

111TH CONGRESS }
1st Session

COMMITTEE PRINT

{ S. PRT.
111-27

**MILESTONE OR MILLSTONE:
SETTING THE BAR TO PROMOTE
DEMOCRATIC CHANGE IN ZIMBABWE**

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A REPORT
TO THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS
FIRST SESSION

AUGUST 13, 2009



Printed for the use of the Committee on Foreign Relations

Available via World Wide Web:
<http://www.gpoaccess.gov/congress/index.html>

U.S. GOVERNMENT PRINTING OFFICE

51-207 PDF

WASHINGTON : 2009

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LETTER OF TRANSMITTAL

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, August 13, 2009.

DEAR COLLEAGUE: From April 5 to April 11, 2009, I directed my senior Senate Foreign Relations Committee (SFRC) staff member for Africa, Shannon Smith, to visit Zimbabwe to assess progress made by the transitional government in order to develop policy recommendations for the Committee.

On February 11, 2009, opposition leader Morgan Tsvangirai was sworn in as Prime Minister of Zimbabwe as part of a coalition government in which Robert Mugabe remained president and head of state. In the months since then, Prime Minister Tsvangirai, Finance Minister Tendai Biti, and other members of the Movement for Democratic Change have made measurable progress in some areas, particularly in corralling runaway hyper-inflation, establishing some government services, and imposing certain checks on the corruption that has so long characterized the Mugabe regime. Much remains to be done, but this outpost of tyranny has at least been breached.

For U.S. policymakers, the fundamental questions revolve around how best to help the people of Zimbabwe achieve peaceful, democratic change; regain economic stability and agricultural productivity; address the ongoing health crisis; and restore the rule of law. Current policy is shaped both by law, the Zimbabwe Democracy and Economic Recovery Act of 2001 and other measures, and by approach. The crux of the issue for many is how to promote the changes that we seek without aiding and abetting the architects of Zimbabwe's destruction.

Dr. Smith's report explores these questions by examining the transitional government's progress and shortcomings and by offering recommendations on possible steps forward. I hope you find the report helpful as the U.S. Congress considers how to advance U.S. interests and those of the people of Zimbabwe.

Sincerely,

JOHN F. KERRY,
Chairman.

MILESTONE OR MILLSTONE: SETTING THE BAR TO PROMOTE DEMOCRATIC CHANGE IN ZIMBABWE

BACKGROUND

In 1980, when Robert Mugabe came to power in Zimbabwe, many hailed him as a liberator. In the decades since, he has helped transform his country into an economic basket case, public health disaster, and political dictatorship. Violence, political oppression, and corruption have increased over the years as tools to maintain power for Mugabe and the Zimbabwean African National Union-Patriotic Front (ZANU-PF). Currency denominated in the trillions and still virtually worthless; an exodus of teachers, healthcare workers, and other professionals; and a raging cholera epidemic all symbolized an economy and social system in a state of collapse by 2008.

In March of last year, Zimbabweans dared to vote for change, clearly catching the regime off guard with both their courage and their level of discontent. In addition to opposition victories at the parliamentary level, after much delay, official results for the presidential elections awarded Morgan Tsvangirai, leader of the Movement for Democratic Change (MDC), 47.9 percent of the vote and Mugabe 43.2 percent, thus requiring a runoff. Careful not to allow a repeat performance of this exercise in democracy, Mugabe, his allies in the security sector, and other ZANU-PF leaders launched a campaign of violence and intimidation against opposition leaders, potential MDC supporters, journalists, human rights advocates, and others, especially in rural areas. Tsvangirai, as a result of massive violence against his supporters and his own detention, was forced to withdraw from the runoff, leaving Mugabe to claim 85 percent of the official vote and a hollow triumph.

After the election, politically motivated violence by the security forces, so-called “war veterans,” and other youth and militia groups escalated even further; dozens of MDC supporters were reportedly killed after the election, raising the death toll still higher, and Human Rights Watch reported that over 5000 people were beaten and tortured.¹ Zimbabweans continued to flee their country’s economic crisis and political violence by crossing the border, but some also faced attacks of xenophobic violence in South Africa.

Prodded by international pressure, including the mediation efforts of Southern African Development Community (SADC) leader

¹ Human Rights Watch, “‘They Beat Me like a Dog’: Political Persecution of Opposition Activists and Supporters in Zimbabwe,” August 2008. Groups of “war veterans” in Zimbabwe are government-financed militias associated with land invasions and other attacks; their ranks often include large numbers of individuals too young to have fought in the struggle for liberation.

Thabo Mbeki, on September 15, 2008, Mugabe, Tsvangirai, and Arthur Mutambara (leader of the opposition faction known as MDC-M), signed a Global Political Agreement (GPA). This power-sharing arrangement named Mugabe as president and head of state and Tsvangirai as prime minister within a unity government in which cabinet ministries would be divided among the parties.² The GPA prioritized the restoration of economic stability and growth, mandated a constitutional drafting process, referendum, and time frame, and affirmed political freedoms and adherence to the rule of law. Significantly, it did not designate control of the security sector, which has remained in the hands of ZANU-PF.

The signing of this accord did not lead to the immediate formation of a unified government. Rather, it was followed by a renewed campaign of arrests and harassment of MDC members and other activists and accelerated economic decline. On January 31, 2009, Tsvangirai announced that he would indeed join a transitional coalition government. On February 11, 2009, he was sworn in as prime minister. The MDC assumed control (although often with few resources) of important ministries including Finance, Health, Education, Commerce and State Enterprises, and Constitutional and Parliamentary Affairs.

Given the history of violence that has marked relations between the parties, it is worth asking what their motivations were in joining a coalition government. For Mugabe, joint government—however protracted and limited—does represent a significant concession in power. His tyranny is definitely somewhat diluted, although continued ZANU-PF control over the security apparatus tempers the impact of this power-sharing. While much international attention has focused on Mugabe, ZANU-PF is larger than its president, and other members of the old guard are at risk of losing the wealth, privileges, and protection that the regime has brought them if the GPA is ultimately fulfilled. Zimbabwe's utter economic crisis (with inflation early in the year measured in percentage points in the hundreds of millions) had to be one driver behind Mugabe's decision.³ Moreover, the 85-year old Mugabe ultimately may have concluded that he could win either way: if the MDC is able to restore economic progress and perhaps get international sanctions lifted, he may prosper in the transition. And if the MDC fails at this task or the arrangement itself falls apart, he and ZANU-PF will in all likelihood remain, perhaps in an even stronger position.

When he announced he was joining the government on January 30, 2008, Morgan Tsvangirai stated that since the party had been forced by ZANU-PF's campaign of violence to abandon the polling booth as the mechanism for change, the MDC now saw "the negotiating table as the new front line in our quest for a democratic

²Under the GPA, ZANU-PF would nominate 15 ministers and MDC would name 16 (13 for MDC-Tsvangirai or MDC-T and 3 for MDC-M). The text of the agreement is available online at [<http://www.nimd.org/document/807/zimbabwe-agreement>].

³ Economist Steve Hanke captured the mind-numbing statistics this way: "In the absence of good official numbers, I've developed my own hyperinflation index for Zimbabwe. I derive it from market-based price data starting in January 2007. The index tells us that Zimbabwe's inflation rate recently peaked at 80 billion percent a month. That means around 6.5 quindeccillion novemdecillion percent a year—or 65 followed by 107 zeros. To get a handle on it, realize that it's equivalent to inflation of 98% a day. Prices double every 24.7 hours." Hanke, "The Printing Press," *Forbes Magazine* (December 22, 2008).

Zimbabwe” and the GPA as the means to advance this cause. ZANU-PF’s continued obstruction had blocked progress, but ultimately, Tsvangirai said, the MDC National Council had asked itself two questions: what would allow the party to continue to pursue its goal of achieving a free, democratic Zimbabwe and what was “the best way of alleviating the suffering of the Zimbabwean people, stabilizing the economy and restoring and retaining some semblance of a normal society?” The answers, he concluded, led him and his colleagues to the decision to join the inclusive government.⁴

When he heard the news, MDC Secretary-General (and now Finance Minister) Tendai Biti wept, according to his own account, heartbroken that the MDC had joined forces with the regime that had tortured opposition members, stolen their electoral victory, and run their country into the ground. But for Tsvangirai, and subsequently for the even more skeptical Biti, coalition had become the only alternative to the complete collapse of the economy and a worsening in the suffering of Zimbabwe’s people, despite the obvious flaws in the coalition agreement and despite their lack of trust in their new partners in government.

LEGISLATIVE HISTORY

The United States has imposed a ban on the transfers of defense items and services to Zimbabwe since 2003 and targeted sanctions against over 250 individuals and entities, as well. U.S. policy has also prohibited non-humanitarian aid, and other sanctions are required under the Brooke Amendment. At the same time, the United States has led the world in the provision of life-saving assistance to the people of Zimbabwe, supplying an estimated \$1 billion in aid since 2002.⁵ The Zimbabwe Democracy and Economic Recovery Act of 2001 (P.L. 107–99) specifically addressed debt relief and restricted U.S. voting regarding Zimbabwe through international financial institutions. More broadly, it laid out a framework for U.S. relations with the country. The Act, often referred to as ZDERA, states that “It is the policy of the United States to support the people of Zimbabwe in their struggle to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law.” It also requires presidential certification of the achievement of certain conditions as a requirement for the extension of debt relief or other financial assistance to the government. These benchmarks, which may be waived by the President if it is in the national interest to do so, include the restoration of the rule of law; the conduct of a free and fair presidential election or the creation of conditions necessary for such an occurrence; the commitment to equitable, legal, and transparent land reform; fulfillment of agreements to end the war in the Democratic Republic of Congo; and the subordination of military and national police forces to civilian government. The Act also authorized

⁴Statement by Morgan Tsvangirai, January 30, 2009, printed in http://www.sokwanele.com/articles/sokwanele/tsvangiraistatement_300109.

⁵Lauren, “Zimbabwe,” Congressional Research Service Report for Congress RL32723, (May 19, 2009).

assistance to support the establishment of democratic institutions, a free press and the media, and the rule of law.

In April 2008, the Senate passed S. Res. 533, offered by Senators John Kerry and Norm Coleman, which detailed the violence and fraud that characterized the elections and called for a cessation of violence by Zimbabwean security forces and militias, a timely and peaceful democratic transition, and international cooperation to prepare a comprehensive economic and political recovery package for Zimbabwe in the event a democratic government is formed and commits to key reforms. The events of 2008 were also the subject of substantial correspondence between members of Congress and the administration.⁶

In recent years, appropriations measures have expanded these restrictions and Section 7070(e) of the Omnibus Appropriations Act for Fiscal Year (FY) 2009 (P.L. 111–8) further stated that “none of the funds appropriated by this Act shall be made available for assistance for the central government of Zimbabwe” unless the Secretary of State determines that “the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association, and a transitional government has been established that reflects the will of the people as they voted in the March 2008 elections.” The FY 2009 Supplemental Appropriations request from the President included \$45 million for Zimbabwe to re-establish and strengthen democratic institutions, provide social safety nets, ensure critical health interventions and support economic revitalization in the wake of contentious national elections and sought targeted relief from the limitation on assistance to the central government imposed by P.L. 111–8. The bill as passed by Congress, provided relief from section 7070(e) of P.L. 111–8 for “macroeconomic growth assistance to Zimbabwe.” It also authorized \$40 million in Economic Support Fund assistance (the House bill had included \$28 million while the Senate bill had included the President’s full request).

TRANSITION TO WHAT?

MDC ministers and other supporters of the attempt to enter into the government with ZANU-PF frequently employ the term “inclusive government” to describe the arrangement. Ambassador James D. McGee and staff of the U.S. Embassy in Harare generally referred to the enterprise as the “transitional government,” emphasizing the need to move forward through a constitutional process to new free and fair elections. It has also been described as “an unholy marriage of contradicting interests”⁷ and is at best a fragile coalition of perceived necessity of two competing and often antagonistic parties, each seeking a new election in which it can prevail—which for the MDC would require a fair playing field, international observers and other protections, conditions which by their very nature would imperil ZANU-PF’s hold on power.

⁶See, for example, correspondence between Senator John Kerry and the Department of State in Appendix 1.

⁷Lorne Craner, President, International Republican Institute, House Foreign Affairs Subcommittee on Africa and Global Health Hearing, “Zimbabwe: Opportunities for a New Way Forward,” May 7, 2009.

Despite the contradictions inherent in this unsteady coalition, the MDC, joined at times by reform-minded elements in the other party, has managed to make more progress than may be readily recognized from news stories about Zimbabwe. There are major hurdles still to be overcome—notably including the continued presence of Gideon Gono as Reserve Bank Director and Johannes Tomana as Attorney General; ongoing farm invasions and disruptions; recurrent arrests of human rights activists, MDC members, and others; and delays in fulfilling other commitments of the GPA. Nonetheless, it is worth examining sector by sector, incremental advances and setbacks or obstacles to reform and thus, ultimately, to fundamental change.

Financial Sector

In terms of the economy and governance, Finance Minister Tendai Biti has managed to make notable strides forward. His abandonment of Zimbabwean currency in favor of a combination of U.S. dollars and South African rand helped bring to a halt the rampaging hyper-inflation that had ravaged the Zimbabwean economy, and goods have again begun to line store shelves. In a country with an estimated 90 percent unemployment rate in the formal economy, however, the ability to purchase food supplies and other products remains limited. Thanks largely to Biti's success in capturing revenues formerly lost to the corrupt machinations of Gono and others, the government has initiated monthly allowances of \$100 for civil servants, teachers, and other government employees. Cutting off many of their funding sources and instituting "dollarization" also reduces the ability of Gono and Mugabe to continue to buy the support of their cronies through the largesse of purloined revenue and the vehicle of the printing press. Gono remains in office but he appears to have been marginalized.

Biti's Short Term Emergency Recovery Programme (STERP) offers an attempt to provide a roadmap to stabilize the economy and promote investment and growth; advance political reforms; uphold the rule of law and fulfill the tenets of the GPA including the drafting of a constitution; and restore the provision of social services and protections. The STERP, like the GPA, calls for the abolition of international sanctions and the repeal of ZDERA "in order to facilitate a sustainable solution to the challenges that are currently facing the country," arguing that measures limiting access to credit, for example, hinder the inclusive government's chances of resuscitating the economy. The ambitious document depends both on the will of the government to carry out its provisions and the eventual availability of billions of dollars in international assistance and private investment to reverse the enormous economic and structural damage of the past decade and more.

Rule of Law

One sees far less progress in the judicial and security sectors, which remain largely in the hands of ZANU-PF through the office of the Attorney General and the larger bureaucracy of the "securocrats"—Zimbabwe's service chiefs, police, colleagues at the Ministries of Defense and Justice, and their network of spies and henchmen. Human rights advocates who have suffered previous ar-

rests, detention, and torture, have been re-arrested in recent weeks, and farm invasions against Zimbabwe's few remaining white farmers and their black associates and employees have continued, as have additional land invasions of conservation areas. These actions fly in the face of the promises made in the GPA and elsewhere, but may also demonstrate the efforts of hardliners within ZANU-PF to assert their authority or to sabotage the inclusive government. The role of Mugabe himself is not always precisely clear; some MDC reformers and other activists have argued that he has actually at times played a constructive role in the process by keeping some of the other extremists at bay. Certainly, though, he appears to remain at the center of his party and of its machinations to remain in power. At the Senate Foreign Relations Committee members' coffee on June 11, 2009, Prime Minister Tsvangirai stated that Mugabe remains in full control of the institutions that he manages, but also asserted that the aging Mugabe may be searching for an exit from the political stage.

The GPA calls for the drafting of a new people-driven constitution to replace the original document, which was written at Lancaster House, London in 1979, with a referendum to be held within 18 months; the initial phases of this process are underway. A number of civil society activists have charged that the process is insufficiently inclusive, and consultations are becoming increasingly contentious. Tensions over public input are in part a product of the strain between a people-driven process and the drafting of an actual document. They may also reflect differing priorities. At the same time, civil society actors emphasize the importance of creating and living up to a clear timeline for elections, which is not established in the GPA. Establishing an environment in which future elections can be held without the intimidation and violence that has characterized previous campaigns and balloting will be critical to achieving an outcome that reflects the will of the people.

In addition to a new constitution, basic legal reforms are needed in a number of areas. The Mugabe government has used the Access to Information and Protection of Privacy Act (AIPPA) to stifle the media in the country, while the Public Order and Security Act (POSA), the Criminal Law (Codification and Reform) Act, and the Miscellaneous Offences Act (MOA) have together provided a legal veil over massive opposition arrests and the broader suppression of freedoms of speech, assembly, and expression.⁸ These laws persist on the books and represent a fundamental stumbling block in the transitional government's attempt to convince human rights champions within Zimbabwe and critics outside the country that it is moving forward in the reform process. ZANU-PF control of critical ministries may impede immediate repeal of these laws, but even introduction of progressive legislation by MDC parliamentarians could signal progress.

Humanitarian Crisis

Zimbabwe's humanitarian crisis has fully unfolded over the last year, as the repercussions of a wide range of past policy decisions and resulting economic catastrophe have collided. In Africa's "bread

⁸For a fuller discussion of the legal restrictions, see "Zimbabwe."

basket,” an estimated 9 million people—or three out of four Zimbabweans—relied upon food assistance in the past year. Zimbabwe also has the highest proportion of orphans in the world, and these 1.5 million children are extremely vulnerable. Once home to the continent’s premier education system, schools are emptying out as teachers have left the country, parents have been unable to pay school fees, and classrooms lack the most basic materials or structures. A threatened teachers’ strike, which would have been disastrous for the MDC-led ministry of education and perhaps the coalition itself, was averted through negotiations. Agricultural productivity—already slashed by farm invasions and the corruption-ridden redistribution of land to ZANU-PF loyalists—has further declined, leaving millions in need of food assistance. The cholera epidemic, which has stricken some 100,000 people in the past year, has substantially slowed, as a result of a combination of treatment efforts funded by the international community and changing weather conditions. However, without infrastructural improvements in water and sanitation and in the country’s health system, the epidemic is almost certain to resurge. A January 2009 report from Physicians for Human Rights, “Health in Ruins: A Man-Made Disaster in Zimbabwe,” offered a scathing indictment of how the Mugabe regime’s politicization of healthcare, abrogation of basic government services, and corruption had together created the health crisis manifested by but hardly limited to the cholera outbreak.⁹ The MDC now holds the reins at the Ministry of Health, but the damage wrought to the system and the exodus of health workers constitute formidable obstacles to restoring care without a major infusion of additional assistance from abroad.

Capacity

MDC and other members of the government who may be willing to undertake reforms are handicapped not only by the Mugabe machine but also by a fundamental lack of capacity. Opposition members who had never been allowed near government positions now command ministries, and while many of these individuals are quite capable, experience levels within the ministries can quickly run thin. The agencies themselves—and this clearly is a function of ZANU-PF obstruction—are breathtakingly bare: a ministry may, for example, possess a single computer. Minister of Education David Coltart has described coming to work to find a cadre of women preparing to carry buckets of water up 18 flights of stairs because his ministry lacked both water and working elevators. Another disturbing sign is that one of the first acts of Reserve Bank chief Gono after the formation of the inclusive government was to provide each of the newly named ministers with his or her own official Mercedes Benz; reportedly only Coltart rejected the car.

ANALYSIS AND RECOMMENDATIONS FOR U.S. POLICY

Objectives

In thinking about U.S. policy, two closely related sets of guidelines are worth bearing in mind. The first comes from the state-

⁹Physicians for Human Rights, “Health in Ruins: A Man-Made Disaster in Zimbabwe,” (January 2009).

ment of policy of the 2001 ZDERA legislation: “to support the people of Zimbabwe in their struggle to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law.” The second derives from the questions Morgan Tsvangirai said he wrestled with earlier this year in making the decision to join the government: wherein lies the best chance for achieving a free, democratic Zimbabwe and “alleviating the suffering of the Zimbabwean people, stabilizing the economy and restoring and retaining some semblance of a normal society?” These objectives are broadly shared by policy makers in Washington and activists, human rights advocates, humanitarian workers, and others striving for change in Zimbabwe. Differences emerge on tactics and timing, particularly the question of when and how to strengthen reform efforts within the government.

On the one hand, the MDC has achieved gains that seemed impossible last year. MDC members control a majority in parliament, hold the prime minister’s office, have succeeded in sidelining Gono to a surprising degree, and have been able to make a difference in people’s lives by steps such as halting the death spiral of inflation and providing \$100 allowances to teachers, healthcare workers, and other civil servants. While divided and fragile, the coalition government is a reality.

On the other hand, Mugabe and his allies maintain control over the security apparatus, and farm invasions, arrests, and other abuses of individuals and of the rule of law persist. For each step forward, the hardliners often manage to pull the government another step back, in a deliberate strategy to sabotage the progress of the MDC and the coalition itself. At the same time, though, ZANU-PF is beginning to show some cracks, as other factions within the party perhaps see the writing on the wall that the balance may be shifting in the country and look to ensure their own political survival.

The agenda for change that the United States hopes to see in Zimbabwe includes a legitimate constitutional process, free and fair elections within a 2 to 3 year timeframe, and increased productivity within the economy. Benchmarks set in the ZDERA legislation in 2001 were written for a Mugabe government. Today we confront a government in which Mugabe remains in the presidency but joined by the opposition leaders who have for years fought for change in Zimbabwe, often at extreme personal risk. The MDC and perhaps their likeminded reformers in ZANU-PF positions cannot achieve these benchmarks; ensuring equitable and transparent land reform, for example, is out of their hands at this time. Are these markers, then, the appropriate standard to which to hold the transitional government or are there alternative metrics that may increase U.S. flexibility to work with agents of change and strengthen their efforts?

Considering options to move forward does not require the broad removal of sanctions, travels bans, or frozen assets on individuals or parastatals that are on the Office of Foreign Assets (OFAC) lists. In the latter category there are one or two entities (such as Agribank, discussed further in this report) for which it may be worth considering revision in the near term, but the wider lifting of the sanctions as a whole appears both premature and exceed-

ingly unlikely, despite the requests of the MDC that the United States do so. Within these existing structures, however, it is worth exploring other opportunities to strengthen the chances of success for Zimbabwe's achieving the fundamental objectives of a constitution, meaningful elections, and economic growth and asking if amendments in U.S. law are needed to improve these odds.

The tension is how to move forward with assistance without rewarding tyrants and thieves. Potential expanded assistance is a gamble: the coalition could simply crumble or the MDC could be forced out by the machinations of the ZANU-PF security establishment. Some analysts emphasize caution. For example, in an April 29, 2009 statement, Georgette Gagnon, Africa director at Human Rights Watch, affirmed that "donor governments . . . should not release development aid until there are irreversible changes on human rights, the rule of law, and accountability."¹⁰ If one waits for irreversible changes, however, the opportunity to try to create the conditions that could lead to them may pass us by. A recent statement by the Elders, a group of global leaders brought together by Nelson Mandela, reflects this urgency: "The risks of inaction by donors outweigh the challenges of delivering increased aid."¹¹

Means of Assistance

The Supplemental Appropriations Act recently signed into law includes \$40 million in assistance for Zimbabwe and modifies the restriction from the Omnibus Appropriations Act for FY2009 on certain forms of assistance to the central government. This assistance provides more than simply some flexibility for the Secretary of State down the road if conditions improve. It offers the opportunity to develop and begin to act on a phased strategy to seek to enhance the chances for macroeconomic growth and with it reform and democracy in Zimbabwe. Following his visit with Prime Minister Tsvangirai, President Obama announced that the United States would provide \$73 million in new assistance aimed primarily at strengthening good governance and addressing Zimbabwe's HIV/AIDS crisis.

Enhanced humanitarian assistance or "Humanitarian Plus" or even "Humanitarian Plus Plus" is one avenue to promote change. The donor community in Zimbabwe, known locally as the Fishmongers Group (named after a local restaurant that was long the site of coordination meetings), is looking at ways to expand the range of support and to avoid duplication of efforts. Donors are wrestling with questions of progress and timing: namely, at what point should the international community cross the threshold from humanitarian aid to development work and how clear a line is there between these approaches? The U.S. Agency for International Development (USAID) is exploring programs in the health and democracy and governance sectors, for example, which might be expanded under such an approach. Other donors are examining areas such as education. Either the U.S. or other partners should also closely examine opportunities to boost agricultural productivity, es-

¹⁰ Human Rights Watch, "Zimbabwe: Donors Should Focus First on Reform," (April 29, 2009), http://www.hrw.org/en/news/2009/04/29/zimbabwe_donors_should_focus_first_on_reforms.

¹¹ The Elders, "The Elders call for more aid to help stabilise Zimbabwe," May 7, 2009, <http://theelders-news.blogspot.com/search/label/Zimbabwe>.

pecially since rainy season cycles are such that lost plantings may cost Zimbabwe another year of hunger.

Direct budget support is clearly a non-starter for the United States, but South Africa has offered some assistance, and others might follow if sufficient progress is made. Differing policies and approaches underscore the importance of coordination for both the bilateral and multilateral donors.

Zimbabwe's crisis has had a significant destabilizing impact on the surrounding region. While the massive migration from Zimbabwe has fueled xenophobic tensions, the exodus of so many members of Zimbabwe's talented work force has also provided some genuine advantages to these neighbors. The regional context is significant, both for its strategic implications and for the positive economic and political influence that partners in SADC could play in Zimbabwe's future, although countries in Southern Africa have been hard hit by the global financial crisis. Countries such as South Africa can and should do more to promote democratic change in Zimbabwe, along with economic growth; recent statements in this regard are promising.

There is generally broad support for expanded humanitarian efforts, and they represent an important element of any broader U.S. strategy towards Zimbabwe. Flexibility and creativity are critical. In Zimbabwe, the situation is in many ways more a matter of the restoration of capabilities and infrastructure that have been laid waste by the regime and the return of talented expatriates who have fled in droves, rather than the creation of new skills. It is in some respects comparable to a post-conflict situation. Additionally, the direct effects of *Operation Murambatsvina* (translated variously as "Clean Out the Filth" or "Drive Out the Trash"), the massive demolition of much of the housing and informal economy of the country's urban poor in 2005, in apparent retaliation for their support of the MDC in parliamentary elections, continue to be visible. Increased international support in the humanitarian sector will also free up resources within the Zimbabwean government to make its payroll for civil servants and the military and to undertake other projects.

Economic growth is essential to alleviating suffering and to the country's prospects for democracy. There has to be a tangible "coalition dividend" for the population in terms of jobs and economic security, as well as the ability of the government to deliver basic services, if the reform effort is to offer a credible distinction from the misrule of Mugabe's reign.

Agricultural productivity will be critical to economic recovery. The international community has responded to Zimbabwe's crisis with life-saving food aid, but additional agricultural inputs are needed to help restore food security. The MDC has also emphasized the need for the restoration of lines of credit and has specifically called for sanctions to be eased on Agribank, which is primarily government-owned, in order to help restart food production by communal and small-scale farmers. Such a step would require careful scrutiny but should be explored as a possibility.

Local and provincial governments are another target of opportunity for U.S. and other assistance in this democratic push, as is civil society, including business associations, farmers' unions, wom-

en's groups, and human rights and legal advocates among others. Parliament is in need of capacity building as well, if it is to serve as a check on and balance to the executive.

The Ministry of Finance has made a start at tackling financial reforms, revenue enhancement, tax collection, and other fiscal management issues, but will need support to overturn decades of misrule. The World Bank and International Monetary Fund (IMF) are repositories of expertise in these areas, and in May the IMF, with U.S. support, voted to resume technical assistance, in spite of Zimbabwe's continued arrears. While it is obviously logical to take advantage of these institutions' capabilities and unwise to duplicate their efforts, additional technical assistance from the Department of Treasury or other U.S. agencies could be of symbolic significance and concrete help, as well as a source of welcome additional oversight for policy makers in Washington.

The transitional government, including the Parliament, must also do more. Laws such as the Access to Information and Protection of Privacy Act (AIPPA) and the Public Order and Security Act (POSA) that have stifled basic freedoms for years are still on the books and still in use. Introduction and passage of legislation to repeal these laws is one benchmark to measure Parliament's determination to re-write Zimbabwe's punitive laws and uphold human rights and liberties.

CONCLUSIONS

The July/August 2009 "Failed States Index" ranked Zimbabwe as the second most fragile state in the world, behind only Somalia, based on the events of 2008. As that report noted, however, the power-sharing agreement, abating inflation, and improving personal security offer hope.¹² Zimbabwe now has a government in a genuine if uncertain transition, with hyperinflation slowed, a new sense of optimism among the public, some government ministries delivering services, and at least partial checks on the corruption and oppression of the Mugabe regime. This outpost of tyranny has been breached, though it has not fallen. The coalition government—while fragile and imperfect—is a reality. And that progress could come to a screeching halt, either because of internal weaknesses or a lack of external support.

In dealing with this new reality, U.S. policy must be adaptable without sacrificing basic principles. While individual sanctions aimed at the architects of Zimbabwe's destruction are appropriately unlikely to be on the agenda for revision, benchmarks by which to measure change should be milestones rather than millstones. Without developmental assistance that helps the transitional government demonstrate a tangible difference from its previous years, reform may fail. A phased approach is needed, and careful monitoring is required. The international community should be careful, but excessive caution that paralyzes implementation may undermine U.S. objectives and Zimbabwean progress.

¹²"The Failed States Index," a collaboration of *Foreign Policy* and *Fund for Peace*: http://www.foreignpolicy.com/articles/2009/06/22/2009_failed_states_index_interactive_map_and_rankings.

Specific policy options for the United States to help boost change include:

- increased support for food security (beyond food assistance) and mechanisms to foster the extension of agricultural credit, especially for small-scale and communal farmers;
- expanded technical assistance and on-site mentoring for the Ministry of Finance and other reform agencies;
- continued assistance in the health sector, especially to maintain HIV/AIDS and TB treatment programs and to begin to rebuild the health system and restore the lost workforce;
- continued support in the areas of democracy and governance at the local, provincial, and national levels, particularly to promote parliamentary action and to strengthen the constitutional drafting process;
- close coordination with other regional and international actors to maximize the positive impact of donor activity, including efforts to revive Zimbabwe's economy; and
- an approach predicated on U.S. objectives rather than fears.

Rethinking benchmarks to measure forward progress is necessary to measure the impact of reformers seeking to move Zimbabwe toward democracy and to restart its economy.

Zimbabwe's agents of change must also do more. Efforts to repeal Zimbabwe's repressive legal framework and adherence to additional safeguards against corruption are important parliamentary and ministerial steps. Furthermore, for international assistance to even begin to approach the billions called for in the STERP and other plans, the coalition government must make substantially greater headway politically, economically, and in terms of the rule of law. A graduated but flexible approach to increasing support and easing constraints by the United States and others that adapts to these changes on the ground will boost the prospects for lasting change.

Over-arching U.S. goals for Zimbabwe have been laid out clearly since 2001: "to support the people of Zimbabwe in their struggle to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law." The realization of those objectives will require concrete progress on the ground in the coming months in order to begin to fulfill the promise of the Global Political Agreement including measures to create a new constitution; reinvigorate the economy; restore Zimbabwe's ability to feed its people and resuscitate its health and education systems; and create the conditions for free and fair elections. Robert Mugabe and the larger apparatus of ZANU-PF have run Zimbabwe into the ground but if they remain the dominant and unyielding focus of U.S. foreign policy, the chances for reform efforts to succeed are diminished. And, if these attempts to create a democracy fail, Mugabe and the hard-liners will be the greatest beneficiaries.

APPENDIX I—CORRESPONDENCE BETWEEN SENATOR JOHN F. KERRY
AND THE DEPARTMENT OF STATE

JOHN KERRY
MASSACHUSETTS

United States Senate
WASHINGTON, DC 20510-2102

COMMITTEES:
COMMERCE, SCIENCE,
AND TRANSPORTATION
FINANCE
FOREIGN RELATIONS
SMALL BUSINESS

May 23, 2008

The Honorable Condoleezza Rice
Secretary of State
U.S. Department of State
Washington, DC 20520

Dear Madam Secretary:

I write to express my grave concern regarding the personal safety of Zimbabwe's opposition leader, Morgan Tsvangirai, and other members of the Movement for Democratic Change (MDC) who plan to return to Zimbabwe tomorrow, as well as members of civil society already there, in advance of Zimbabwe's second round of presidential elections.

As you know, on March 29, 2008, presidential and parliamentary elections were held in Zimbabwe amid widespread reports of voting irregularities on behalf of the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) party led by President Robert Mugabe. Although Mr. Tsvangirai clearly won the most votes and may well have received more than the 50-percent threshold needed to avoid a run-off, the Zimbabwe Electoral Commission has announced a second round of presidential elections to be held on June 27, 2008.

Since the initial voting, it is clear that President Mugabe's ZANU-PF supporters have embarked on a campaign of political violence and intimidation that has left hundreds of MDC members and supporters, opposition lawmakers, and civil society activists either dead, injured, or in prison. Recent published accounts also cite persistent threats that there might be plans to assassinate Mr. Tsvangirai—who has already survived three assassination attempts and vicious beatings—in advance of the June 27 run-off election.

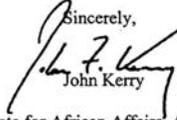
I am particularly troubled by the problems that Mr. Tsvangirai has encountered in obtaining adequate security and understand that MDC officials have contacted regional leaders to ensure his safety. In fact, Mr. Tsvangirai recently had to cancel his planned return from South Africa to Zimbabwe for a third time due to this wholly inadequate security situation in the face of reported death threats.

I trust you share our belief that free and fair elections can only occur in Zimbabwe if the political opposition is able to campaign, and civil society is able to function, without fear for their personal safety. In light of these disturbing facts, I strongly urge you to do everything in your power as Secretary of State to help ensure that Mr. Tsvangirai and other opposition members receive adequate protection.

[www: http://www.senate.gov/~kerry/](http://www.senate.gov/~kerry/)
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Thank you for your prompt attention to this serious matter. I look forward to your reply.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Kerry". The signature is written in a cursive style with a large initial "J".

John Kerry

Cc: Assistant Secretary of State for African Affairs, Ambassador Jendayi Frazer