

“Implications of Zimbabwe’s Recent Coup d’état”

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“The Crisis in Zimbabwe and Prospects of Resolution”

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Chairman Feingold, Senator Isakson, other distinguished members of the Senate Subcommittee on African Affairs, thank you for inviting Freedom House to testify at today's hearing on the "Crisis in Zimbabwe and Prospects for Resolution."

I am pleased to represent Freedom House here today. My remarks are based on personal observations from a recent visit to Harare, in the week prior to the March 29 elections; the frequent communication my colleagues and I have had on a near-daily basis with Zimbabwean civil society activists with whom we have partnered for two-and-a-half years in efforts to enable the people of Zimbabwe to use peaceful political processes to effect positive change in the governance of the country; and the historical perspective provided by Freedom House's annual assessments of the state of political rights and civil liberties since prior to Zimbabwe's independence in 1980. While our analytic work on Zimbabwe is funded from private sources, I would note that our program work in Zimbabwe has been funded since 2005 by grants from the US Agency for International Development, and by complementary grants from the Australian Agency for International Assistance (AUSAID) and the British government.

Senator Feingold, I want to begin by commending you for your leadership in seeking to foster democratic change for the people of Zimbabwe. Your tireless efforts, particularly in strategically communicating to countries throughout the AU, have helped to chip away at this considerable problem. The sense-of-the-Senate resolution that you and Senator Isakson shepherded to passage yesterday makes clear that the United States should support the Zimbabwean people and African diplomatic efforts to resolve the crisis in Zimbabwe, while also making clear that the U.S. should play a pro-active role in facilitating. I am sure I speak for many colleagues in the human rights community when I say we appreciate very much your leadership on Zimbabwe.

There are certainly other important, compelling crises in the world that cry out for our attention, even in Africa (as we are reminded by the arrest warrant that was requested yesterday by the chief prosecutor of the International Criminal Court against President Omar al-Bashir of Sudan, for the genocidal atrocities being waged by his government against the people of Darfur). Yet the Subcommittee is correct to focus special attention on Zimbabwe today for at least these four reasons:

The humanitarian situation in Zimbabwe is catastrophic and is deteriorating daily. Three socio-political indicators sum up the devastation wrought by the ZANU-PF government led by Robert Mugabe: the nation's currency has become worthless, with inflation now running at an annual rate of 10 million percent and banknotes legally expire six months after they are printed; more than one-fifth of the country's population has fled to neighboring countries in the past three years; and the current life-expectancy of a male born in Zimbabwe is 33 years, one of the shortest in the world today (and down from 57 years in 1990). These are horrific statistics that speak to the urgent need for a new direction for this once prosperous nation of 12 million people.

Last weekend brought an additional, telling data point: according to Saturday's edition of *The Standard* (of Zimbabwe), "more than 80% of the country's bakers have temporarily closed shop as flour shortages take a toll on the battered industry." International humanitarian assistance has been disrupted and blocked by the government in Harare, which last month has banned most international aid organizations from fulfilling their missions in Zimbabwe, leading to the destruction of millions of tons of food aid and the cutoff of medical assistance to as many as one-third of the country's population. Every day Robert Mugabe remains at the helm is a day Zimbabwe sinks noticeably deeper into the quagmire of hunger, spreading disease, economic collapse and the ruination of future generations.

The violent assault on the people of Zimbabwe, the country's constitution and its electoral process by the Joint Operations Command in the implementation of the June 27 run-off election for the presidency constitutes a *coup d'etat*. This should already have led to Zimbabwe's suspension from the African Union and the invocation by the U.S. of Section 608 of P.L. 110-161, the standard provision in U.S. foreign aid appropriations requiring a cutoff of aid to any government installed by a coup. As reported in the *Washington Post* by Craig Timberg on July 5th, the leadership of the Joint Operations Command designed and implemented a military-style plan to extinguish the opposition, code named "CIBD" for "Coercion, Intimidation, Beating, Displacement." While the U.S. is not currently providing any assistance to the *government* of Zimbabwe, the formal invocation would make clear the American view of the illegality of Mugabe's hasty inauguration on June 28. The African Union's Charter on Democracy, Elections and Governance, adopted in January 2007, makes clear – in Chapter 8, concerning "Sanctions in Case of Unconstitutional Changes in Government," in Article 23 – that "[a]ny refusal by an incumbent government to relinquish power to the winning party or candidate after free, fair and regular elections," belongs in the same category as a "putsche or coup d'Etat" or intervention by "mercenaries, ... armed rebels or dissidents..." In consequence, according to the AU's Charter on Democracy, Elections and Governance, as soon as the Peace and Security Council of the AU "observes" that there has been an unconstitutional change in government in a State Party, it shall suspend the State Party "immediately." While one can discuss how 'free, fair and regular' were the elections in Zimbabwe, due to the depredations of the government, the will of the people was expressed on March 29 and is well known to the world. Neither Robert Mugabe nor ZANU-PF speaks any longer for the majority of the people of Zimbabwe.

The established institutions of the global international order are being directly challenged by this *coup d'etat* and the acquiescence in that coup by key global actors, including the governments of South Africa, China and Russia. Last Friday's double veto of a UN Security Council resolution made clear that the international community is simply not able to respond in a serious manner to one of the crudest campaigns against the will of a nation's people the world has seen in some time. The resolution would have imposed global arms sanctions on Zimbabwe, and travel and financial restrictions on 14 senior regime officials with the bloodiest hands. The resolution secured the necessary majority of 9 out of 15 states to be adopted, but was defeated by

vetoed from China and Russia, while Libya and Vietnam also voted with South Africa against the measure. These vetoes reflect the growing anti-democratic assertiveness that we have seen on the part of the governments of both Russia and China, and the increasingly active global campaign they wage to lower the standards on human rights and democracy as addressed in international forums.

The Russian foreign ministry made it clear that Moscow's veto on Friday should be understood not only as a "principled position on Zimbabwe," but that it was also intended to be read much more broadly. "[T]he adoption of this document by the UN Security Council would have set a dangerous precedent," said the statement released by the Russian foreign ministry on July 12, "opening the way to the Security Council interfering in countries' internal affairs over various political events, including elections..." China is the principal supplier of military equipment to Zimbabwe's government, and so may have cast its veto as much to sustain its export position as to make a comparable statement of diplomatic philosophy. The government of South Africa, on the other hand, added another sordid act to its dismal record on the suffering of Zimbabwe's people – and presumably has made its peace with the fact that it clearly does not deserve to be considered a permanent member of the Security Council.

Friday's failure of the Security Council to act is an indicator of the deterioration in the ability of United Nations institutions to serve as bulwarks of democratic ideals and human rights standards in the present age of authoritarian assertiveness. The UN's Human Rights Council has similarly declined to take up Zimbabwe's deteriorating situation. We at Freedom House believe that the decline in U.S. influence in these global institutions stems in equal measure from the present Administration's policy of estrangement from the UN, which has dissipated our country's ability to shape outcomes; the fecklessness of too many other democratic states who are not willing to confront bad behavior by their neighbors (especially in the absence of the United States from these battles); and the growing confidence and effectiveness of the world's dictatorships in seizing control of these bodies.

The American posture on Zimbabwe has generally been quite admirable, as President Bush and the U.S. Congress have stepped up to the challenge with unequivocal statements and by making plans for a massive infusion of aid immediately upon the establishment of a legitimate government in Harare, and by proposing to tighten the targeted sanctions against key members of the regime. But it is clear that the U.S. has lost its ability to lead the Security Council to adopt even minimal sanctions against a regime as odious as the illegitimate government of Zimbabwe, whose policies are clearly destabilizing the southern African region through the displacement of millions and the impoverishment of an entire nation.

Disarray on Zimbabwe in the African Union and the Southern African Development Community is a promising development. While the double veto in the Security Council underscored the demise of democratic sensibilities in that venue, the fracturing of consensus in

African regional and sub-regional organizations is a positive and hopeful sign. Even though Mr. Mugabe was permitted to attend the recent African Union summit in Egypt in the immediate aftermath of the coup on the June 27, the cold welcome and the numerous critical statements that were made by African heads of state and government, both in private and public, speaks to the emergence of a stronger democratic sensibility in sub-Saharan Africa. Important African voices have been speaking out, with clarity and forcefulness, on the problem in Zimbabwe and the need for the region to respect the will of that country's people, rather than to tolerate the descent into darkness of Mugabe's Zimbabwe.

For the first time ever, a SADC election observer delegation concluded, following Zimbabwe's June 27 debacle, that "the elections did not represent the will of the people." Led by the courageous president of Zambia, Dr. Levy Mwanawasa, a growing chorus of African heads of government has over the course of the past few weeks spoken out in ever more vociferous terms. Dr. Mwanawasa, the SADC chairman, said before the June 27 runoff, "What is happening in Zimbabwe is a matter of serious embarrassment to all of us. It is scandalous for the SADC to remain silent in the light of what is happening." UN Deputy Secretary General Asha-Rose Migiro, the former foreign minister of Tanzania, said "When an election is conducted in an atmosphere of fear and violence, its outcome cannot have a legitimacy that is built on the will of the people." She told the Security Council, as she briefed the 15-member body on the recent African Union Summit in Sharm El-Sheikh, "the principle of democracy is at stake," and that, in the case of Zimbabwe, "flawed elections produced illegitimate results." The President of Liberia, Ellen Johnson-Sirleaf, the President of Ghana, John Kufour, and leaders in Botswana, Kenya, Nigeria, Sierra Leone, Senegal, have all made clear that the political process in Zimbabwe is not acceptable.

Leading voices in South Africa, from Nelson Mandela to ANC chair Jacob Zuma, have distanced themselves from the approach being pursued by the current president of South Africa, Thabo Mbeki. The leadership demonstrated by respected African figures outside of governing circles, such as Archbishop Desmond Tutu, who said that South Africa had "failed its Apartheid-era friends," has inspired others to speak out forcefully. Reverend Mpho Moruakgomo of the Botswana Council of Churches stated, "What has happened in Zimbabwe is a slap in the face to all humanity. It is regrettable that a democracy so hard won, for which so many died, has been allowed to be desecrated by one egotist and his military junta."

Note in contrast outlying statements, such as that of the head of state of The Gambia, President Alhaji Dr Yahya Jammeh, who has given the June 27 presidential election run-off in Zimbabwe a clean bill of health, saying "Zimbabwe's election is valid". President Jammeh, of course, came to power in July 1994, at the age of 29, as the leader of a coup that ended three decades of peaceful and largely fair elections in his country. Though still a young man, Jammeh's is the view of the "old Africa," now being replaced in more and more countries by the "new

Africa” that is based increasingly, if not yet entirely, on respect for the rule of law and the will of the people.

While headlines about misrule in Sudan, Somalia and Zimbabwe may obscure the truth, the fact is that Africa is becoming more democratic over time, more respectful of civil liberties and political rights. The rising tide of African support for a democratic outcome in Zimbabwe, along with rejection of the results of June 27, is therefore as unsurprising as it is significant. It has implications beyond the present moment in Zimbabwe, and may signal a renewed and genuine commitment to democratic norms in sub-Saharan Africa – a region that, at least in its formal multilateral politics, has hitherto rarely been outspoken on such matters. It is not only because the situation in Zimbabwe is so egregious that so many African leaders are speaking out and calling for international action. It is because the democratic character of sub-Saharan Africa is improving. Even as Zimbabwe’s freedom scores have steadily declined over the past two-and-half decades, the continental average has gradually moved upward.

I enclose two charts summarizing data from the Freedom House annual survey, *Freedom in the World*. Note (in Figure 1) that the overall average score for Africa has moved, since 1990, from a rather low score of 6 (on a scale from 1 to 7, where 7 is the lowest) in political rights, to 4.2 in 2008. Civil liberties scores have improved in the same period overall from 5.3 to 4. This is not only hopeful; it constitutes significant change that affects the quality of life for ordinary men and women across the continent.

Zimbabwe, on the other hand, achieved its highest levels of freedom in 1981, receiving a 3 for political rights and a 4 for civil liberties. Since that year (as Figure 2 conveys), freedom in Zimbabwe has steadily declined and finally fell into the “Not Free” category of our rankings in 2001 following the fundamentally flawed elections in June 2000 and the initiation of government seizures of white-owned farmland. Zimbabwe then joined the ranks of “The World’s Most Repressive Regimes” in 2005.

The ruling party, ZANU-PF, has made a mockery of every election since the Movement for Democratic Change was created in 1999 and waged a successful campaign to reject the 2000 draft constitution that aimed to expand executive power. In fact, Zimbabweans today are denied just about every single fundamental political and civil right:

Freedom of expression is severely curtailed through a draconian legal framework that includes the Access to Information and Protection of Privacy Act (AIPPA), the Official Secrets Act, the Public Order and Security Act (POSA), and the Criminal Law (Codification and Reform) Act. Journalists are routinely subjected to verbal intimidation, physical attacks, arrest and detention, and financial pressure by the police and supporters of the ruling party. Foreign journalists are

rarely granted visas, and local correspondents for foreign publications have been refused accreditation or threatened with lawsuits and deportation.

Academic freedom is limited. All schools are under state control, and education aid is often distributed based on parents' political loyalties. Security forces and ZANU-PF thugs harass dissident university students, who have been arrested or expelled for protesting against government policy. In 2007, several protests by university students resulted in arrests and beatings; police closed the University of Zimbabwe in July.

Freedom of Association is strongly impeded. The 2004 Non-Governmental Organizations Act explicitly prohibits groups that "promote and protect human rights" from receiving foreign funding. Public demonstrations and protests are severely restricted under the 2002 Public Order and Security Act (POSA), which requires police permission to hold public meetings and demonstrations. Such meetings are often deemed illegal and broken up, and participants are subject to arbitrary arrest by security forces (including intelligence officers) and attacks by ZANU-PF militias. The POSA also allows police to impose arbitrary curfews and forbids criticism of the president. The right to collective labor action is limited under the Labor Relations Act, which allows the government to veto collective bargaining agreements that it deems harmful to the economy.

Rule of Law does not function. While some courts, thanks to courageous and clear-minded magistrates and judges, have struck down or disputed government actions, increasing pressure by the regime has substantially eroded the judiciary's capacity to act independently. The government has repeatedly refused to enforce court orders and has replaced senior judges or pressured them to resign by stating that it could not guarantee their security. Security and military forces abuse citizens with impunity. War veterans and ZANU-PF militias—including the youth militia—operate as de facto enforcers of government policies and have committed human rights abuses such as assault, torture, rape, extralegal evictions, and extralegal executions without fear of punishment.

And the list goes on and on.

The levels of violence and intimidation reached new heights of barbarity leading up to the June 27 run-off election, with nearly 90 opposition members and supporters dead and thousands harassed, tortured, and displaced. Techniques used to terrorize supporters of the opposition have included dismemberment and mutilation of limbs and genitals. This was done to a population already reeling from massive food shortages and a collapse of the health care system that has left one in four Zimbabweans HIV positive. Moreover, now that Mugabe has once again falsely claimed the presidency, the violence against opposition has continued unabated with over 1,500 MDC supporters still in detention around the country.

So, what is to be done by the United States? What can be done? There are six things I would suggest to inform U.S. policy in the period immediately ahead.

1. **Support a *transition government* in Zimbabwe rather than a *government of national unity*.** While the distinction may seem merely semantic, it is critical in the present context. To oblige the people of the MDC to enter into a forced marriage with those who have so severely abused them would be to prolong the agony of Zimbabwe's suffering. A coalition based upon a genuine national election would be something for political leaders to negotiate later. But until that moment arrives, the international community would be better advised to work toward the installation of an interim government focused on a real transition to democracy than to paper over differences
2. **Support the MDC, for as long as they speak for Zimbabwe.** As Michelle Gavin of the Council on Foreign Relations has memorably written recently, in the *Christian Science Monitor* of July 9, "focus on Zimbabwe's people," and not merely on the prominent political actors of the moment. Without meaning any disrespect for the brave men and women of the MDC, and their courageous leaders, Morgan Tsvangirai and Tendai Biti, who have endured arrest, harassment and beatings, the focus should be less on their installation in office than on the fundamental rights of the people of Zimbabwe to choose who shall govern. At present, the closest gauge we have of the sentiments of the people of Zimbabwe is that Mr. Tsvangirai and his allies in the parliamentary elections secured the largest number of votes and should be considered the legitimate spokespersons for the people of Zimbabwe. But as the people of Zimbabwe know so well, a popular mandate can be dissipated if leaders fail to perform in the best interests of their community. So, support for the MDC at this moment should be fulsome – and conditional.
3. **Support Zimbabwean civil society.** Today, July 15, a "National Civil Society Consultative Conference" has been convened in Harare. Scores of civic group leaders have come together upon the initiative of the National Association of Non-Governmental Organizations to discuss how to further consolidate consensus on the way forward for the country. Many of the groups meeting today played important roles in educating voters, and implementing get-out-the-vote programs in March, and in monitoring the election process and the vote count. Many also have ongoing non-political mandates and service delivery functions and so are well connected to the people of Zimbabwe. These are important voices and the international community should take heed of their deliberations and be inclined to be responsive to well-formulated requests for assistance in advancing toward accountable governance. USAID and other donors have supported such efforts in the past, and an attentive, supportive posture toward civil society should be sustained.
4. **Be poised to assist the transition government.** As noted earlier, the Administration has done well to request \$45 million in funding to assist in the rehabilitation of Zimbabwe once a legitimate government comes into office. It is vital that, in the truncated

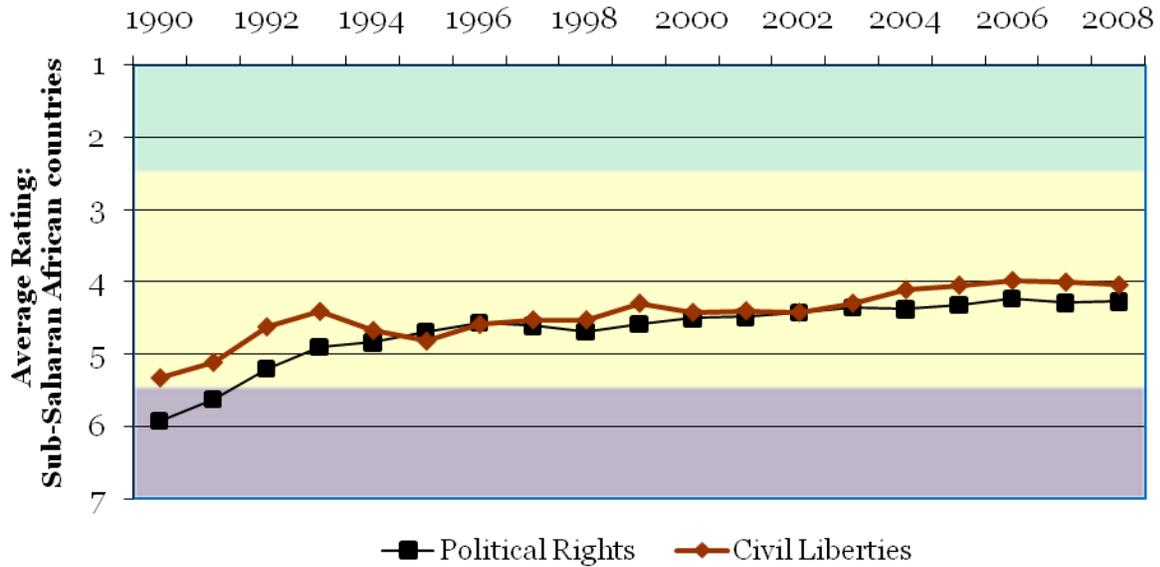
appropriations legislative process that seems likely this year, Senators and Representatives stay focused on ensuring that this funding is available in the coming weeks or months to have maximum impact. It is also not too soon to convene working groups of international experts, from the U.S., Africa and the world to advise Zimbabweans – for the lead must be taken by qualified Zimbabweans – to plan for the reconstruction of Zimbabwe when circumstances permit. These planning efforts should draw on the immense pool of talented Zimbabwean men and women available in-country or in the growing Diaspora outside the country. At the same time, Freedom House calls upon Europe to match the U.S. commitment, either through the EU or bi-lateral assistance packages. Funding priorities should include feeding Zimbabweans, providing relief for HIV/AIDS patients, stabilizing the currency, and re-writing the constitution.

5. **Support and reward African leadership toward the transition.** While the U.S. should appreciate that the scenario in Zimbabwe is playing out on a global stage – autocratic states (such as those who thwarted the July 11 initiative to impose UN sanction) are watching to see how well the democratic world can handle their challenge – it is also a scenario in which African states will play the leading roles. United States diplomatic efforts therefore should be focused on reinforcing the emerging leaders in the region, by rewarding – through political and economic and other means – those governments whose leaders have led on the Zimbabwe crisis. It may well be the case that not all states can do the same things, but an array of complementary actions, in sanctions and political initiatives, should result in commensurate and tangible recognition in the form of political rewards from the United States. The U.S. government could, for instance, start by expressing its appreciation to governments such as Botswana and Zambia and Liberia for their forward-leaning posture to date – appreciation in the form of having their presidents invited to the White House, not necessarily for a joint statement on Zimbabwe, but to talk about whatever those other presidents have on their agendas.
6. **Do not give up on the United Nations and other diplomatic venues.** Notwithstanding the rationales offered for their stands by the Russian government and others, the crisis in Zimbabwe does indeed constitute a threat to international peace and security – one for which UN Security Council action would be entirely appropriate. The U.S. ought therefore to reinvigorate its multilateral diplomacy, not least because this is but the first in a series of efforts by the dictatorships to undermine the institutions of international order. Basic human rights principles are being vigorously contested by world and regional powers alike on the basis of “national sovereignty,” despite the evident horrors in Zimbabwe. It is vital that the U.S. not be deterred.

Thank you for this opportunity to discuss the present crisis in Zimbabwe. I look forward to your reactions and the discussion.

Political Rights & Civil Liberties, 1990-2008

Freedom in the World (Fig. 1)



FREEDOM IN ZIMBABWE, 1980-2008

Freedom in the World (Fig. 2)

