

## *Justice for All in Zimbabwe: An advocacy agenda for US policy toward Zimbabwe*

*September 11<sup>th</sup>: A preface*

*There is no question that the tragedy of September 11<sup>th</sup> demanded, and demands, a response, and anti-terrorism issues deserve focus. But President Bush's assertion that "every nation in every region now has a decision to make: Either you are with us or you are with the terrorists" is tragically ill-conceived. Most of the world – certainly most of Africa – lives with the reality of insecurity and vulnerability every day, and has for years. What the US is presenting to the world is an agenda to assure that the US is protected from such realities. At some point, and some point soon, US efforts to deal with its own vulnerabilities need to be balanced by efforts to deal with the struggles of people living in poverty and grave crisis around the world.*

*It is similarly disturbing when President Bush, in his October news conference, expressed amazement "that there is such misunderstanding of what our country is about, that people would hate us.... Like most Americans, I just can't believe it. Because I know how good we are, and we've got to do a better job of making our case." President Bush is wrong. "Making our case" is not the task before us. Certainly we have been, and are, a nation of generosity and compassion. We have shown openness to those who sought, and seek, new opportunities. We have offered a vision of freedom that has inspired many throughout the world. But if we delude ourselves that we are simply misunderstood rather than that our policies, especially in relation to the Global South and to Africa, have not shown arrogance and insensitivity, and have in many respects directly undermined the needs and hopes of Africans, then our present agenda will be nothing more than an articulation of narrow self-interest instead of common cause with the rest of the world.*

*We need to keep before our government that Africa matters to us, and that a just US policy toward Africa – expressed in concrete ways – ought to remain very much a priority. The Washington Office on Africa has had a long history of advocacy regarding Zimbabwe, going back to the early days of the liberation struggle. The situation in Zimbabwe today deserves our attention. We commend this briefing document and advocacy agenda for your discernment and action.*

*Leon Spencer  
Executive Director*

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# *Justice for All in Zimbabwe*

## *Disappointed, anxious, sad and awkward*

For many of us who have been engaged in progressive advocacy for Africa and with Africans, the current situation in Zimbabwe poses a real dilemma. We find ourselves saddened, for the liberation of Zimbabwe and the early years of independence were immensely hopeful ones, and we identified closely with the agenda the nation set for itself, viz. true transformation from its colonial legacy to an inclusive participatory empowering society under majority rule. This is certainly not where Zimbabwe is now, nor is it clear that the nation is heading in that direction, and that is sad.

We are disappointed, for the promise indicated by seeing those who had engaged in the liberation struggle now in leadership positions has not been realized.

And we are anxious, for the long-frustrated need for economic change, with land redistribution at the center of that agenda, comes up against other values we hold, of treating all of Zimbabwe's citizens justly, whether they be war veterans or farm workers, white farmers or landless blacks. The anxiety is that a society where racism remains, where extremes in wealth and poverty live side by side, and where political liberation waits for freedom from marginalization and poverty, demands change – not today, but yesterday – and yet the manipulation of such longings for political ends, and in a manner that denies the dignity of human beings, undermines the justice agenda embodied in economic liberation.

It is an awkward situation for us, moreover, because we find that in any critique we may offer of the regime of President Robert Mugabe, we are joined by those who still decry the end of white minority rule in the old Rhodesia, and who use the phrase, rule of law, to sustain an agenda that is essentially designed to protect the status quo. This dilemma explains at least in part the reticence of the progressive advocacy community in the US to engage fully in this tragic situation.

But reticent though we may be, the Washington Office on Africa shares the view that we must work within this reality to uphold a vision of justice that respects the call for economic liberation and the need for a society to respect its citizens, their rights, and their law. This document is an effort to explore possibilities for a more engaged and effective voice for justice in and toward Zimbabwe. We need to struggle with the tension between economic justice through land and a just community beyond race.

## *A country in crisis*

In every document we come across – whether from the church, civil society, economists, the media – the phrase appears: “In crisis.” Warning signs of crisis have been around for some time. As the Zimbabwean economy plunged downward and criticism of Mugabe rose dramatically at the end of the last decade, Mugabe became increasingly erratic and heavy-handed. In January 1999 his military arrested and allegedly tortured a local editor and journalist. When Supreme Court justices ordered their release, Mugabe's government refused, and when the justices then asked Mugabe to declare his government's commitment to the rule of law, he called upon them to resign, declaring that they had no right to give instructions to the president on any matter. In February he viciously attacked the independent press in Zimbabwe, leaders of the Catholic Commission for Justice and Peace and a human rights activist. As the year progressed, Mugabe engaged in further verbal attacks on white Zimbabweans and encouraged the seizure of the land of commercial farmers (overwhelmingly white farmers) without compensation, to distribute those large holdings to veterans of the war of liberation.

Early in 2000 voters defeated a constitutional referendum endorsed by the government, and by mid-year supported – in large numbers – a new opposition party, the Movement for Democratic Change (MDC), all despite government-instigated intimidation and violence. Since then, war veterans – those who served in the liberation struggle – as well as others who did not but who joined with the veterans, have seized large commercial farms, threatened farmers and their workers, evicted some and held others hostage, destroyed and looted homes, and tried to intimidate MDC supporters and their families. They then have moved on to occupy businesses, attack NGOs, and threaten diplomats. The police have consistently failed to intervene, even when the courts ordered them to do so.

In such a tense climate, the ZANU-PF government has targeted the opposition MDC. At least 45 MDC leaders and supporters have been killed. Prior to the June 2000 parliamentary elections, some 19,000 people were tortured, and violence has remained a mainstay ever since. The Amani Trust reports that ZANU-PF supporters have perpetrated 71.5% of the violence in the country; the army 4.4%; personnel of the Central Intelligence Organisation, 0.2%; and MDC supporters, 2.2% (other violence by per-

sons of unknown affiliation). Andrew Ndlovu, a key war veteran leader, declared in August that “we will not accept an MDC victory. If they win we will go back to war.” There are reports virtually every day of intimidation.

The government has also tried to place limits upon the media, arresting journalists and attacking presses. They have canceled the accreditation of all journalists and deported some foreign ones. The independent, and critical, *Daily News*, was bombed. In late August of this year ZANU-PF supporters physically attacked a *Daily News* journalist, Mduzuzi Mathuthu, while he was covering a dispute between a commercial farmer and war veterans. That same month war veteran leader Joseph Chinotimba threatened to invade the offices of independent newspapers. The World Press Freedom Committee, after a delegation visited Zimbabwe in May 2001, observed that Mugabe’s ruling ZANU-PF party calls criticism of the government “media fiction,” and stories of economic crisis, lies spread by an “international media bent on derailing the progress of Africans and Africa.” A popular legal action has been to charge the media with “publishing information likely to cause public alarm and despondency.” A new broadcast law passed in Parliament gives the minister of information the power to license, regulate and punish broadcasters in Zimbabwe, and a bill misnamed the “Freedom of Information Law” would if passed ban foreign investment in the media, apply stringent accreditation rules, and establish a media code of ethics enforced by the government’s information ministry.

And, the government has targeted the judiciary. Zimbabwe’s judges, who have shown remarkable independence over the years, have ruled against the government’s violation of law in its handling of land reform. Police failed to act when Mugabe supporters marched on the Supreme Court in November, demanding that judges resign or revise their rulings. Mugabe himself declined to offer any assurances to the Chief Justice, rightly concerned about his personal safety, leading to his resignation. The general response of the Mugabe government to court rulings they do not like is to ignore them, and to judges they do not like, to replace them. “The courts can do whatever they want,” Mugabe stated in December 2000, “but no judicial decision will stand in our way.” For example, in July 2001 the Supreme Court barred further land seizures, but the Zimbabwean govern-

ment has served notice since to acquire nearly 1,200 commercial farms, a step one official called “clearly in contempt of the Supreme Court interdict.” A team sponsored by the International Bar Association in April found the government to be implicated in the intimidation of judges, and acknowledged “conduct committed by government which puts the very fabric of democracy at risk.”

### *An economy in chaos*

The crisis has left the economy in shambles. Even in the best of circumstances, Zimbabwe’s 1998 military intervention into the Congo (DRC) would have been costly. In this domestic context, while some military leaders have reaped profits from the mineral wealth of the DRC, the government itself has found its budget drained. Tourism has virtually ended. Investors – especially after war veterans occupied their businesses – left.

Nearly 700 companies have closed in the last 18 months. Given the disruption on the commercial farms, a country that has a history of feeding itself is now unable to provide sufficient wheat and maize. At least 70,000 farm workers have been put out of work in the last 18 months. Inflation, as of September, was officially 70.4%, with a forecast of 100% by the end of the year. Zimbabwe’s arrears on external debt repayments are expected to reach over US\$1 billion by then. It owes over US\$4.5 billion. Defaults on loans have undermined Zimbabwe’s access to economic assistance. With a shortage of hard currency, it cannot pay for essentials, leading to further difficulties in securing fuel, electricity and food. Now, in October, Mugabe has announced a return to an earlier socialist agenda. While the Washington Office on Africa regularly decries the narrow free market system that the US and international financial institutions have sought to impose upon Africa, the defiant tone of Mugabe’s announcement suggests further economic chaos ahead for Zimbabwe.

Given world-wide economic realities, Zimbabwe’s economic crisis cannot be contained within its own borders. In August the Southern African Development Community (SADC), generally hesitant to speak critically, expressed its concern over Zimbabwe’s economic collapse and the implications for the region.

Clearly, in the midst of all of this, land reform – and the occupation of mainly white-owned large holdings by war veterans – has received the most widespread attention, and ignited the greatest furor. No one, at least on the sur-

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face, denies the need for land redistribution. The white settler population in Zimbabwe these days is minuscule – there are 4,000 white farmers among a population of 7.5 million – yet their land holdings are enormous, one-third of the nation’s productive land. It is indeed, as the Anglican Diocese of Harare declared, “a justice issue, and land should be redistributed equally.” But the way the ZANU-PF government has gone about it has prompted grave concern.

### *Land reform*

The initial stage of post-independence land reform – between 1980 and 1988 – was essentially market-based, meaning that a willing white farmer would secure market-based compensation, funds provided by both the British and Zimbabwe. The Zimbabwean government was never happy with this – even though some 60,000 families were resettled – partly because of the cost, and partly because it prohibited compulsory acquisition. This dissatisfaction led to a 1990 constitutional change, permitting compulsory acquisition, which was followed by legislation to that effect in 1992. The British never accepted these changes, and despite some offers by the farmers themselves, no agreement to fund land reform followed.

Parallel with these changes was a government shift in policy toward wanting to resettle not only the marginalized and landless but also the more skilled small-holder farmers. This complicated relations between ZANU-PF and genuine war veterans, who were feeling left out of the process. Structural adjustment came to be seen as an imposed agenda that worked against the land reform promises of the liberation movement, and some war veterans, distrustful that land redistribution would actually occur, showed their discontent with a few occupations of farms in 1998. They were evicted, but when international donors did not follow a September 1998 land reform agreement with funds in 1999, and Mugabe felt increasingly isolated by the international community, conditions were ripe for the ZANU-PF government to take a hard line.

Mugabe’s government called for a referendum in February 2000, which if approved would have led to greater presidential powers generally and would have given the government the right to seize the large commercial farms without compensation. With the decisive defeat of the referendum, the government encouraged war veterans to occupy over 1,400 commercial farms. Originally the government said it intended to resettle about 12.3 million acres, perhaps half of the white-owned land. Recently, however, Mugabe has earmarked almost all white-owned farms in Zimbabwe for resettlement, an area totaling some 24 million acres and including 5,327 farms.

By this summer the policy of ZANU-PF seemed as much to be to force whites off their farms as to advance meaningful land distribution. Their homes have been looted, windows smashed, stoves and toilets destroyed, rendering the farm houses uninhabitable; fields have been burnt. The tens of thousands of farm workers are tragically caught in the middle. Many are simply chased off. Others have been accused of the violence actually caused by the “war veterans” – in quotes because by now, ex-combatants have been joined by many others with no claim to the term.

Mugabe himself has stepped up his attacks upon white Zimbabweans, declaring them to be “enemies of the state.” In early August Zimbabwe’s vice-president, Joseph Msika, declared simply: “Whites are not human beings.”

“What is happening is not chaos,” wrote the Amani Trust in Bulawayo last year. “It is carefully orchestrated; it is State Organised Violence.... The Government [shifts] its targets over time, from peaceful occupations of farms, to violence on farms, first against the farmers themselves, then against their workers. The strategy then shifted to encompass civilians in rural areas.... The violence is designed to look like the spontaneous uprisings of land- or resource-hungry peasants, but is in fact reported as being overseen by a... hard line army [and] police... headed by and answerable to the President.”

Meanwhile, Mugabe’s government has engaged the lobbying firm of former US Assistant Secretary of State for Africa Herman Cohen “to overcome recent negative publicity” – at US\$600,000 per year.

### *And yet....*

This is not just about the rule of law. This is not just about issues of democratization. Nor is it a simple matter of land reform. As tragic as the violence and intimidation is, as manipulative as Mugabe and ZANU-PF may be, there is a reason for anger and alienation among so many Zimbabweans. Racism is not a thing of the past. Striking inequities in wealth and poverty are visible wherever one turns. When 4,000 white farmers among a population of 7.5 million hold title to one-third of the nation’s productive land, something is wrong, and the responsibility for the perpetuation of this wrong does not lie only with the government of Robert Mugabe. The twists and turns of land reform programs and compensation commitments implicate the British as well as the Zimbabweans, the large-scale commercial farmers as well as land-hungry war veterans. Frustration and anger do not justify the violation of the rights and dignity of other human beings, but we must be careful not to deny that these long-standing feelings of alienation and injustice are real, and understandable.

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## *A legacy of colonialism, minority rule, racism and war*

The current crisis is rooted in Zimbabwe's colonial heritage. Colonialism for Zimbabweans began not through gradual European incursions into African land – as was so often the case around the continent – but rather with a singular event, the Pioneer Column of 1890, in which miners and farmers marched upwards from South Africa to occupy territory they felt promised riches in gold. Organized by Cecil Rhodes, the Column made its way to what is now called Harare. They didn't find workable gold, but they settled, the farmers securing large land holdings, later arrivals securing even more.

The territory evolved into a self-governing British colony – “self” meaning whites – called Southern Rhodesia. During the continent-wide struggles for independence after World War II, the Rhodesian settlers tried desperately – with all sorts of subterfuge – to establish a claim to independence while preserving their own control. It was clear by the early 1960s, however, that their efforts were failing, and when British Labour Prime Minister Harold Wilson seemed determined to grant independence to the Africans of what was by then known simply as Rhodesia (Southern being dropped when Northern became Zambia), the white settlers declared Rhodesia to be independent of Britain. From the moment of the Unilateral Declaration of Independence (UDI) in November 1965, a war for independence dragged on for the next fifteen years.

By 1980 Africans prevailed. Negotiations ensued, and Britain transferred power to Mugabe, one of the key liberation leaders. His inauguration speech provided a powerful message of reconciliation – “we are all Zimbabweans” was its essence – and Zimbabwe entered into independence in the midst of real hopefulness. There was comparatively a strong infrastructure (despite the war) and a good basis of small industry (partly due to economic sanctions). People, both within and without Zimbabwe, looked toward good things to come, and for awhile they did, with an impressive government commitment to universal education and development.

What fueled the change is open to debate. In the mid-1990s Zimbabwe's economy was booming: Mining was profitable, tobacco exports were strong, tourism was growing, debts though high were manageable (and the country had never defaulted on a payment), and its work force was the most literate on the continent. No doubt mandated “economic reform” by the international financial institutions – the notorious Structural Adjustment Programs – affected Zimbabwe's economic well-being, but the ZANU-PF government clearly made matters worse when Mugabe suddenly announced an immense and immediate compensation payment to Zimbabwe's war veter-

ans, creating a run on the national currency, then chose to send 12,000 Zimbabwean troops to fight in the Congo. His economic pragmatism simply seemed to disappear, and the result was economic chaos.

Conveniently, there was the continuing resentment toward white Zimbabweans and their large land holdings to capitalize upon. True, funds from Britain and the United States had been available for compensation in earlier years, and Britain maintained that it halted its support of land redistribution efforts because of evidence that a number of farms for which compensation was paid were simply handed over to government cronies. Moreover, while considerable racial progress had been made since 1980, racism undoubtedly remained, and the sense of historic and recent racial wrongs were still very real. The fact remained that here were justice issues, and speaking about them might bring back the liberation zeal that had such a firm justice foundation.

### *Faithful voices*

Faith communities in Zimbabwe have struggled with the issues of justice that these recent events raised. As tensions were increasing in 2000, for example, the Catholic Commission for Justice and Peace condemned violence and urged “a culture of tolerance, an acceptance that differences in opinions create unity in diversity.” Catholic leadership in Bulawayo condemned “in the strongest terms all racism and incitement of hatred.... We strongly deplore the lawless invasion of the farms.... We all acknowledge that people need land, yet it must be distributed in a legal and orderly way.”

The worsening situation this year prompted Catholic Archbishop Pius Ncube to observe in July:

The 53,000 war veterans – only 24,000 of whom are genuine war veterans and 29,000 were not even born during the war – are being used to take away the farms where cash crops and food is being grown, and they are being paid with taxpayers' money. Forty per cent of foreign currency comes through the farms. About 350,000 farm workers stand to lose their jobs. All this is done to keep the powers that be in political power.... The whole exercise of invading farms and factories and the ignoring of the court orders and the fighting against the judges has increased lawlessness in Zimbabwe. The government breaks their own laws which they passed in Parliament and they disregard the Constitution which they themselves made, respecting it only when it suits them....

In that same month the Zimbabwe Council of Churches (ZCC) issued a communiqué saying that land reform, which “should have improved the lot of every Zimbabwean, is now viewed as irrevocably partisan, and is associated with disorder, violence, and displacements.” This was a more aggressive stance for the ZCC, which in May had said that “there must be redress of colonial imbalances in respect of land,” and that it believed that “equity, justice and productivity should take the centre stage in the process of land distribution.” They were now joining with such progressive voices as those of Ecumenical Support Services (ESS), which observed that land redistribution was only for ruling party supporters. “Those who are allocated land must show party cards,” they noted, “and sing revolutionary songs and chants.” ESS has criticized the ZCC for its inability “to analyze the current mood in the churches and the country.”

In July the ZCC also called upon the government, ZANU-PF and the MDC to

- ❖ Condemn political violence;
- ❖ Engage in constructive dialogue “so as to resolve the crisis in our economy and to place national interest about party politics”;
- ❖ Guarantee that the 2002 elections would be “free from intimidation”;
- ❖ Assure the public “that the army and the police will act

for safety and security of the citizens of the country and not be used to further party political interest”; and

- ❖ Seriously address “other core issues such as the economy, unemployment, HIV/AIDS, the declining health system and the increasing poverty of its citizens.”

Also in July, Dr. Molefe Tsele, who heads the South African Council of Churches, declared that “Zimbabwe is a tragedy - a tragedy because people who are supposed to be protecting innocent citizens from death are promoting death themselves.” He had heard presentations from Zimbabwe’s government ministers, and he found them wanting. “What I saw,” Dr. Tsele said, “was an attempt to justify their shortcomings without really offering solutions.... The capacity to solve Zimbabwe’s problem does

not lie in these ministers. All of the ministers [I heard] refused to condemn violence nor commit themselves to ending it. What was missing... was an unequivocal commitment to stop the lawlessness that has reduced Zimbabwe’s standing on the international map. What came out was tolerance of what was happening.” He concluded: “One day Zimbabweans will have their legitimate representatives.”

Late in August Dr. Konrad Raiser, general secretary of the World Council of Churches, led a delegation to Zimbabwe, his visit coinciding with the ZCC’s publication of a pastoral letter, in which it “criticized the government for instigating violent actions against its perceived opponents, restricting civic organizations from carrying out voter education programs, and allowing war veterans to take the law into their own hands.” The Mugabe government declined to meet with the WCC leader.

### *The way forward*

The international community – African nations included – seems now to be moving away from its reluctance to demand an end to the abuses of the Zimbabwean government. Nigeria served as mediator between Britain and Zimbabwe last year, and in July 2001, on Nigeria’s initiative, African leaders at the annual summit of the Organization of African Unity (OAU) rejected a Zimbab-

*President Robert Mugabe “is almost a caricature of all the things people think black African leaders do. I am shattered because Mugabe is one of the most highly qualified and most able leaders. One just wants to weep. It’s very sad.”*

*✦ Archbishop Desmond Tutu*

wean-drafted statement accusing Britain of trying to isolate and “vilify” its former colony, choosing instead to encourage Britain and Zimbabwe to search for a solution to the land problem together. Meanwhile, the European Parliament, in September, adopted a resolution calling for member states to suspend development assistance to and impose sanctions upon Zimbabwe until it restored democracy and the rule of law, and the International Monetary Fund ruled out any resumption of aid until Mugabe moved to “restore fiscal probity.”

Of even greater significance are two developments within SADC and the Commonwealth. In September a SADC team consisting of the heads of state of Angola, Botswana, Malawi, Mozambique, Namibia and South Africa traveled to Zimbabwe, meeting with both the government and opposition, commercial farmers, war veterans

and the landless. The Zimbabwean government presented the two-day mission as one of "solidarity," but it became clear that the visit instead was to apply pressure from neighbors. It was a candid, even blunt, encounter, with demands upon Mugabe to end violence and intimidation. The SADC presidents formed a task force to monitor events.

Of special significance is an apparent shift in attitude on the part of South African President Thabo Mbeki, Mugabe's most important ally in this matter. In August Mbeki admitted that he had been unable to move Mugabe away from his controversial policies, a remark widely interpreted as being a signal that, should international economic sanctions be applied against Zimbabwe, Mbeki would have no alternative but to cooperate with the rest of the world. In closed sessions at the SADC gathering in Harare, Mbeki was sharply critical of Mugabe's policies. Mugabe was seen as standing, increasingly, alone.

The SADC visit came just days after a Commonwealth meeting on Zimbabwe, held in Abuja, Nigeria. In an agreement later endorsed by Mugabe, Zimbabwe agreed to advance a just and transparent land reform plan based upon the rule of law and involving the end of land invasions and the eviction of "war veterans" from occupied farms. Britain in turn agreed to fund "legal, transparent and rational land reforms" in Zimbabwe.

### *There is always hope*

There is always hope, and something may indeed come from the Abuja agreement, which Nigeria brokered. But the agreement has serious flaws. Halting land invasions doesn't mean much when most commercial farms have already been invaded. And evictions are problematic, since the government says that "war veterans" occupying farms that it has designated for acquisition – 90% of the total – will not be evicted. Besides, the British offer to fund "legitimate" land reform has been on the table for some time; this is not new. Moreover, appropriate land reform would help agricultural recovery, but it is not a singular answer to the economic crisis. In any case, the fundamental weakness of Abuja remains, viz. that there are no mechanisms in place to force Mugabe to meet its "obligations" under the agreement. A technical team from the United Nations Development Programme, sent to Zimbabwe in October, may address this fundamental issue by designing mechanisms to implement land reform under Abuja.

The greatest strength in Abuja may prove to be simply its placing Mugabe in the position of rejecting internationally-agreed and African-brokered solutions to Zimbabwe's crisis, or moving Zimbabwe away from the abyss. It is a dangerous position for him to be in. He has allowed "war veterans" to be a law unto themselves for a year and a half. Can he, dare he, rein them in only a few months before a presidential election? "Fulfilling the Abuja and

Harare agreements," a researcher at Zimbabwe's Institute of Development Studies observed, "will create peace in the country and therefore space for the opposition to build on widespread discontent among Zimbabweans.... That is just too dangerous for Mugabe's re-election bid next year."

Early indications are not promising. Despite the fact the Zimbabwe's Supreme Court has repeatedly ruled Mugabe's land program illegal, the government is now – with new judges – seeking a declaration that the plan is properly established, a strategy that would permit Mugabe to declare that all previous land seizures were legal and should be seen as such under Abuja. Interestingly, there is a law preventing anyone from moving occupiers from the farms, so arguably Mugabe's government is upholding the rule of law by *not* evicting "war veterans." The government is also applying a phrase in the Abuja accord that says that international organizations should help Zimbabwe in its electoral process "when requested by Harare" to deny entry to election observers wishing to prepare for the crucial presidential election. Potential observers, the government says, should wait for an invitation. (Reminiscent of apartheid South Africa, the government-controlled *Sunday Mail* has attacked the Zimbabwe Council of Churches for receiving overseas funds for voter education and election monitoring. Mugabe's government recently declared its intent to introduce legislation preventing churches and NGOs from providing voter education programs and monitoring.)

In addition to such loopholes, attacks against commercial farmers and farm workers continue on the ground. The Commercial Farmers Union said on October 4th that 30 more farms have been occupied since the Abuja accord was signed. Government spokesperson Jonathan Moyo suggested government indifference to the violence. Zimbabwe did not agree at Abuja to curb violence in white-owned farms, he declared. Violence was merely a "side effect" of the land crisis that would disappear "on its own" after land resettlement. Regrettably, the October Commonwealth meetings in Brisbane, which was the only international forum on the horizon for further pressure and monitoring of Zimbabwe's commitment to Abuja, has now been postponed.

Still, the SADC and Commonwealth initiatives remain a sign of greater commitment to resolution especially on the part of African nations. That is to the good.

### *US policy and legislation*

For several years the US government has expressed to the government of Zimbabwe "deep concerns over the violence and erosion of the rule of law." The Clinton administration suspended its support for Zimbabwe's land reform and redistribution program.

As it did in the previous Congress, the Senate has passed the Zimbabwe Democracy and Economic Recovery Act (S 494), and it has now been referred to the House.

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The bill – introduced by Sen. Bill Frist (R-TN) – endorses a US policy in support of peaceful, democratic change, broad-based and equitable economic growth, and the rule of law in Zimbabwe. It provides for the cancellation or reduction of indebtedness owed to the United States and

*The Washington Office on Africa endorses the findings of the Zimbabwe Democracy and Recovery Act as an accurate and fair appraisal of the situation in Zimbabwe, and we believe that the bill's gestures at encouragement and limited sanctions may prove to be a wise combination.*

certain international financial institutions by, or the extension of loans, credit, or guarantees by such institutions to, the government of Zimbabwe only when the President certifies that the rule of law has been restored; certain election-related conditions have been met; the government of Zimbabwe has demonstrated a commitment to an equitable, legal, and transparent land reform program that is consistent with the September 1998 agreements; it is making a good faith effort to fulfill the terms of the Lusaka peace agreement for the DRC;

and the military, the police, and other state security forces have become subordinate to an elected civilian government. Until the President can certify these changes, the legislation restricts multilateral assistance. It also authorizes funds to Zimbabwe to support the establishment of democratic institutions, free press and independent media, and the rule of law. The bill, finally, calls for consultation with other governments to name individuals responsible for violence and the breakdown of the rule of law in Zimbabwe identify their foreign-held assets, and implement travel and economic sanctions against them (so-called “smart sanctions” obviously focused on Mugabe and the ZANU-PF government).

Secretary of State Colin Powell, during his visit to Africa in May, called for democratization and the rule of law in Zimbabwe. The US ambassador-designate to Zimbabwe, Joseph Sullivan, echoed the June statement of Assistant Secretary of State for African Affairs Walter Kansteiner, when he said in his confirmation hearing in August that

the government of Zimbabwe [should] understand clearly that the United States wishes Zimbabwe and its people well, and believes that it is

not too late to take steps to pull the country back from the brink of collapse. We must continue to encourage President Mugabe to take those steps necessary to avert collapse. We look forward to the day when we can resume a relationship in which we contribute to Zimbabwe's tremendous potential for growth and development. However, it must be clearly understood that we cannot have good relations until the government acts to end violence and intimidation and restore the rule of law and respects the freedom to operate of political parties and democratic institutions, including an independent media, civil society organizations, and the judiciary. Congress and the administration see eye-to-eye on what is happening in Zimbabwe.

He went on to warn the Mugabe government to “recognize the absolute criticality of a free and fair election to its continued legitimacy as a democracy within the international community.” He held up the carrot that “a free and fair presidential election could set the stage for international assistance aimed at Zimbabwe's economic recovery, including resolution of the long-standing land issue.” He offered the stick as well: “Conversely, failure to hold a free and fair election would have serious consequences.”

Mugabe's response has been phrased less diplomatically. After the Senate passage of the Zimbabwe bill on August 1st, Mugabe called it an affront the Zimbabwe's sovereignty. “What is our crime?” he asked. “Our crime is that we are black... The Anglo-Saxon bigots,” he went on, “glibly use the language of democracy to duck their colonial responsibilities.” His government indicated that should the international community apply economic sanctions, a declaration of a state of emergency was likely. It may well be that Abuja – as well as September 11th – has now bought time for Mugabe, keeping sanctions at bay... but the warning remains.

### *Where does all of this leave us?*

Given the historic racism of colonialism, we need to be a voice for justice as well as peace and reconciliation. That means that we need to join with people of faith in Zimbabwe in refusing to accept racial attacks, from any direction. It means, too, that despite the tragedy that has resulted from violent land occupations – and the undermining of the rule of law that they imply – we need to join in a continuing call for a just and lawful program of land redistribution, a land reform process characterized by equity, transparency, and fairness. Economic ideologies – especially the US preoccupation with issues of individual property – need to be set aside, and in their place we need to uphold human rights and social justice.

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## *Our advocacy agenda*

We set forth these features of our advocacy agenda: The US government should, in its public pronouncements, in its direct consultation with the government of Zimbabwe, and in international fora,

- ❖ Condemn the Mugabe government's violation of human rights and the rule of law, including its efforts to shelter such violations by legal maneuvers, notably the October 2000 amnesty from criminal prosecution for politically-motivated crimes committed from January through July 2000;
- ❖ Affirm the critical need for meaningful and pervasive land reform, characterized by compensation not necessarily at the market rate but by negotiated standards of fairness, by a transparent program of equitable allocation of land, by a peaceful transition of ownership within the context of just law, by investment in infrastructure, and by sensitivity to the needs of farm workers;
- ❖ Recognize the responsibility of the international community to assist in redressing the historic injustice of land occupation in Zimbabwe, and act to support initiatives of substance and integrity;
- ❖ Insist upon a transparent structure for free and fair elections in Zimbabwe in 2002, including the right of Zimbabwean civil society, NGOs, and faith communities to engage in voter education, the presence and free movement of international observers well prior to the elections, the absence of intimidation, and the right of all in the political process to assemble and to secure equal access to the media;
- ❖ Demand that the government permit and respect a free press, and that journalists, foreign and national, be allowed to perform their duties without hindrance;
- ❖ Urge that the UN Commission on Human Rights conduct investigations as to violations of human rights in Zimbabwe, and that the government of Zimbabwe provide rapporteurs the freedom to engage fully in such investigations;
- ❖ Further and encourage civil society initiatives toward a more just and empowering constitution, especially through the National Constitutional Assembly (NCA);
- ❖ In the absence of a new constitution prior to the presidential elections, insist that the government of Zimbabwe implement at least the minimum requirements for free and fair elections as proposed by the NCA; and
- ❖ Make it absolutely clear to the ZANU-PF government that a state of emergency and martial law is not an acceptable way forward, and has consequences.

The Washington Office on Africa endorses the findings of the Zimbabwe Democracy and Recovery Act as an accurate and fair appraisal of the situation in Zimbabwe, and we believe that its gestures at encouragement and limited sanctions may prove to be a wise combination. We therefore recommend its passage, not only as a contribution toward change in Zimbabwe but also as a sign, after September 11th, of our national concern for the vulnerabilities and insecurities of people beyond our borders.

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## *Conditions regarding US threats*

When, however, the US – under this legislation or by administration policy, alone or multilaterally – engages in threats of actions against Zimbabwe, we hold these positions:

- ❖ Adequate though minimal time should be allowed for the Mugabe government to demonstrate, or fail to demonstrate, good faith in the implementation of the Abuja accord;
- ❖ Assistance for land reform shall focus upon the fundamental injustice of existing land allocation and upon legal and peaceful means to resolve this injustice, and shall provide no grounds for criticism that, in policy and practice, the US is giving undue attention to the needs of those whose economic realities reflect the benefits of an historically racist economic and social structure;
- ❖ Humanitarian assistance, especially the food aid that is likely to be required soon, shall not be affected by any sanctions;
- ❖ Assistance for free and fair elections shall be rendered in a non-partisan manner, with funds reaching neither the MDC nor any other opposition party nor ZANU-PF;
- ❖ Assistance to NGOs to address the HIV/AIDS pandemic shall not be prohibited by any sanctions against the Zimbabwean government, and shall be available equitably and transparently;
- ❖ Assistance for land mine clearance shall continue;
- ❖ No further “economic reform” conditions shall be demanded in order to avert sanctions; and
- ❖ The US government shall give priority to multilateral actions, and shall in particular engage in dialogue with and be supportive of African-based initiatives.

This is not, we know, a remarkable or dramatic agenda. It does not cut through complex issues toward a prompt resolution of the tragedy that is Zimbabwe today – which would be a doubtful proposition at best. But if these values and positions were held up consistently by the Bush administration in a manner that recognized not only the justice to be found in the rule of law and in respect for democratic principles but also the injustice to be found in the US’s historic complicity with colonial rule and in the US’s continuing arrogance in setting the economic agenda for African nations, we may well find a way forward with African partners and with the government of Zimbabwe itself. And civil society – all of it – would not be victimized as now, and would be empowered later, in part because of our contribution.

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*This briefing document and advocacy agenda on Zimbabwe  
is part of our peace and reconciliation emphasis in our*

## *Millennial Campaign for Africa:*

### *Toward a just US policy*

We welcome you to this initiative. To be further involved, please complete the form on the next page.

In our campaign, we seek

## Economic justice

✎ **Debt cancellation** for African nations. There is much left to do, not only continued funding but also the largely neglected issues of stolen wealth and odious debt.

✎ **Fair trade** relationships between the US and Africa. This is more than a general statement of principle. The US and other industrialized nations are moving forward aggressively on international trade agreements that work to the detriment of Africa. In particular, African efforts to protect community rights and traditional practices against the strategy of multinationals to patent life forms need to be supported, and we seek to partner with African civil society efforts to have their governments adopt draft OAU legislation that counters the dominance of **intellectual property rights** over justice and human need.

✎ **Just resolution** of conflicts around the continent. We seek to keep before us these human tragedies – especially the tragic impact of conflicts in the Sudan, the Congo and Sierra Leone upon Africa's children – and to advocate for policies that affirm both our common humanity and the integrity of African initiatives.

## Peace and reconciliation

✎ Meaningful legislation preventing the marketing of **conflict diamonds** whose sale funds the tragedies of Sierra Leone and Angola. We further recognize that the proliferation of arms throughout Africa undermine efforts for peace and justice.

✎ Ratification of the **child soldiers protocol**, while securing meaningful culturally-appropriate support for the **rehabilitation** of those children caught up in a violent adult world.

✎ Ratification of the **landmines treaty**, helping to reinvigorate a campaign to which faith communities especially have directed such energy in the past, while seeking broadened support for the removal of landmines that threaten African families every day.

## Health and human welfare

✎ Increased funding to address the **AIDS** pandemic in Africa, minimally \$1 billion annually, and advocacy for a US trade policy that accepts the need of African nations to obtain **affordable medicines** for both AIDS and opportunistic infections.

✎ Increased **development aid** generally, and assistance for **health**

**infrastructure** and health programs beyond a single disease, holding up the vision of development aid as 0.7% of GNP (the US is at 0.1%, less than all other donor nations). We seek policies that enhance the role of **African civil society** in all aid programs, for decisions about planning, implementation and evaluation all deeply affect their lives.

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Toward a just US policy**

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