



Testimony
to

U.S. House of Representatives
Committee on Foreign Affairs
Subcommittee on Africa and Global Health

Prepared Statement of
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Mr. Chairman and Members of the Committee:

My name is Sydney Masamvu, I am a political analyst at Idasa and I am Zimbabwean. It is an honour for me to be able to speak to the Committee as we seek a way forward in Zimbabwe's ongoing crisis.

As you are aware, Idasa is an African democracy institute that works to build sustainable democratic societies across the African continent. Based in Africa, staffed by Africans, working for Africans, Idasa has a demonstrated track record of building the capacity of communities to address democratic challenges. Idasa presently works in 24 countries on the continent in collaboration with African and global partners.

Idasa has assisted Zimbabwe's human rights defenders and aided its transition to democracy for over 10 years. Idasa works with and supports local partners such as the Research and Advocacy Unit (RAU) and Women of Zimbabwe Arise (WOZA). Through donor support, Idasa provides assistance to democratic forces through mediation and negotiation, institutional strengthening, and capacity building to civil society organizations, and undertakes significant research and advocacy.

The political and economic crises that the people of Zimbabwe witnessed both before and after the pyrrhic 2008 elections have stabilised since the signing of the Global Political Agreement (GPA) and the formation of the inclusive government. The inclusive government, with few resources, managed to prevent the imminent collapse of Zimbabwe. Attacks on human rights defenders, journalists, and the members and supporters of the Movement for Democratic Change (MDC) have decreased. The introduction of the U.S. Dollar and the South African Rand have curbed inflation, increased the availability of goods and services, and encouraged public sector employees to return to work.

Currently, whether or not a new political deal lies behind the calls for an election, history teaches us that violence will form part of both the pre- and post-electoral environment and, that another elite pact is unlikely to presage a sustainable transition.

Current Environment in Zimbabwe and the Region

We recognise that the constraints placed on the international community during the negotiations that led to the GPA became a missed opportunity for the international community to leverage reform in Zimbabwe. At best, the GPA was a cosmetic approach designed to halt overt state-sponsored violence that threatened to destabilise the region. Nevertheless, in between the flawed and violent March 2008 elections and the formation of the inclusive government in February 2009, the United States missed an opportunity to wed its Zimbabwean policies with the process that led to the GPA. This damaged its ability to influence and re-engage Zimbabwe and the region.

The restrictive measures placed on individuals responsible for undermining the rule of law, perpetuating flawed elections, and inciting violence should be reviewed in the context of the constitutional referendum and new elections. They should better reflect the current situation in Zimbabwe.

Zimbabwe is under de facto military rule. This is not an illusion. Both President Robert Mugabe and the inclusive government are being held hostage by a cabal of military elites commonly referred to as the “Securocrats”. Military leadership is on record stating that they will not recognise any individual who did not fight in Zimbabwe’s liberation struggle – an indirect warning aimed at Prime Minister Morgan Tsvangirai. This lack of political will amongst Zanu-PF and the military to uphold the GPA has created an untenable political environment. As such, Mugabe and Tsvangirai have openly called for elections to break the current impasse.

The GPA disregarded the issue of security sector reform. As we prepare for the next election, we are witnessing the remilitarisation of Zimbabwe as the Securocrats attempt to seek to influence and manipulate Zimbabwe’s transition. Significant levels of intimidation and violence have been reported on during the constitutional outreach process. Additionally, the militarisation of the Chiadzwa diamond fields in eastern Zimbabwe has raised alarm as it has become, in addition to land seizures, another channel for Zanu-PF elites to expropriate economic resources for political and monetary gain.

While there is sharp internal disagreement over Zimbabwe’s preparedness to stage an election, the rallying of the women’s league, youth league, and war veterans as well as increasing reports of intimidation and violence in rural areas are indicators that Zanu-PF is indeed preparing for elections.

A peaceful transfer of power remains the most crucial missing aspect to Zimbabwe’s democratic transition. It should be remembered that the MDC has won elections since 2000; however, a transfer of power has never occurred. Real power lies within the security sector.

Speaking to Idasa this past July, Prime Minister Tsvangirai acknowledged that Zimbabwe’s “power paradigm,” poses the most serious threat to stability. The main question we are currently faced with is, “how do you get those in power to peacefully accept the will of the people?” It is widely believed that Zimbabwe’s generals and high-ranking military officials are deeply concerned for their lives, wealth and families. Many point to the example of how Charles Taylor was betrayed by his close associates and sent to The Hague as an excuse to use any means necessary to consolidate Zanu-PF’s position at the top and secure their own interests.

South Africa is taking the lead along with other African states, including Namibia, Mozambique and Angola, to ensure a peaceful transition within a post-Mugabe Zimbabwe while paying critical attention to the role the military will have in any transition process.

Currently, the African Union is managing the Zimbabwe crisis through efforts led by the Southern African Development Community (SADC). SADC, by way of South Africa, should be the main guarantor of the GPA, elections and a transfer of power. South Africa wants to be seen as delivering the removal of restrictive measures. However, the South African government will not enforce punitive measures on the inclusive government for insubordination of the GPA because they do not want to be viewed as a hegemonic power.

Political and Economic Impact of Restrictive Measures on Zimbabwe

The objectives of restrictive measures placed on top government officials, their associates and affiliated entities for undermining the rule of law, perpetuating flawed elections, inciting violence, and creating an overall environment of instability have largely failed to curb the undemocratic behaviour of these individuals.

Travel restrictions have not seriously impacted targeted individuals. The restrictions have not been well-coordinated among the international community. This policy discordance has undermined the credibility of the restrictions and raised questions as to the real motives of Western restrictive measures, particularly among African states. The United States' and the European Union's restrictive measures have incorporated almost all prominent Zanu-PF government and party officials, their personal businesses and parastatals. This style of broad targeting weakens efforts to encourage reformist elements within Zanu-PF, as well as qualified personnel and resources¹. Additionally, international protocol allows heads of state to attend international meetings, regardless of travel restrictions.

The logic behind targeted financial sanctions, which include freezing the assets of targeted individuals and entities, is to restrict their financial transactions and in the process reduce their economic muscle. The costs to such targets include not only the money and assets that have been frozen but also the opportunity cost associated with the measures. While the former is easily quantifiable by looking at the financial statistics, the opportunity costs arising from the prohibition are almost impossible to quantify². In the case of Zimbabwe, there is no evidence to date that Zanu-PF and its allies have been seriously affected by the measures or asset freezes.

Without fiscal budgetary support from international finance institutions and bilateral loans, Zimbabwe's budget deficit has had to be financed from the country's contracting domestic bank sources which has increased inflation. Limited balance of payment support has continued to threaten the performance of the Zimbabwean economy after the formation of the inclusive government.

Ordinary Zimbabweans have been indirectly affected by the decline in Official Development Aid (ODA). The scaling down of ODA in the last few years has seriously affected many poor communities which have, since independence, relied on financial support from development partners. At the same time, the withdrawal of bilateral aid to the government, coupled with the pillaging of limited resources through corruption, has seriously undermined the government's capacity to deliver basic services like health and education to members of poor communities.

Humanitarian assistance for vulnerable communities has been revived under Humanitarian Plus. However, under the current restrictive measures, many of the Western development assistance organisations have preferred to focus on short-term humanitarian assistance rather than long-term development assistance. This intervention strategy is less effective in helping communities deal with their chronic vulnerabilities³.

Foreign investment has yet to seriously take root as the political environment continues to be unstable. As with many of the farm seizures, legislation such as the Indigenisation and Economic Empowerment Act does not benefit the wider population but rather those individuals that the government appoints to take control of certain companies.

Recommendations for Future U.S. Policy towards Zimbabwe

Zanu-PF has used the restrictive measures as propaganda, as a negotiating tool, and as a pretext for non-implementation of democratic reforms and the maintenance of power structures and patronage. Zanu-PF has repeatedly branded restrictive measures as illegal sanctions that are designed to make Zimbabwe a "colony" again. The party has refused to make further concessions within the framework of the GPA, whilst applying pressure on the MDC to seek the removal of all restrictive measures. Zanu-PF blames the MDC for its "failure" to remove the restrictive measures. This issue is likely to re-emerge at the party's Congress to be held later this month, further entrenching their intransigent position.

¹ U.S. Senator Russ Feingold, "Feingold Statement Upon Introducing New Legislation on Zimbabwe – For the Congressional Record," <http://feingold.senate.gov/record.cfm?id=324648>, 4 May 2010.

² UK Govt House of Lords, *The Impact of Economic Sanctions Vol.1 Report*, (Select Committee on Economic Affairs Second Report of Second session 2006-07), p.24.

³ J. Muzondidya, *Zimbabwe Context Analysis for Oxfam's Strategic Planning Process*. (Consultancy Report for Oxfam Zimbabwe, March 2010).

The international community must take a unified and explicit line stating that restrictive measures are aimed at individuals and not at Zimbabwe, while reiterating that the measures have nothing to do with the GPA. Restrictive measures should only be removed after credible elections are held and a smooth transfer of power takes place and even then, only against those who are not undermining the GPA.

Idasa recommends a process that calls for the calibrated removal of restrictive measures tied to six benchmarks: security sector reform, a credible voters' roll, an independent electoral commission, media freedom, a constitutional reform process, and a land audit, all in cooperation with SADC vis-à-vis South Africa:

Benchmark 1: Preliminary Security Sector Reform

Security sector reform remains the most potentially destabilising and outstanding issue to be addressed. There has been no movement towards implementing the security sector reforms captured in the GPA. Any policy prescription which marginalises the role of the military within the structures of power will be futile. Now is the time for the United States, the European Union, SADC and South Africa to lay the groundwork for an engagement process that takes in the concerns of military leadership, and by extension, the concerns of Mugabe.

Restrictive measures must be used to get those in Zanu-PF and the military to accept the will of the people and ensure a smooth and peaceful transfer of power. The military is the last remaining portion of Mugabe's support base. A deal, while difficult to make, will allow Zimbabwe to define a new leadership dispensation. Measures can also be used in a manner that encourages moderate actors within Zanu-PF to step forward and engage the MDC and other stakeholders, while targeting those actors who are supported by the military.

The international community should position themselves behind South Africa, as a member of SADC, to drive forward the issue of genuine security sector reform. Finally, security forces need to disengage from the electoral processes; in particular individuals with security sector ties should be removed from the Electoral and Constitutional Commissions.

Benchmark 2: A Credible Voters' Roll

A revised voters' roll is a necessity. The voters' roll is widely believed to be highly inflated. The voters' roll must be entirely redrawn by non-partisan local and international professionals before the constitutional referendum takes place. Control over the voters' roll must be held by a fully independent electoral commission if any future roll is not to be compromised.

Benchmark 3: An Independent Electoral Commission

Zimbabwe needs a non-partisan, independent electoral commission which will ensure the credibility of electoral monitors and the voters' roll, permit fair campaigning of political parties, accredit media and other groups to monitor on the day of the election and analyse the process as a whole. Both the constitutional referendum and the next general elections are highly dependent on the capacity and impartiality of this body.

Benchmark 4: Media Freedom and the Establishment of a National and Independent Radio Station

The Access to Information and Protection of Privacy Act, the Public Order and Security Act and the Broadcasting Services Act continue to obstruct freedom of the press as defined under Article XIX of the GPA and should be repealed. On November 17, 2010, Nqobani Ndlovu, journalist for The Standard weekly newspaper, was arrested and remains imprisoned in defiance of a magistrate's order calling for his release on bail. Ndlovu reported that the annual police promotions had been cancelled and war vets and retired police officers were being recruited instead, allegedly to help Zanu-PF secure victory in the next elections. Members of this Committee and Congress should stand shoulder-to-shoulder with Mr. Ndlovu and demand his release.

Radio is the main source of information for Zimbabweans. The establishment of an independently operating national FM radio station is widely regarded as a litmus test that can be used to publicly demonstrate Zanu-PF's commitment to the GPA. Congress should

continue to find channels to assist members of civil society in maintaining freedom of speech among the imperative issues that need to be addressed for Zimbabwe's transition.

Benchmark 5: Constitutional Reform Process

The constitutional outreach process, the second to take place in a decade, has recently been concluded. The Constitutional and Parliamentary Affairs Minister, Eric Matinenga, told Idasa that the constitutional outreach component of the process is the most important. However, violence and intimidation initiated by Zanu-PF sponsored youths and war veterans was rampant and has seriously eroded the credibility of the outreach.

It is imperative for a credible voters' roll and independent electoral commission with the proper technical skills to be in place before a constitutional referendum is held. The will of the people should be taken into account. There are mixed indications as to whether or not a constitutional referendum will occur before general elections, which that are speculated to be held in 2011. Pressure should be applied to ensure that a referendum does take place, in a free and fair environment, prior to any general election.

Benchmark 6: Land Audit

A two-year land audit that was scheduled to begin in early 2010 was blocked by Zanu-PF and the war veterans. Mugabe has consistently argued that he is righting the wrongs of the colonial era in which land policies were discriminatory and land distribution was unequal. Mugabe and Zanu-PF have framed the land issue within the context of Western imperialism and neo-colonialism.

The appointment of an international mediator should be considered. Former UN Secretary General Kofi Annan's mediation in Kenya's power-sharing deal following the 2007 crises should be used as a model. The European Commission has offered to fund the audit, and insists the process should be "inclusive, transparent and comprehensive". The composition of any land commission needs to consist of local, regional and international experts to achieve widespread legitimacy.

Concluding Comments

If free and fair elections are held, an elongated coalition government is the most probable scenario for the next decade. It is likely a new coalition government will continue with the MDC-T seeking alliances with Zanu-PF reformers. Prime Minister Tsvangirai has signalled the party's willingness to form an inclusive government and has stated that, with 30 years of running Zimbabwe, Zanu-PF's expertise will be needed in some areas. Restrictive measures should be maintained on those individuals and entities, of any political affiliation, that continue to undermine the progress and stability of Zimbabwe.

Diplomacy remains a vital cog in Zimbabwe's democratic transition. Engaging members of the African Union, especially SADC's neighbours, is necessary to work toward creating a unified African voice, engaging other African leaders around SADC's strategy and working to shift SADC's position toward greater inclusion of civil society.

Finally, direct and indirect American assistance aimed at maintaining a vibrant African civil society as well as humanitarian assistance - specifically in the areas of security, health, education and infrastructure - continues to positively impact the lives of Zimbabweans.

Mr. Chairman and members of the Committee, I request that the entirety of my statement and additional materials be submitted for the record.

Thank you.

Mr. Sydney Masamvu is a Senior Political Analyst at the Institute for Democracy in Africa (Idasa). He works on Zimbabwe issues within Idasa's States in Transition Observatory. Idasa's States in Transition Observatory provides information and analysis on political developments in countries experiencing a transition or crisis. Mr. Masamvu is a journalist by trade. In addition to his work for Idasa, he has researched and written on Zimbabwe for the past seven years with Brussels-based International Crises Group and has consulted with the Elders Forum on Zimbabwe.

Idasa has received the following indirect funds from the United States Government in 2010:

1. Funding from the National Endowment for Democracy in the amount of US\$59,760 for strengthening regional democracy networks in Africa.