation to take up the Zimbabwe case more than rhetorically was due in part to concern that authority for suspension of a member might be limited to instances of military coups. A recent internal report, however, has demonstrated that human rights issues rooted in the 1995 Millbrook Action Program can also trigger suspension.¹⁰⁵ Governments are receiving some pressure to act, before the election and before the next CHOGM, from various professional associations linked to the institution. For example, a delegation from the Commonwealth Press Union, the Commonwealth Broadcasting Association, and the Commonwealth Journalists Association met in January 2002 with Secretary General Don McKinnon to urge further action.¹⁰⁶

Key Commonwealth governments, however, appear to wish to take their cues from SADC, particularly since President Mbeki of South Africa now serves as Chairman of the Commonwealth. British Foreign Office Parliamentary Under-Secretary of State, Baroness Amos, for example, suggested recently that the resolution of the crisis would come from pressure led by regional states.¹⁰⁷ This could be an indication that, unless other international actors start the ball rolling, the Commonwealth will defer major decisions at least until its CHOGM meets, which is likely to be too close to the election to make much difference in that process.

¹⁰⁴ The Ministerial Action Group is different from the Committee. The Action Group involves ministers from Australia, Bangladesh, Barbados, Botswana, Canada, Malaysia, Nigeria and the U.K. It was created by Commonwealth leaders in 1995 to deal with serious or persistent violations of the Commonwealth's fundamental principles, which include democracy, good governance, and respect for human rights and the rule of law.

¹⁰⁵ ICG interview with Commonwealth official, December 2001.

¹⁰⁶ Commonwealth Press Union press release, 14 January 2001.

¹⁰⁷ *Daily News*, 17 December 2001, p. 15. Reportedly, President Obasanjo of Nigeria recently wrote Prime Minister Blair recommending that the EU and the Commonwealth yield the initiative to SADC. The British prime minister was said not to have been persuaded, however. ICG interview, Brussels, 22 January 2002.

VI. POLICY ISSUES

A. TARGETED SANCTIONS

As described above, targeted sanctions that can be applied against the Zimbabwe political leadership have been authorised by the U.S. Congress but not yet implemented by the president and recommended by the European Parliament but not yet authorised by EU foreign ministers. There is a genuine debate whether they should be imposed immediately or, in alternatives, only if President Mugabe definitively refuses election observers or the March election is clearly stolen. The policy decisions should be driven by how chances for a freer and fairer election can be maximised.

Civil society and political opposition in Zimbabwe are almost unanimous in wanting targeted sanctions applied immediately.¹⁰⁸ One activist described the rationale as follows:

We need to put everything we can into pushing for free and fair elections. The Zimbabwean people are [currently] putting all of their hopes on that. The world must act now in support of those wishes for the process. We need to make the kitchen as hot as possible for Mugabe and company. If the international community waits until after the elections to act, this plays into the [domestic] despair about the inability to influence Mugabe. Also, if the election is stolen, we won't have another window of opportunity to energise the electorate for another push at a fair process.¹⁰⁹

If action were taken now, a civil society leader argued:

This would build popular courage and confidence to continue to work for democracy. It would drive more people to the polls if they believed the whole world is

¹⁰⁸ Most favour use of a wide palette of such sanctions, to include travel restrictions for officials and their families (visa restrictions), sending home to Zimbabwe the children of listed officials who are studying abroad, and the freezing of assets. Most also think the most significant of these measures would be to require top officials to bring their children back to Zimbabwe.

¹⁰⁹ ICG interview, December 2001.

watching. You should dramatise the effects of the elections to the greatest extent possible. To this end, if its objectives would be clearly articulated, targeted sanctions would change the mood in the country".¹¹⁰

Others point out that unless the international community takes tangible action before the election – even if its impact is largely symbolic – Mugabe will have little reason to believe it will take real measures once he has established new facts by his “re-election”.

To be fair, some analysts believe that implementing targeted sanctions against the ZANU-PF leadership before the election would isolate those within the party who want to find an alternative way. They argue that the threat is more meaningful than imposition and thus should not be deployed prematurely. Furthermore, they say, the measure would feed into the themes of neo-colonialism and liberation that Mugabe has tried to use to mobilise support internally and within the region. A South African academic observed:

These measures are seen as very personalised against Mugabe. This seems to go beyond politics and has backfired. They are seen as Britain dictating to Mugabe, which could drive some of the moderates into a more hard line position, as they don't want to be seen as Britain's lap dogs. These kinds of measures are more effective if they are pushed more quietly, and used as leverage for regional diplomacy.¹¹¹

Regardless of the immediate decision, the EU, U.S. and Commonwealth each need to counter the government's propaganda that the measures under consideration are imperialist or racist and directed at the people. They need to get across the message that the policy responses of Mugabe and ZANU-PF will ultimately determine the strength and duration of sanctions or other measures the international community may take.

If EU foreign ministers or the U.S. president do apply targeted sanctions, they will also have to decide how far to extend them. Should only a small group at the top of the decision-making pyramid be

targeted, or a wider set of actors directly and indirectly responsible for government policy?

This is a matter on which tactical judgements can easily differ, and its resolution is of far less importance than the fundamental decision whether to move at last from warnings to tangible measures. ICG's assessment is that the net should be cast relatively widely, though perhaps in several stages rather than all at once (see below), to encourage those who do not wish to be tarnished to assert themselves now and to deepen cleavages within the ruling party. “The effect of this on ZANU would be to increase the number of people who would want to get beyond Mugabe”, predicted a member of the Zimbabwe press.¹¹² An activist concurred: “The centrists and moderates hate being targeted. This widens the rifts between hardliners and everyone else”.¹¹³

A Zimbabwean military analyst counselled that “the top level of the military should be targeted in the first instance. We need to bring things to a head. That means targeting families, procurement, logistics; anything that contributes to the status quo”.¹¹⁴ Others felt that below the army commander level the military should remain untouched in order to encourage allegiance to whatever government might emerge from the election. Another group that should be targeted early includes businessmen closely associated with ZANU-PF.

Yet an additional question is whether all three targeted sanctions – travel, frozen funds, return of children from Western schools – should be applied simultaneously. Once again, tactical opinions can differ. ICG's judgement is that some form of sequencing, at short intervals because the election is imminent, would be most effective. A declared intention to include additional individuals and further measures absent policy changes could, for example, maximise ZANU-PF's internal divisions and sow suspicion between immediate and prospective targets.

¹¹⁰ ICG interview in Harare, December 2001.

¹¹¹ ICG interview in South Africa, 16 December 2001.

¹¹² ICG interview, 20 December 2001.

¹¹³ ICG interview in Harare, December 2001.

¹¹⁴ ICG interview, December 2001.

B. AID TO CIVIL SOCIETY: PUSHING THE ENVELOPE

With so little time remaining, donor governments and institutions may need to waive some of the usual requirements for transparency and shorten delivery time lines to reinforce democratic forces and processes before the election. The following are some areas for consideration:

- First and foremost, a major effort must be mounted to disseminate two important messages regarding the election: everyone's vote counts, and everyone's vote is secret.
- The new independent Zimbabwean daily short-wave broadcast from Europe has had an impact inside the country but only a small percentage can listen because most radios are not equipped to receive the transmission. Delivery of wind-up short-wave radios would greatly increase the potential audience, especially in rural areas, as would support for longer broadcasting hours.¹¹⁵
- Support for transportation and communication is needed to facilitate get-out-the-vote messages.
- Overruns of the independent press might be purchased to facilitate more distribution outside Harare.
- Especially South African leaders could be encouraged to visit to share lessons from their experiences in promoting change with local communities.

Zimbabwe's civil society and political activists will be at most risk in the next weeks to the extent their electoral efforts appear effective. The least the international community can do is to give them that degree of protection that comes from publicising their identities and, of course, make an outcry if they are imprisoned or suffer other indignities.

Finally, while efforts should be directed over the next six weeks to what can still make a difference on election day, some thought also needs to be given to the all too likely contingency that the

voting will not reflect the popular will. This would require a transition in aid thinking to long-term capacity building for pro-democracy forces. "The international community should consider a 'defence and aid fund' like that which existed for anti-apartheid organisations in South Africa", proposed a civil society activist.¹¹⁶

C. ACCOUNTABILITY FOR GRAVE HUMAN RIGHTS ABUSES

The accountability issue is extremely sensitive. Threats to hold officials criminally responsible could further harden positions of those within ZANU-PF who argue that they cannot give up the protection of their positions. There are indications already that key military figures are unnerved by MDC discussion of accountability. An opposition official warned: "Discussing tribunals and things like that is not helpful. These people are feeling very vulnerable".¹¹⁷

Nevertheless, certain actions could signal that the extent of abuses from this point forward might dictate the degree to which the international community would pursue the issue. For example, cataloguing by human rights bodies of such abuses as torture for political intimidation would not necessarily imply direct action but could have a restraining effect. The U.S. president could task the State Department to document human rights abuses, with specific focus on individual accountability for actions leading up to the elections. At this stage, the objective would be to build leverage for a better March election, including reducing the violence and intimidation that impact turnout.

While its composition makes meaningful decisions unlikely, The UN Commission on Human Rights, which next convenes on 18 March 2002, almost immediately after the election, provides an opportunity for concerned states to raise issues. The UN High Commissioner for Human Rights, Mary Robinson, should prepare the way for discussion by travelling herself to Zimbabwe before the election, or appointing a senior envoy to

¹¹⁵ "Some of the radios will be confiscated, and in some places we will be beaten," acknowledged a Zimbabwean activist. "The government will try to jam the signal, but they can't do it across the whole country". (ICG interview, December 2001)

¹¹⁶ ICG interview in Harare, 17 December 2001.

¹¹⁷ ICG interviews in Zimbabwe, December 2001. One former army official told ICG that it was very dangerous for MDC to talk about bringing leaders of the armed forces to court.

do so on her behalf, and reporting findings to the Commission. Secretary General Kofi Annan should also engage the prestige of his office more vigorously on behalf of human rights and democratic process in Zimbabwe.

Beyond that, diplomatic messages could outline a "Pinochet" scenario, raising the prospect of ZANU-PF leaders being hounded around the world by civil suits – supported by governments. This might have most deterrent effect if it were sketched narrowly as a possible response to what happens in the election period.¹¹⁸

An important tactical consideration is who could most effectively champion accountability. The issue could well backfire if most of the running was done by the U.S. or UK, for example, or even the entire EU, since Mugabe would portray this as another case of victimisation by neo-colonialists. An African champion would have better prospects. It must be emphasised again, however, that if ZANU-PF leaders believe they are already judged guilty, they will see little reason to change behaviour. Indeed, some Zimbabweans are sceptical about the entire issue, arguing that an amnesty offer might be the only mechanism that would allow ZANU-PF to reverse course.

VII. CONCLUSION

All evidence indicates that President Mugabe and the ruling ZANU-PF party have few if any scruples about what they are prepared to do to ensure victory in the 9-10 March 2002 presidential election. They hope that the international community's concern for what is happening in Zimbabwe and what this portends for the southern Africa region can be diverted or dissipated through delaying tactics. When time runs out and new facts have been created by the election, they believe the rest of the world will have no practical alternative but to accept them. This is a plausible strategy, which has all the more chance to succeed if the key international actors do not work together.

Action is needed now by the European Union, whose foreign ministers convene on 28 January 2002, to encourage the Commonwealth foreign ministers, who meet two days later, to in turn encourage SADC leaders, who, potentially, can exercise the greatest influence on their neighbour. While a lesser player in this instance, there is opportunity for complementary action by parts of the UN machinery as well.

Agreement among all these international actors on what they want should be relatively easy: implementation by the Mugabe government of the SADC conditions for free and fair elections. These conditions should be the basis for all international advocacy and widely publicised within Zimbabwe as the measuring stick for a credible process. If possible, the U.S., EU, SADC and the Commonwealth should issue joint statements to this effect, with the underlying threat that if the election is not credible, the results will not be legitimate, and the "victors" will be isolated.

Early placement of international monitors or observers on the ground in Zimbabwe is vital in order to provide some protection against continued manipulation of the voter rolls, to inhibit but if necessary witness and document state violence, and to provide assurance of the integrity of ballot boxes.

Targeted sanctions – travel restrictions, freezes on personal assets and possibly the sending home of family members studying abroad – should be directed in an immediate and rapidly sequenced manner against the key ZANU-PF architects of

¹¹⁸ A Zimbabwean analyst suggested the following message: "If you want us to leave you alone, go quietly. If not, there are potential consequences". ICG interview in Harare, 17 December 2001.

state violence. This step is justified by what has already happened in Zimbabwe but its primary purpose should be not to punish but rather to persuade Mugabe and his government that the rest of the world is at last serious.

ICG does not believe the choice at this point is between observers or targeted sanctions. Given what has happened and the short time remaining before the election, targeted sanctions are probably the only remaining frail hope for producing a serious mandate for observers or at least to ameliorate ZANU-PF policies. Delaying their imposition in the almost certainly vain hope that meaningful election observation will then eventually be allowed would merely confirm President Mugabe's suspicion that the international community lacks the nerve to counter his strategy and so can be largely discounted.

Aid regulations should be relaxed to assist independent civil society organisations and support a democratic outcome in the upcoming election. Messages conveyed by international actors in and to Zimbabwe through public diplomacy in the run-up to the election will be crucial. They should provide a more accurate interpretation of their actions and intentions than acknowledged by the Mugabe government and make the following points:

- ❑ the international community is not imposing sanctions on Zimbabwe's people, only on those directly responsible for the crisis;
- ❑ significant benefits will come to the country if the elections are free and fair;
- ❑ everyone's vote is vitally important; and,
- ❑ the international community will not recognise a government that results from a stolen election.

The international community also needs to construct positive incentives for Zimbabwe to right its ship. The Zimbabwe Democracy and Economic Recovery Act enacted recently into U.S. law can be helpful in this regard but is badly misunderstood within Zimbabwe. There is need to flesh out the specific assistance that could be anticipated following a credible election, including fast-track multilateral and bilateral aid.

South Africa and other key regional and continental leaders who potentially can best influence Mugabe want to replace international

conditionality with African peer pressure on behalf of good governance.¹¹⁹ Through the G-8 and separately, North American and European governments need to say that Zimbabwe is the test case for how well Africa can handle its own problems.

Ultimately, specific measures can be debated for their individual utility, but action needs to be taken now. More warnings and threats -- barking -- will only strengthen Mugabe's propaganda internally and within the region. It is time for the international community to bite, to demonstrate that there are repercussions for using state violence and undermining the rule of law and democracy.

Harare/Brussels, 25 January 2002

¹¹⁹ See discussion in particular of the initiative on the New Partnership for African Development (NEPAD) in ICG Briefing, *Zimbabwe's Election*, op. cit.

APPENDIX A

MAP OF ZIMBABWE



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