

ZIMBABWE'S POLITICAL AND ECONOMIC CRISIS

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BEFORE THE
SUBCOMMITTEE ON AFRICAN AFFAIRS
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ZIMBABWE'S POLITICAL AND ECONOMIC CRISIS

THURSDAY, JUNE 28, 2001

U.S. SENATE,
SUBCOMMITTEE ON AFRICAN AFFAIRS,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 2 p.m., in room SD-419, Dirksen Senate Office Building, Hon. Russell Feingold (chairman of the subcommittee) presiding.

Present: Senator Feingold.

Senator FEINGOLD. Good afternoon, the subcommittee will come to order. This hearing of the Senate Foreign Relations Subcommittee on African Affairs will now come to order.

And I want to welcome all of the witnesses who have come to testify. We appreciate your time and look forward to your insights.

I also want to thank the ranking member, Senator Frist, for his leadership on this issue. He is tremendously busy right now, what with his work on the bill before us on the floor of the Senate, the Patient's Bill of Rights. And I hope he will be able to join us.

But I want everyone to know how proud I have been to work with him on the committee in general, and particularly as the co-sponsor of the Zimbabwe Democracy and Economic Recovery Act of 2001, a bill that sets out clear conditions relating to the rule of law and free and fair elections that must be met before non-humanitarian assistance to the Government of Zimbabwe, which has already been suspended, can be resumed.

And the assistance the bill authorizes, once those conditions have been met is significant indeed; and, in fact, potentially very positive.

Senator Frist and I truly see eye-to-eye on the need to bolster those fighting to protect the rule of law and democratic institutions in Zimbabwe.

I had the opportunity to briefly visit Zimbabwe in late 1999. I came away with two dominant impressions: First, that Zimbabwe's civil society was one of the best organized and most admirable networks of advocates that I have ever encountered; but the second was that there was a great deal of tension in the air. Of course, shortly after my visit, the current crisis erupted, and Zimbabwe's very recent history is a sad one.

The state has been complicit in and sometimes has directly sponsored violence against those who do not support the ruling party, ZANU-PF.

Judges have been intimidated, and the very integrity of the judiciary has been attacked. The government has stepped up efforts to constrain and often intimidate the independent press.

The economy, already weakened by mismanagement and corruption, is reeling from the violent disruption of economic life and the lawlessness that, of course, frightens foreign investors, sending capital out of the country at alarming rates.

Reports indicate that agricultural production is down 30 percent. Unemployment is estimated at 60 percent. And the Zimbabwean economy is one of the fastest shrinking economies in the world.

I look forward to learning more about these issues today, their effect on the entire southern African region and the options for a U.S. policy response.

Just 2 days ago, I met with Morgan Tsvangirai, the leader of Zimbabwe's democratic opposition. He urged me not to paint too pessimistic a picture of Zimbabwe at this hearing, and he was right.

Even in these difficult times, I have continued to be impressed with the people of Zimbabwe, for their daring vote on the constitutional referendum and for their willingness to go to the polls in the parliamentary election despite intense intimidation.

Should this crisis abate through a return to the rule of law and, of course, free and fair Presidential elections next spring, these courageous Zimbabweans will need the support of the international community to reinvigorate the economy, to address Zimbabwe's devastating AIDS crisis, and to pursue urgently needed, genuine, rule-governed land reform that meaningfully enfranchises beneficiaries.

When Secretary of State Powell was in South Africa recently, he publicly urged President Mugabe to submit to the rule of law and the will of the people, and free and fair Presidential elections, instead of pursuing methods that the Secretary characterized as totalitarian.

Secretary Powell was by no means the first prominent figure to speak the truth about the Government of Zimbabwe. Former President Mandela and Archbishop Tutu have also publicly condemned the government's behavior.

But adding his voice to the chorus of critics signaled an important U.S. commitment to addressing Zimbabwe's crisis with an honest appraisal of the facts and a genuine desire to help the people of Zimbabwe in their efforts to protect their remarkable, democratic, law-governed country.

This is one initiative on which the administration will, I believe, enjoy the whole-hearted support of Members of Congress on both sides of the aisle, and the support of many Americans who have watched in dismay as Zimbabwe has suffered.

When Senator Frist arrives, I will certainly turn to him for his remarks. But at this point, we can go directly to our first panel and we are fortunate to have the Assistant Secretary of State for African Affairs, Walter Kansteiner, here to testify on behalf of the administration.

The crisis in Zimbabwe is one of the first issues that I raised with the Secretary when I met him. And I was encouraged by his resolve to make Zimbabwe a priority.

Later at his confirmation hearing, I was heartened to hear him express the administration's concern about this crisis, and note that those struggling to uphold human rights and restore the rule of law in Zimbabwe also deserve protection and support.

Secretary Kansteiner, it is good to see you before us again. I look forward to your testimony. You may go ahead.

STATEMENT OF HON. WALTER H. KANSTEINER, III, ASSISTANT SECRETARY OF STATE FOR AFRICAN AFFAIRS, DEPARTMENT OF STATE, WASHINGTON, DC

Secretary KANSTEINER. Thank you, Mr. Chairman. Thank you very much for inviting me to testify today.

This is the first testimony in front of your subcommittee since I was confirmed. And I think it is very appropriate that we start with Zimbabwe. It is a crucial issue. It is a tough topic. And I look forward to the bipartisan support and effort that we will pursue together.

I would like to briefly outline what the administration believes is happening in Zimbabwe and why that country matters to the United States and the region. After more than 20 years as Zimbabwe's leader, President Robert Mugabe remains in power.

The ruling party and its supporters have put significant pressure on the independent media, the judiciary, elements of civil society and the political opposition to counter any activities, which threatens ZANU-PF's grip on power.

The result has been a significant deterioration in Zimbabwe's human rights record, a breakdown in the rule of law, a furthering of Zimbabwe's economic collapse, and a negative impact throughout the region.

This intense political pressure not only has effects in Zimbabwe, but all of Zimbabwe's neighbors are experiencing reverberations as foreign investors stay away from southern African countries.

The blame for the political and economic crisis now confronting Zimbabwe must be squarely laid at the feet of ZANU-PF and President Mugabe.

Our message to President Mugabe and his government must be consistent and clear, and that is: While the United States desires open and friendly relations with Zimbabwe, we cannot have normal relations until the violence and intimidation are ended, and the rule of law is fully restored. We believe these are the necessary first steps to get Zimbabwe on the road to economic recovery and political stability.

We have from time to time seen some efforts by the Government of Zimbabwe to improve its image. But the real test of Zimbabwe's commitment to political openness will come in the months ahead as Zimbabwe prepares for the Presidential election in early 2002.

The current crisis in Zimbabwe has its roots in many areas. Broadly speaking, poor fiscal policies and rampant government spending, including the cost of Zimbabwe's military involvement in the Congo, set the stage for the present economic meltdown.

Due in large part to an illegal and chaotic "fast track" land reform program pursued by the government, the agricultural sector has been badly disrupted. And the country's economic woes may be accompanied later this year by a significant food crisis.

The coming year will be pivotal for Zimbabwe's future. The Presidential election, if conducted in a free and fair manner, would further Zimbabwe's emergence as a true multi-party democracy no matter who wins. The United States must be clear on this point.

It is up to Zimbabweans themselves to decide who will govern them. And they must be given the opportunity to choose freely.

Unfortunately, statements by ZANU-PF's officials that they will never allow another party to take office, and the ongoing violence and intimidation and significant electoral irregularities in previous elections all raise concerns.

Zimbabwe matters to us. Zimbabwe is a country of great potential, with good institutional infrastructure. As you noted, Mr. Chairman, they have excellent checks and balances. They have a judiciary and executive branch, a competent civil service and a strong independent media. However, some of these institutions in recent months have come under severe pressure.

Under the proper circumstances, Zimbabwe could be an engine of growth for the region, helping itself and its neighbors confront the HIV/AIDS pandemic, widespread poverty and other social ills.

Zimbabwe is blessed with significant natural and human resources, and if effective economic and business plans were permitted to be drawn up and enacted, Zimbabwe's economy would experience impressive growth.

Zimbabwe's continuing decline will witness outflows of people seeking to escape Zimbabwe's economic and political crisis, a continuing decline in investment in the region and greater instability throughout southern Africa.

The United States must stand ready to assist Zimbabwe when circumstances allow. Together with other donors, there is much we can do once Zimbabwe begins to implement appropriate policies.

We could help them with their longstanding debt. We could help them with inequitable distribution of land. And it is a legitimate problem. And it does not matter who wins the Presidential election—land redistribution is going to be an issue that will face whoever holds office.

The United States can encourage renewed engagement with Zimbabwe by international financial institutions such as the World Bank and IMF, helping restore macroeconomic stability and growth in the country.

And we can look at our bilateral assistance programs to determine how best we can help the government and people of Zimbabwe.

At this point, however, the ball is firmly in President Mugabe's court. I believe it is incumbent upon the administration to work closely with Congress in efforts to encourage the Zimbabwe Government in allowing for an open and fair electoral process, permitting the Zimbabwe body politic to determine the country's course.

Thank you very much.

[The prepared statement of Secretary Kansteiner follows:]

PREPARED STATEMENT OF HON. WALTER H. KANSTEINER III

Thank you for inviting me to testify today on Zimbabwe. I would like to briefly outline what the Administration believes is happening in that country, and why Zimbabwe matters to the United States and the region.

After more than 20 years as Zimbabwe's leader, President Robert Mugabe remains in power. The ruling party and its supporters have put significant pressure on the independent media, the judiciary, elements of civil society, and the political opposition to counter any activities which threaten ZANU-PF's grip on power. The result has been a significant deterioration in Zimbabwe's human rights record, a breakdown in the rule of law, a furthering of Zimbabwe's economic collapse, and a negative impact throughout southern Africa. This intense political pressure not only affects Zimbabwe, but all of Zimbabwe's neighbors are experiencing reverberations, as foreign investors stay away from the southern African region.

The blame for the political and economic crisis now confronting Zimbabwe must be laid squarely at the feet of ZANU-PF and President Mugabe. Our message to President Mugabe and his government must be consistent and clear: while the United States desires open and friendly relations with Zimbabwe, we cannot have normal relations until the violence and intimidation are ended, and the rule of law is restored. We believe these are the necessary first steps to get Zimbabwe on the road to economic recovery and political stability. We have, from time to time, seen some efforts by the Government of Zimbabwe to improve its image, but the real test of Zimbabwe's commitment to political openness will come in the months ahead, as Zimbabwe prepares for elections in early 2002.

The current crisis in Zimbabwe has its roots in many areas. Broadly speaking, poor fiscal policies and rampant government spending—including the cost of Zimbabwe's military involvement in the Congo—set the stage for the present economic meltdown. Due in large part to an illegal and chaotic "fast track" land reform program pursued by the government, the agricultural sector has been badly disrupted, and the country's economic woes may be accompanied later this year by a significant food shortage. On the political front, the sudden and dramatic rise less than two years ago of Zimbabwe's first viable opposition party—the Movement for Democratic Change or MDC—threatened the ruling party's previously unassailable grip on power. The challenge to the Mugabe regime represented by the emergence of the MDC sparked a surge in politically motivated violence and intimidation which began in earnest in early 2000 and continues to the present day. Most of this violence and intimidation is perpetrated by supporters of ZANU-PF.

The coming year will be pivotal for Zimbabwe's future. The presidential election—if conducted in a free and fair manner—would further Zimbabwe's emergence as a true multiparty democracy, no matter who wins. The United States must be clear on this point: it is up to Zimbabweans themselves to decide who will govern them, and they must be given the opportunity to choose freely. Unfortunately, statements by ZANU-PF officials that they will never allow another party to take office, the ongoing violence and intimidation, and significant electoral irregularities in previous elections all raise legitimate concerns.

Zimbabwe matters to the United States. Zimbabwe is a country of great potential with a good institutional infrastructure including a constitution, checks and balances between parliament, judiciary and executive, a competent civil service, and a strong independent media. Under the proper circumstances, Zimbabwe could prove an engine of growth for the region, helping itself and its poorer neighbors confront the HIV/AIDS pandemic, widespread poverty, and other social ills with less foreign assistance. Zimbabwe is blessed with significant natural and human resources, and if effective economic and business plans were permitted to be drawn-up and enacted, Zimbabwe's economy would experience impressive growth. Zimbabwe's continuing decline will witness continuing outflows of people seeking to escape Zimbabwe's economic and political crisis, a continuing decline in investment in the region, and greater instability throughout southern Africa.

The United States must stand ready to assist Zimbabwe when circumstances allow. Together with other donors, there is much we can do once Zimbabwe begins to implement appropriate policies. We can help Zimbabwe resolve its long-standing problem regarding the inequitable distribution of land, a legitimate problem which ZANU-PF has, unfortunately, exacerbated for political ends, but an issue which must be addressed, regardless of which political party may hold office.

The United States can encourage renewed engagement with Zimbabwe by international financial institutions such as the World Bank and International Monetary Fund, helping restore macroeconomic stability and growth in the country. And we can look at our own bilateral assistance programs to determine how best we can help the government and people of Zimbabwe turn their country back from the brink and restore Zimbabwe's promise as a bastion of economic and political stability in Africa.

At this point, however, the ball is very much in President Mugabe's court. I believe it is incumbent upon the Administration to work closely with Congress in efforts to persuade President Mugabe and his party to allow for an open and fair elec-

toral process, permitting the Zimbabwe body politic to determine the country's course.

Senator FEINGOLD. I thank you, Mr. Secretary.

I will ask you some questions.

You mentioned—and I know that many people are concerned about—possible food shortages occurring in Zimbabwe. Many in the United States are concerned about what the appropriate policy response to that would be.

Nobody wants the people of Zimbabwe to suffer, but at the same time I do not think any of us want the United States' assistance to be manipulated by this government or doled out to win votes.

So what is the United States doing now to prepare for this rather difficult scenario?

Secretary KANSTEINER. We are actually in the process of getting assessments of what exactly those food shortages might look like. And there are quite frankly differing estimates.

The consensus does seem to be that there will be probably a wheat shortage, that is for bread in the urban areas in the fourth quarter of this year, followed by possibly a maize shortage in the first quarter of next year.

So what we are doing now is preparing with USAID and other multilateral agencies and other countries in how we might actually deliver that food assistance.

As you know, much of the Zimbabwe grain system is controlled and dominated by the government, but not all of it. So we are looking for ways where we can assist but not let it become a political tool.

Senator FEINGOLD. Very good. Obviously, the elections are so important that are coming up, the Presidential elections. And there is going to have to be a lot of international attention focused on that.

Can you assure me that the United States, working with other members of the international community, will clearly and publicly articulate just what is meant by free and fair elections, and that the United States will speak out about pre-election conditions as well as the election itself?

Secretary KANSTEINER. Absolutely. In fact, one lesson that we learned through the years on democracy building efforts is that we cannot just send in election monitors the last week of the election process and—where they are looking at the election day balloting, which is very important. We will want to encourage NGO's and PVO's from all over the world, and including a U.S. Government delegation, with a strong congressional component, we hope, to be there on election day.

But a lot happens before election day and really we are starting to see the beginning of the electoral process in Zimbabwe right now. So we are looking for ways to begin that pre-election environment monitoring now, because we think it is so critical.

Senator FEINGOLD. Well, that tracks exactly with the point that the opposition leader made to me, that there needs to be attention to this well before the election, not simply at the time or just a few days before.

A broader problem that we all face in dealing with an issue like this, in terms of the U.S. policy response to the crisis in Zimbabwe,

is the question of how to respond to those who insist that international pressure will not affect President Mugabe and that, in fact, pressure from the United States only plays into his strategy for portraying Zimbabwean voices of dissent as puppets of the West?

Secretary KANSTEINER. And I think rhetoric and perception of rhetoric is important. And I hope it remains important to ZANU-PF and to President Mugabe.

What I think we need to focus on is calling for a free and fair election. We want the process to be allowed to go forward in a proper manner.

I think we have to describe the situation in an honest and truthful way. And if that process is not unfolding in a free and fair and level playing field sort of way, then I think we need to call them on it.

But at the same time, we do not want a lot of unnecessary rhetoric. We want constructive rhetoric. I mean, we want some ideas that the whole multilateral communities and I am looking now toward the Commonwealth and to the EU—because they are clearly playing a significant and important role in this.

You know, we want to coordinate with them and we want to push the process in a positive direction and not just resort to the rhetoric.

Senator FEINGOLD. One of the aspects of this issue that we have been focusing on in our office, and obviously your comments suggest your sensitivity to it as well, is the concern about the potential of this crisis in Zimbabwe to destabilize the economies and societies of other southern African countries.

President Mogae of Botswana recently visited and I had a chance to speak with him. He mentioned a drop off in tourism in his country to me.

Have you been getting reports from our embassies in the region about other consequences of the crisis being felt beyond the borders of Zimbabwe itself?

Secretary KANSTEINER. Yes. We do not have any data that has been compiled to suggest percentages of foreign direct investment or portfolio investment dropping off, although we are looking for those. But we certainly have anecdotal evidence that would demonstrate that foreign direct investment, particularly, has dropped off.

South Africa and Botswana are probably the two countries that are getting hit with it most. I personally know of at least two acquisitions that were going forward in South Africa that were put on hold primarily because of the worries and anxiety of what was happening north of the Limpopo.

Senator FEINGOLD. If it would not be too much trouble and easy enough to do, if you could share at some future point some of that anecdotal evidence, it would be helpful for me in understanding how this actually occurs.

Secretary KANSTEINER. Absolutely. I would be happy to.

Senator FEINGOLD. I also know that you have been frustrated and I have been frustrated by the reluctance of some of the other leaders in the Southern African region to actually condemn the tactics employed by ZANU-PF over the past year and a half.

Do you think that there has been any turn in the tide on this issue and that the other regional leaders are more willing to really start publicly pressuring the Government of Zimbabwe?

Secretary KANSTEINER. We do. The recent agreement among the Commonwealth Seven, as they are starting to be called, I think demonstrates that. That involves Zimbabwe, South Africa, Kenya, Nigeria, Australia, the UK and I believe, Jamaica or Barbados.

We think that that is a good effort and we want to be supportive of that, the Commonwealth Seven effort, to look into a host of issues concerning Zimbabwe, everything from electoral processes to land reform to land redistribution, and independent judiciary. The Commonwealth group is now really drawing up an agenda list.

I think this is going to be a forum that the South Africans, and the Kenyans and the Nigerians and the British can all participate in. And because it is a Commonwealth group of seven, it gives them some flexibility and some maneuvering room.

So we are hopeful in that. And we think that might signal perhaps an increased involvement with Zimbabwe by all seven of those members.

Senator FEINGOLD. Well, I think that and any other efforts by the leaders in the region at this point would be very timely, leading up into the rest of the year and heading into the elections next year. It is a critical time for that.

You referred to the Zimbabwean involvement in Congo. Do you think that the return of the Zimbabwean troops from the Democratic Republic of the Congo [DROC] to Zimbabwe will be a destabilizing factor in that country?

For example, how would Zimbabwe's military react if a state of emergency were called and they were asked to impose martial law?

Secretary KANSTEINER. The role of the army in Zimbabwe could end up being critical and it is important that we understand it.

To be honest with you, we do not exactly know what motivates some of the senior military officer corp in Zimbabwe's Army. We could speculate.

Obviously, there are a few at the highest level that seem to be benefiting materially from the involvement in the Congo. So some reluctance on their part to depart from the Congo would be understood, if they are, in fact, receiving benefits from the resources up there.

The rest of the army in Zimbabwe seems to be professional, especially the mid-level officer corps. And indications seem that they would be loyal to whatever party is in office that has been freely and fairly elected.

Senator FEINGOLD. I obviously hope that is correct. Finally, I would ask you what is the United States doing to help Zimbabweans fight the HIV/AIDS pandemic and to what degree are our efforts and those of the rest of the international community being hampered by this political and economic crisis?

Secretary KANSTEINER. Well, as you and Senator Frist both know so well, the HIV/AIDS pandemic is problematic under any circumstances, but when you layer on the political and economic instability that we are now seeing in Zimbabwe, HIV/AIDS prevention and treatment efforts become extremely difficult.

USAID remains involved looking at and working with HIV/AIDS centers in Zimbabwe, so we are still involved in that. But it becomes that much harder when you have political, social and economic arrest all brewing just beneath the surface.

Senator FEINGOLD. Well, it was already tragic when we visited in December 1999. The thought of that—trying to fight that being made even more difficult—is deeply troubling.

But I do want to thank you very much, Mr. Secretary. Thank you for your testimony and your willingness to work on this issue and I look forward to working with you on this very much.

Secretary KANSTEINER. Thank you very much.

Senator FEINGOLD. I ask the members of the second panel to come forward.

[Pause.]

Senator FEINGOLD. We have an excellent panel of witnesses testifying before the subcommittee today. Professor Robert Rotberg, Mr. Yves Sorokobi, and Mr. John Prendergast.

Professor Rotberg is the president at the World Peace Foundation and the director of the foundation's program on Interstate Conflict and Conflict Prevention, Belfer Center of the Kennedy School of Government at Harvard University.

He has served as a professor of political science and history at MIT, academic vice president at Tufts University, and president of Lafayette College.

Professor Rotberg's writing about U.S. foreign policy in Africa has been widely published, both in articles and in books.

Mr. Sorokobi is the Africa Program coordinator at the Committee to Protect Journalists. He previously worked as a New York-based freelance journalist for 4 years in both radio and print journalism.

Before settling in the United States, he reported on Africa for Radio France Internationale, the Japan Broadcasting Corporation and was the Pan-Africa News Agency correspondent in Germany and Eastern Europe. He is originally from Cote d'Ivoire.

John Prendergast is the co-director of the Africa Program at the International Crisis Group. During the Clinton administration, he served as a Special Advisor to the U.S. State Department where he specialized in conflict resolution initiatives in Africa.

Prior to joining the State Department, he was an executive fellow of the United States Institute of Peace, and before that Director for African Affairs at the National Security Council, where he provided support to the President, the National Security Advisor and successive senior directors on overall Africa policy.

After hearing from all of you, we will move to some questions and answers. So, Professor Rotberg, why not begin with your testimony?

STATEMENT OF PROFESSOR ROBERT I. ROTBERG, PRESIDENT, WORLD PEACE FOUNDATION; DIRECTOR, INTERSTATE CONFLICT AND CONFLICT PREVENTION PROGRAM, BELFER CENTER, KENNEDY SCHOOL OF GOVERNMENT, HARVARD UNIVERSITY, CAMBRIDGE, MA

Professor ROTBERG. Thank you, Mr. Chairman. Thank you for inviting me to testify. I will summarize my prepared testimony in 17 points.

There are few African tragedies more avoidable and more wasteful than Zimbabwe's. It was and is a country with excellent economic, political and social prospects. It has the best educated human resources in sub-Saharan Africa.

It had a thriving, well-balanced economy in agriculture, mineral manufacturing and tourism. Most of that is gone.

Despite being landlocked and having experienced war, Zimbabwe was poised in the 1980's for significant growth within a framework of the rule of law. But the excesses of the Mugabe regime first stalled and now have undercut that progress.

Second, the measures of Zimbabwe's economic meltdown are clear in this year's collapse of the Zimbabwe dollar versus the U.S. dollar, down to 150 to 1 as of yesterday. Inflation levels are 60 percent or higher.

There are foreign exchange scarcities, which we know about. We know about the recent price rises on fuel and bread, and more will follow.

We know that at least 60 percent of adults in the urban areas are unemployed. We have just heard about the coming food shortages. I suspect they may come sooner rather than later.

Mugabe's actions, especially his sending troops to the Congo, have contributed significantly to the evisceration of the people of Zimbabwe, and also to the alarming spread of AIDS in that country and in that region.

I estimate that Zimbabweans are one-third to one-half poorer and sicker than they were at independence.

Third, there is a real land issue. Whites did take African land unfairly and illegally, especially in the 1930's after the Carter Commission sanctioned it. But using terroristic means that have been ruled illegal by the Zimbabwean Supreme Court to resolve this difficult problem is clearly not the best way to accomplish a transfer of land occupation and ownership.

That is best done systematically and prudently according to the 1998 protocols, which were satisfactorily agreed to in Zimbabwe.

The current tactics, using so-call war veterans, have purely political ends in mind. At no time from 1980 did President Mugabe undertake seriously to reform land ownership, to which the MDC is now pledged.

Fourth, government control of the broadcast spectrum makes fair comment and the dissemination of factual news problematic at best. The independent press can provide a counterweight in the cities, but can do so only with difficulty in rural areas.

Fifth, South Africa and southern Africa are now at risk. The chaos in Zimbabwe, especially the President's refusal to abide by the rule of law, threatens the political and economic development of its neighbors. The blatantly corrupt nature of the Zimbabwean Government is also corrosive locally and far beyond its borders.

Sixth, free and fair Presidential elections are essential, as Secretary of State Powell enunciated so clearly in Johannesburg. But elections may not be in President Mugabe's interest. So he may well attempt to arrange circumstances so that elections never happen.

States of emergency and the banning of the MDC, as well as continued political thuggery, are very possible scenarios in the near and medium term.

Therefore, seventh, it is critical that Pretoria, as well as Washington, forthrightly condemn the Government of Zimbabwe's flouting the rule of law, its refusal to take the advice of its neighbors and friends; its endangering of the human rights and civil liberties of all its people; and the siphoning of the country's economic wealth out of the country and into the hands of a few.

Washington should work hard with Pretoria to enunciate a clear and assertive policy position on each of these matters.

Eighth, Zimbabwe is ripe for change. Its suffering people require change.

Ninth, constructive engagement with Zimbabwe has been tried and failed. It is time to speak and act firmly with regard to the government and the President there.

Tenth, as you have said, Mr. Chairman, expedited passage of the Zimbabwe Democracy and Economic Recovery Act will prove very helpful in providing clear incentives for President Mugabe, his government and his cronies.

Eleventh, I favor joining continued explicit criticism of the Mugabe regime's excesses with promises of economic and other assistance, which are in the bill, of course, when and if Zimbabwe holds a free and fair election; and when and if there is resumed adherence to the rule of law and a full resumption of democratic practices.

Twelfth, Washington should insist upon the rapid removal of the Zimbabwean troops from the Congo. That is really the first essential condition—the start of a return to normalcy.

Thirteenth, we should do what we can to ostracize the Mugabe government and its officials from a Washington point of view.

Fourteenth, we should bar Zimbabwean Government officials, military officers, and leading ZANU-PF party leaders and their families from travel to the United States and Europe until Zimbabwe returns to democratic practices.

Fifteenth, we should continue to bar financial assistance to Zimbabwe until democracy returns. That might mean doing a little more than we are doing now.

Sixteenth, we should try to strengthen Zimbabwe's free press and support new private broadcast initiatives.

And finally, we must support and reward good leadership in Africa and must administer tough love in those situations where venal and corrupt men still prey on their people.

Thank you.

[The prepared statement of Professor Rotberg follows:]

PREPARED STATEMENT OF PROF. ROBERT I. ROTBERG

Senator Feingold and members of the subcommittee:

I direct the Program on Intrastate Conflict and Conflict Prevention in the Kennedy School of Government, Harvard University, where I also teach African politics, and am President of the ninety-one year old World Peace Foundation. For many years I was Professor of Political Science and History at M.I.T. I am the author of a number of books and many articles on southern Africa, including Zimbabwe. The most recent longer articles of relevance to this hearing are "Africa's Mess, Mugabe's Mayhem," in *Foreign Affairs* (Sept.-Oct., 2000) and "Lawlessness and Dictatorship in Zimbabwe," *African Geopolitics* (Spring, 2001). I have also written a number of

recent newspaper opinion pieces on the Zimbabwe situation in the *New York Times*, *Boston Globe*, *Christian Science Monitor*, and *Southern Africa Report*. I am a long time student of Zimbabwean politics, and have known many of its past, present, and future leaders over considerable periods of time. I was last in Zimbabwe in May 2001.

A MAN-MADE DISASTER

Africa's failure to thrive at the end of the last century has many causes, not least mismanagement. We can pin the blame for Africa's failure on shifts in world commodity prices, misguided World Bank and International Monetary Fund policies, civil wars, climatic disasters, unchecked population bulges, the scourge of AIDS, and so on. But the visible hand of individual rulers can also be discerned. And no single exemplar of failed leadership surpasses that of President Robert Gabriel Mugabe, who has been prime minister or president of Zimbabwe since 1980. In the annals of human-made disasters in Africa, his comes very close to equaling the inspired debacles of Mobutu Sese Soko in Congo (Zaire), Idi Amin in Uganda, and Jean Fidel Bokassa in the Central African Empire. But Mugabe is well educated, which they were not, and Mugabe leads a nation once comparatively robust and prosperous, with the best-educated citizenry (per capita) on the continent of Africa. The gifted Mugabe inherited a well-run, well-off territory. Hence Zimbabwe is the greater tragedy, for he has robbed his country and his people of its peace, its security, and its patrimony, and he has mortgaged much of its human, social, and economic potential.

Zimbabwe has been on an economic slide since 1995, but went into a determined free fall in 1997. The comparatively (for Africa) wealthy country's per capita real GDP slumped in the late 1990s from \$645 in 1995 to \$437 in 1999. Current estimates put annual per capita GDP at about \$300, which approaches the unfortunate levels of Mozambique, Malawi, and Ethiopia. (Botswana's GDP per capita, for comparison, is about ten times Zimbabwe's.)

Zimbabwe's rates of GDP growth tumbled from 7.3 percent per annum in 1996, to -1 percent in 1999, and to about -10 percent in 2000. Consumer price inflation has shot up from 22 percent in 1995 to 58 percent in 1999, and to about 60 percent in 2000. Zimbabwe's foreign currency reserves were essentially exhausted last summer, but with help from South Africa and elsewhere and by practicing fiscal legerdemain at home, Zimbabwe limps along from week to week. Zimbabwe's currency exchange rate against the U.S. dollar collapsed from 8 Zimbabwean dollars (Z\$) to \$1 in 1995 to Z\$23 to \$1 in 1998, fell to an artificially controlled level of Z\$38 to \$1 in 1999, and now hovers officially at Z\$55 to \$1 while the parallel, widely quoted, rate is about Z\$150 to \$1.

The people of Zimbabwe are one-third to one-half poorer than they were at independence. With the onset of AIDS, their life expectancies have fallen from the 60s into the low 40s, and infant mortality rates have risen rapidly. The modern look of Zimbabwe speaks to a hopeful past and a possible future, but not to the Mugabe-initiated national collapse into intensifying poverty. More than 60 percent of urban adults are unemployed. Health and educational services are greatly deteriorated.

For Zimbabwean consumers since late 1999, life has been a succession of mile-long lines for gasoline for their cars, diesel fuel for their tractors and trucks, and kerosene for home cooking. This month's government-decreed 70 percent price increases for gasoline, diesel, and kerosene have sparked heated consumer resentment. Bread prices have also risen by about the same amount, and other consumer good price rises will follow. Local observers predict massive shortages of wheat flour and maize flour, the staple foods of most Zimbabweans.

Factories have closed because of attacks by hoodlums loyal to Mugabe and because of shortages of foreign exchange with which to pay for imported raw materials. There is also reduced demand. Stores are shuttered throughout Harare's principal arcades and shopping centers. Thugs continued to attack and occupy farms as late as this week. In Mashonaland East, farmers this week were told to stop planting crops, despite the predicted food shortages. A leading black farmer lost his farm this week. He happened to be a member of the opposition to Mugabe. In every sense, Zimbabwe's economy is in shambles.

The root of much of the country's economic meltdown is the government's pronounced failure to control its fiscal deficit, which rose alarmingly from 8 percent of GDP in 1998 to 12 percent in 1999 to 28 percent in 2000. Despite endless promises to the IMF throughout the 1990s, Zimbabwe failed to trim its official wage bill by reducing excess civil servants and soldiers from the employment rolls. But the precipitating cause of Zimbabwe's economic collapse was Mugabe's personal decision (without prior consultation with parliament, the cabinet, or his ruling political par-

ty's central committee) to send Zimbabwean soldiers into the Democratic Republic of the Congo in 1998 to bolster the late Laurent Kabila's tattered government against rebels supported by Rwanda and Uganda.

Mugabe wanted to show Presidents Yoweri Museveni of Uganda and Nelson Mandela of South Africa that he still counted as an African leader. Equally important, Kabila offered Mugabe and Mugabe's close cronies a chance to line their pockets with the Congo's mineral wealth. Although the Zimbabwean treasury paid the troops, purchased the ammunition, and obtained the fuel that let Mugabe's troops survive in the eastern Congo, a few individuals (including the president) profited (and still profit) handsomely.

If sending troops to the Democratic Republic of the Congo were not damaging enough at home, Mugabe compounded his nation's misery in 2000 by sending rent-a-thug so-called war veterans to occupy a third of the country's commercial farms. Whatever moral justification there was and is for evicting whites (and a few blacks) from farms that have been in non-indigenous hands for 50 to 100 years after being purchased or stolen from Africans—land reform and land rectification is essential to right the wrongs of the past—the coercive and illegal methods thus utilized to destroy agricultural productivity were politically inspired and economically and politically disastrous. Mugabe's bullying has jeopardized the employment and wages of 400,000 African farm laborers and their families, inhibited reinvestment by farmers, and chilled domestic trade and banking. The climate of fear has also destroyed Zimbabwe's once thriving tourist industry.

The economic and political cancer of Mugabe's Zimbabwe has already infected the political and economic prospects of southern Africa, especially South Africa, and threatens to endanger much of sub-Saharan Africa. South Africa has seen its own currency depreciate, its economic growth become compromised, and its race relations (especially in the farming areas) become more worrying—all because of the troubles in Zimbabwe.

Nearly a million immigrants have already walked into South Africa from its northern neighbor, an exodus that greatly complicates President Thabo Mbeki's ability to develop his own country. Substantial foreign investment has been withheld. Tourism has been affected. Political, social, and economic opportunities for South Africa have been curtailed by the long months of instability beyond its border.

South Africa is right to fear a further cascade of chaos that would be unleashed in Zimbabwe and inevitably affect its neighbors adversely. But the longer lawlessness, corruption, and mayhem are allowed to prevail in Zimbabwe, the worse the eventual results will be for South Africa and all of southern Africa. There is a premium on considered early action to help restore the rule of law and political and institutional legitimacy to Zimbabwe.

The guided democracy which plagued Zimbabwe throughout the 1980s and early 1990s has since become an unremitting autocracy. U.S. Secretary of State Colin L. Powell was right to term Mugabe's rule totalitarian. By ignoring the rulings of his country's Supreme Court, by attacking the free press and preventing non-governmental radio broadcasting (despite court orders), Mugabe has made a mockery of his own people's ability to pursue their lives in freedom. He has destroyed a once open society, largely for personal gain and personal power.

There is no doubt that by snubbing the judges, snubbing the criticisms of his fellow African presidents, and recklessly pursuing an agenda that is completely personalistic, Mugabe has moved Zimbabwe and, alas, southern Africa, backwards. Land reform is essential, but Mugabe's invasions of lands and factories have been designed, however foolishly, to intimidate supporters of the opposition Movement for Democratic Change (MDC), not to accomplish real political or economic objectives. He has savaged what he had earlier built up, and for narrow, naked political purposes.

Given the results of the referendum in 2000 and the parliamentary elections in 2000, Mugabe rightly fears that he will lose the presidential election scheduled for 2002 unless he can harass and cow the mass of Zimbabweans sufficiently to make them fear for their lives unless they back ZANU-PF and Mugabe. This is the Charles Taylor approach. The regime's current tactics of terror are designed with such unsavory ends in mind.

But the election may never take place. If Mugabe can be assured of the loyalty of the army, and if his training of special police paramilitary cadres proceeds according to current plans, then he can provoke or precipitate conditions capable of justifying the declaration of a state of emergency, or some similar draconian further suspension of the rule of law. Then Mugabe could, and will, ban political parties and postpone or abnegate normal electoral conditions. We may be approaching such a decisive downward realignment of Zimbabwe's political and social contract. The people would long ago have taken to the streets, Belgrade style, if the fear of state-

sponsored reprisals and other consequences had not inhibited the upwelling of their anger.

Pretoria and Washington should not assume that elections in 2002 are a given. It is important, nevertheless, for leaders in both capitals to demand such elections, and to insist upon an end to state-sponsored intimidation in upcoming municipal and constituency by-elections. Intolerance for anything other than free and fair presidential elections should be reiterated for private and public consumption. Jawboning helps.

There is some speculation, unfounded in my view, that the opposition MDC is less than a credible challenger to ZANU-PF, and/or that President Morgan Tsvangirai of the MDC is not or will not be an effective electoral opponent of Mugabe. Both such critiques are erroneous, as the MDC's urban and rural victories in the 2000 parliamentary elections and in the recent Masvingo mayoral election demonstrate. Such public opinion polls as have been undertaken also support the popular mandate of the MDC. Equally impressive, especially for Africa, is the non-ethnic character of the MDC, uniting Zimbabweans for change in a manner that is rare. As a party, too, the MDC is much more robust than it was a year ago, hardened as it has been by the realities of brutal intimidation and by funding scarcities, but emboldened by the evident support of a population, urban and rural, Ndebele and Shona, male and female, that is much more thoroughly alienated from the Mugabe regime than it was even a year ago.

WHAT CAN BE DONE? WHAT SHOULD BE DONE?

Washington must work closely with Pretoria, London and other African and European capitals, to condemn the intolerable quality of Mugabe's arrogant affront to his own people. For policy purposes, it is critical that Washington, Pretoria, and others openly declare (as Secretary Powell has done) that totalitarian rule in Zimbabwe is unacceptable. Saying so, repeatedly if necessary, will strengthen the hand of civil society within Zimbabwe (and Africa), and will embolden those within Mugabe's own ZANU-PF apparatus who want change from within, but are frightened.

If Washington and Pretoria can speak clearly with the same message, Africa and Europe will follow. Naming violators of human rights is essential, inexpensive, salutary, and capable of uplifting those in Zimbabwe and other countries who despair and are battered.

WHAT MORE CAN AND SHOULD BE DONE?

We should:

- Continue to diminish any remaining financial aid flows to Zimbabwe.
- Promise critical economic assistance to help reconstruct Zimbabwe when, and only when, the rule of law and full participatory democracy are restored and functioning.
- Continue to deny Zimbabwe access to the benefits of the African Growth and Opportunity Act. But we should promise swift access to those benefits once the rule of law and democracy are once again realized.
- Bar Zimbabwean governmental officials, military officers, leading ZANU-PF members, and their families from travel to the U.S. and Europe until Zimbabwe is again democratic.
- Ostracize Zimbabwe's current regime, and isolate it internationally, so long as the country is unfree and autocratically ruled.
- Discover legal ways of strengthening the free press and new private broadcast initiatives in Zimbabwe.
- Swiftly enact the Zimbabwe Democracy and Economic Recovery Act of 2001. Each of its sections contributes to the importance of the bill. I particularly commend the provisions of Sec. 6. The Act will give Mugabe an incentive to choose between actions which are good for his country and those which are only good and profitable for himself.

There is a bottom line: It is long past time for constructive engagement in the case of Mugabe's Zimbabwe. Wooing him might have made sense years ago, but not now. Good leadership in Africa should be rewarded, participatory leadership supported, and sensible economic management backed—but bad leadership and bad policy should be condemned so that new leaders and better policies may clearly be differentiated, and consolidated.

Zimbabwe is ripe for change. Washington and Pretoria need together to provide conditions conducive to that change, and together to say explicitly that is what is being done.

Senator FEINGOLD. Thank you, Professor. I thought you were kidding when you said you had 17 points, but you did it most efficiently. Thank you very much.

Mr. Sorokobi.

STATEMENT OF YVES SOROKOBI, AFRICA PROGRAM COORDINATOR, COMMITTEE TO PROTECT JOURNALISTS, NEW YORK, NY

Mr. SOROKOBI. Thank you, Senator Feingold. Ladies and gentlemen, the Committee to Protect Journalists [CPJ], which I represent here today is an independent, non-profit organization based in New York.

We document, publicize and protest physical and legal attacks on journalists and other violations of their professional rights. We also work with governments, including the Government of Zimbabwe and civil groups to improve press freedom conditions around the world.

As you know, and as other witnesses before me have stressed, Zimbabwe currently has one of Africa's most volatile media environments.

Over the past 2 years, Zimbabwean journalists have come under increased pressure from the ZANU-PF government. Since December 1999, that is roughly less than 18 months, CPJ has documented over 40 abuses of press freedom, including two bomb explosions against a private newspaper, the deportation of foreign correspondents, a host of criminal defamation lawsuits brought by government officials against journalists and several beatings of journalists by police and supporters of the ruling party, most prominently war veterans.

Zimbabwe's Constitution in its section number 20 guarantees "freedom of expression," but the country's laws are silent on freedom of the press. Zimbabwean authorities have argued that freedom of expression extends to freedom of the press.

But local journalists have been demanding a specific press freedom clause. So far, to no avail.

One point that I need to stress that is not included in my written statement is the fact that everything that will come after this point consists of the legal issues that journalists are facing, which are very essential to understanding the crisis the media is in in Zimbabwe.

One thing worth noting is that the judiciary has been the backbone of the growth of the Zimbabwean media. So the government's efforts have concentrated on dismantling the laws that support the media in Zimbabwe.

And for that reason, Zimbabwe's post-colonial government has failed to scrap archaic laws such as the Official Secrets Act, the Magistrates' Act, the Censorship and Entertainment Act, and the notorious Law and Order Maintenance Act. All of these laws have been used to prosecute journalists and to force news organizations out of business.

The print media are relatively free in Zimbabwe. There is a great number of newspapers that are currently publishing in Zimbabwe. But the broadcasting media are entirely controlled by the ZANU-PF government through its media holding company that it calls the

Zimbabwe Broadcasting Corporation, the ZBC as it is known, runs four radio and two television channels that are entirely dedicated to government propaganda.

In the absence of alternative broadcasting operations in Zimbabwe, citizens' access to impartial news is greatly curtailed.

The Supreme Court of Zimbabwe has ruled last year in September that the continued state monopoly on broadcasting violates the Constitution. In response to the Supreme Court ruling, the government recently passed the Broadcasting Services Act, which gives the state powers to determine who can operate a broadcasting outlet in Zimbabwe and also powers to ban or suspend prospective private radio and television stations.

The act also imposes restrictions on foreign correspondents and foreign investment in the media. It is worth noting, as I said earlier, that the Supreme Court's media-friendly rulings count among the reasons why the Zimbabwean Government is bent on forcing liberal judges off the bench.

Also it would be essential as a first recommendation in any U.S. foreign policy for Zimbabwe that you insist on strengthening the judiciary, which is the backbone for the Zimbabwean media.

What is more, the Posts and Telecommunications Bill was rushed through Parliament last year in March and is now awaiting President Mugabe's signature. This law would officially liberalize the telecommunication sector in Zimbabwe, which sounds good, but this is a pretty flawed piece of legislation, from the press freedom point of view.

Under this law, licenses for private telecommunication outlets can be denied if a government considers that it would not be in the public interest to issue a license to that applicant, meaning that the government unilaterally will decide who can run a private radio station.

And I know that a few of the witnesses before me have stressed the point that the U.S. Government should support private radio initiatives in Zimbabwe. And this law is specifically designed to counter this kind of involvement.

Until this bill becomes law, the 100 percent government-owned Zimbabwe Posts and Telecommunications Corporation control the telecommunication sectors in the country. From an economic point of view, it is clear that this law would frustrate many entrepreneurs and it would also isolate Zimbabwean citizens from the global economy.

There is another law which is currently in the works in Zimbabwe. The Zimbabwe Government call it the Freedom of Information Bill, but it will do exactly what the name suggests. Under this law, information held by individuals or by individuals can be made public only if the government allows it, and the law will also outline what sort of information is protected in the interests of national security. And it will also protect financial security, public order and health.

And I would like to insist on a point, under the health issue. As you noted earlier, Zimbabwe has a serious AIDS crisis right now. It is in the interest of the government to prevent journalists from reporting on this matter. So this law is designed to counter any sort of allegations that would be made in the private media about

the health situation in the country, which will make it very difficult for international NGO's or foreign governments to intervene in the health sector in Zimbabwe.

This bill will also impose harsh restrictions on the accreditation of foreign journalists, which means that it will be extremely difficult for the American public to get information from Zimbabwe, because American journalists would technically not be allowed to travel to Zimbabwe.

Visiting foreign journalists are now required to apply for accreditation at least 1 month before going to Zimbabwe. The Zimbabwean authorities will not accept applications by foreign journalists that are already in the country, and they have started to deport foreign journalists. So far, within this past 5 days, they have deported four journalists already.

Those that are right now in Zimbabwe are advised to leave the country and to apply for accreditation in their country of origin.

It is worth noting that what is happening in Zimbabwe and with the media, is also having repercussions in neighboring countries. In Namibia, the SWAPO government is currently developing revengeful politics against many newspapers and radio outlets in the country by banning government expenditure, government money being used to buy newspapers and government advertisement in the private media, and so on and so forth.

The same reality is also taking shape in Mozambique and to some extent in Botswana.

CPJ believes that democracy in Zimbabwe is gravely threatened by the lack of press freedom. But we are heartened that the Senate Foreign Relations Subcommittee on African Affairs is concerned about the predicament of the Zimbabwean media. That for a long time was left alone. And we stand ready to provide you with any information you might require.

And before I close, I would like to insist on the point that the Zimbabwean media in itself does not need any foreign help, per se. What will help the Zimbabwean media survive the current crisis is the judiciary in Zimbabwe, which has been the backbone of the growth of that media.

So as my statement here shows, the issue that the government is currently using in Zimbabwe against the media is on the legal side. Journalists are being harassed by police, but they are not being killed.

It is the law that support the media that are being dismantled. And I believe that is where the U.S. Government could have a stronger impact on the media in Zimbabwe.

Thank you.

[The prepared statement of Mr. Sorokobi follows:]

PREPARED STATEMENT OF YVES SOROKOBI

PRESS FREEDOM IN ZIMBABWE—AN ANALYSIS OF RECENT DEVELOPMENTS AFFECTING THE MEDIA

Honorable ladies and gentlemen:

The Committee to Protect Journalists is an independent, nonprofit organization based in New York City. We document, publicize, and protest physical and legal attacks on journalists and other violations of their professional rights. We also work with governments and civil groups to improve press freedom conditions around the world.

As you know, Zimbabwe currently has one of Africa's most volatile media environments. Over the past two years, Zimbabwean journalists have come under increased pressure from the ZANU-PF government. Since December 1999, CPJ has recorded over 40 abuses of press freedom, including two bomb explosions against a private newspaper, the deportation of foreign correspondents, a host of criminal defamation prosecutions, and several beatings of journalists by police and supporters of the ruling party.

Although Section 20 of the 1980 Constitution guarantees "freedom of expression," the country's laws are silent on freedom of the press. Authorities argue that freedom of expression extends to press freedom, while local journalists have demanded a specific press freedom clause-to no avail.

Meanwhile, Zimbabwe's post-colonial government has failed to scrap archaic laws such as the Official Secrets Act, the Magistrates' Act, the Censorship and Entertainment Act, and the Law and Order Maintenance Act, all of which have been used to suppress press freedom.

The print media are relatively free. But broadcast media are entirely controlled by the government through the Zimbabwe Broadcasting Corporation (ZBC), which runs four radio and two television channels dedicated to government propaganda. In the absence of alternative broadcasting operations in Zimbabwe, citizens' access to impartial news is greatly curtailed.

The Supreme Court ruled on September 22, 2000 that the continued state monopoly on broadcasting violates Section 20 of the Constitution. In response to the Supreme Court ruling, the government recently passed the Broadcasting Services Act, which gives the state powers to determine who can operate a private broadcasting outlet and to ban or suspend private radio and TV stations. The Act also imposes restrictions on foreign investment in the media. It's worth noting that the Supreme Court's media-friendly rulings count among the reasons why the government is bent on forcing liberal judges off the bench.

A Posts and Telecommunications Bill was rushed through Parliament in March 2000, and now awaits President Mugabe's signature. This bill officially liberalizes telecommunications in Zimbabwe. However, this is a deeply flawed piece of legislation from the press freedom point of view. Under the bill, licenses for private telecommunications outlets can be denied if the government "considers that it would not be in the public interest to issue a license to the applicant." Until the bill becomes law, the 100 percent government-owned Zimbabwe Posts & Telecommunications Corporation (PTC), maintains a monopoly on telecommunications. From an economic point of view, it is clear that such a law will frustrate many entrepreneurs in this Information Age and further isolate Zimbabwean citizens from the global economy.

A so-called Freedom of Information Bill, now in the works, will regulate the flow of information, indicate under what circumstances information held by individuals or about individuals can be made public, and outline what information is protected in the interests of national security, financial security, public order, and health. The bill also imposes harsh restrictions on the accreditation of journalists. Visiting foreign journalists are now required to apply for accreditation at least one month before their entry into the country. Authorities will not accept applications by foreign journalists already in the country. Those who are now in Zimbabwe are advised to leave the country and reapply for accreditation in their country of origin.

CPJ believes that democracy in Zimbabwe is gravely threatened by the current lack of press freedom. We are heartened that the Senate's Subcommittee on African Affairs is concerned about the predicament of the Zimbabwean media. And we stand ready to provide you with any additional information you might require.

Senator FEINGOLD. Well, Mr. Sorokobi, I am grateful for your testimony.

I am deeply troubled to hear the account of the threats to or actual intimidation of the press.

The inability to get independent broadcasting and the inadequacy of any freedom of expression are alarming. I heard very clearly your message of the relationship of this to the judiciary, and to the extremely unfortunate events that have occurred with regard to the independence and ability of the judiciary in Zimbabwe to be taken seriously by the government. So I appreciate it and I look forward to working with you.

Mr. Prendergast.

STATEMENT OF JOHN PRENDERGAST, CO-DIRECTOR, AFRICA PROGRAM, INTERNATIONAL CRISIS GROUP, WASHINGTON, DC

Mr. PRENDERGAST. Thank you, Mr. Chairman. I, like Dr. Rotberg, may have 17 points to make, but I am certainly not going to tell you in advance, and have you throw me out of here.

In any event, I would like to cheat a little bit and go beyond my written testimony—testimony that focuses on the assault on the rule of law—and focus what is crucial in your taking the time to focus on Zimbabwe today and U.S. policy options. Where can we go from here? How can we increase and intensify our support for positive change in Zimbabwe?

My organization, the International Crisis Group, is finalizing a report now in which we call for a Belgrade strategy which would focus on two areas and build on the Zimbabwe Democracy Act.

In the first instance, it would focus on pressures aimed at the Government of Zimbabwe for the holding of a free and fair election in 2002, as Assistant Secretary Kansteiner focused on.

And second, how we can increase support for pro-democracy elements, the kind of vibrant civil society and opposition movements that are accelerating in Zimbabwe today. And I would like to elaborate a little bit on both of those strategies in the interest of discussion and debate.

The first: focused pressures for change. President Mugabe has clearly shown himself indifferent to the suffering of his fellow citizens and willing to use all kinds of tactics to insure his stay in power.

Nevertheless, economic sanctions, if we consider and impose them, would hurt the people of Zimbabwe more than they would hurt the regime, and we should avoid them to the extent possible.

Nevertheless, threats of sanction specifically targeted, narrowly targeted at the President and at the coterie of advisors around him, I think potentially stand a chance for modifying behavior in the run-up to the election.

Imposing these kinds of sanctions now though, and this is where I might differ a bit with my colleague, Dr. Rotberg, if we impose these now, we may give the government an additional rationale for further crackdowns and would close off avenues of engagement that we need in the electoral process so that the international community can have access and potentially monitor this process. That is not what pro-democracy forces in Zimbabwe want now. They do not want us to move now on sanctions.

What they are asking for, I believe, and it is worth debating in the discussion is that the international community should make the process leading up to the Presidential elections the determinant of whether we impose more serious pressures on the government.

As Walter Kansteiner said earlier, we need to focus on the specific conditions for a free and fair election. I think that we will have no problem, no trouble, spelling out specifically what those conditions should be. But it is the consequences then that I think we need to discuss.

If those conditions are not met, and there has to be a trigger for when we decide they are not being met and will not be met, then the following kinds of actions ought to be implemented.

First, we should work in the Security Council for an asset freeze on the key ZANU-PF leaders, members of the ruling party and their families. Second, and very closely related to that, and Dr. Rotberg also pointed this out, travel restrictions also on these same leading members of the government and their families.

Third, I think we need to look at a moratorium on the sale or transfer of sensitive technology, of dual-use technology, and ensure that anything that we or any other government around the world provides or trades in the open market should not be able to be used for military purposes for purposes of repression.

Fourth, we can work again in the Security Council to expand the investigation that the U.N. is currently engaged in in the looting of Congo's resources and look more closely at the role that Zimbabwe has played in the Congo. The first draft focused primarily on Rwanda and Uganda's role, rightly so.

But the Zimbabwean role is—perhaps not equally, but certainly—a terribly sad chapter in the Congo's history and is very closely related to the patterns of corruption inside Zimbabwe. So those linkages could be further exposed through more targeted investigation.

And then finally, fifth, close coordination with the South Africans in imposing more serious kinds of initiatives than what I am suggesting here. And I think the region and the South African Government particularly, but the region in general, is going to hold many of the keys to whether this election comes off or not.

And I think, as Walter and others have said, we need to be, and Bob said, we need to be very, very closely coordinating with the South Africans on what we can do if things are not allowed to progress as they ought to.

Second, the second large area that we would focus an intensification of our policy on would be meaningful support for pro-democracy forces in Zimbabwe.

And I think this is the most exciting possibility, not only for the immediate future, but also in developing the capacity for a transition if this election does not happen now, creating a capacity in the future for a meaningful change in Zimbabwe.

I think that donor governments, including USAID are very, very active already in some of the more conventional aspects of promoting support for the pro-democracy forces and movements.

We are already doing the kind of things like training for civil society groups and activities aimed at supporting the kind of activities that most political parties and the civil organizations undertake and, as well, are doing things in support of the free press. And those are very, very good.

A second category in that regard is the assistance to the electoral process. The process, the machinery, I am sure, in your discussion with the opposition leaders, they have spelled out very clearly their desire to have the international community invest in the machinery of an election, and in monitoring that election so that this thing happens.

So USAID is already on the ball and has a very good program and it could be increased if resources were made available. So that is good.

Now, I would like to get to what we can do to increase what we are doing now in a meaningful way that may be difficult given the current sort of limitations of our aid program in Zimbabwe and throughout the world.

I think these kinds of measures are important, but they are inadequate in the face of what the Mugabe regime has perpetrated inside Zimbabwe now.

Therefore, we ought to look at the following. And this gets onto some thin ice. In the first instance, if the opposition parties, particularly MDC are not provided equal access to the media in the runup to the election, there ought to be serious consideration internationally in supporting an independent radio station somewhere outside of the country.

A very sensitive issue, details to be determined, not probably good to discuss openly all these kinds of specific issues. Nevertheless, there has to be some threat that if there is not access to the media, both print and electronic, then there has to be some kind of a repercussion. And I think that the international community has to step up on this issue.

Second, there are areas where progressive MP's, whether they be opposition or even reform-minded ZANU-PF members of parliament have been elected. In those areas, people have great expectations for change and nothing is happening because their parties are broke and because ZANU-PF is freezing out those areas for any kind of development.

So what we would propose is focusing some of the international aid that is being provided for development and for humanitarian purposes into those areas, using all legitimate means. This is not any kind of subversive thing but just targeting aid into those kinds of areas to provide effectively a progressive dividend, if you will, for people who have taken the courageous stand to vote for people who are willing to stand for change, and now let's see some material benefits for it.

Third, I think we ought to be looking now at how we can support the cost of governing for the MDC in the areas where they actually now are running local government. In Masvingo, for example, they have won the municipal election there. They have the mayorship.

They are expected to govern the area. They have no money. They are broke. People have great expectations. How can they deliver social services? This is the kind of thing we ought to be looking at, institutional support for the provision of social services.

Again, we are not talking about undermining the state, we are talking about strengthening the state and giving that kind of support to increase the MDC's capacity for governance in those areas, particularly in the area of social service delivery.

This helps in the immediate term in terms of helping people in their basic human needs, but it also helps strengthen the MDC's capacity for future governance.

And then finally, we ought to look at offering and figuring out ways to provide institutional support, both to opposition parties and to civil society organizations, like salaries, rents, communication equipment. These people are being starved out. They are being completely and totally bludgeoned and they need support from the outside.

Now, we all know that the Zimbabwean Government has passed a law prohibiting international support for political parties. And that there are ways to deal with that. There are ways to circumvent that. There are ways to provide that kind of assistance. People need to be supported on the ground.

So these are the kind of things going beyond the conventional but very important core-USAID program that I think we could use ESF resources for, to really increase the capacity of the pro-democracy forces to make a difference in Zimbabwe in the near and medium term.

Thank you.

[The prepared statement of Mr. Prendergast follows:]

PREPARED STATEMENT OF JOHN PRENDERGAST

Zimbabwe is in a state of free fall. It is embroiled in the worst political and economic crisis of its 20-year history as an independent state. The crisis has negatively affected virtually every aspect of the country and every segment of the population. It has exacerbated racial and ethnic tensions, severely torn the social fabric, caused fundamental damage to its once-strong economy, dramatically increased the suffering of Zimbabwe's people, and increased impunity state-sponsored violence, the perpetrators of which operate with impunity. An HIV/AIDS epidemic only adds to the catastrophe. Significant post-independence achievements in racial reconciliation, economic growth, and development of state institutions have already been severely eroded.

The crisis has not only been an unmitigated disaster for Zimbabwe; like a cancer it is beginning to metastasize throughout the surrounding region. Erosion in the value of the South African currency and the Johannesburg Stock Exchange is blamed on events in Zimbabwe. The neighbouring countries of Mozambique, Zambia and Malawi have also been negatively affected economically by reducing investor interest. Zimbabwe's involvement in the Congo war is an externalization of its internal problems. As Zimbabwe's troubles intensify, they increasingly will have a destabilizing effect on the entire southern African region. And the high profile nature of the assault on what has been an internationally linked private sector is having negative repercussions on outside perceptions of the investment potential for the entire continent.

Responsibility lies with President Robert Mugabe's government, which has mismanaged the economy, institutionalized state violence, and moved further toward autocratic rule. When the people of Zimbabwe began organizing to change the government through democratic means, the ruling party, the Zimbabwe African National Union-Patriotic Front (Zanu-PF), responded to the legal challenges with widespread and systematic violence and intimidation. (Sadly, the legal infrastructure used by the government is based on the very same laws—still on the books—used by Ian Smith's white minority regime in the 1970s to repress opposition and imprison Mugabe and his comrades.)

Confronted with plummeting popularity and a diverse coalition seeking fundamental reforms, the Zanu-PF leadership appears willing to do anything to stay in power. Using war veterans, police, army, and other Zanu-PF supporters to suppress violently all opponents has but one objective. Robert Mugabe is rapidly institutionalising an authoritarian system in Zimbabwe that is aimed at ensuring Zanu-PF's power base.

Despite this assault on the rule of law, a significant coalition for reform is growing. Civil society groups, a new political opposition party, and a well educated, entrepreneurial, and resilient population have combined to challenge directly the government's authoritarian rule. The southern African region and the broader international community must re-focus its efforts to support positive change in Zimbabwe.

The following testimony attempts to document the various methods in which the rule of law is being undermined. As examples, the testimony will focus on the farm invasions, the use of a rogue group of war veterans, and the undermining of the judiciary. It will also examine implications of the crisis for the southern African region. Oral testimony will address U.S. policy options, including increased support to pro-democracy elements and meaningful pressures targeted at the Zanu-PF leadership.

THE INVASIONS OF THE FARMS:

Within a week of the defeat of the February 2000 referendum on the government's proposed constitution, groups of Zanu-PF supporters invaded a number of white-owned farms and claimed the land, which, they charged, white colonialists had stolen from their ancestors. The invasions were led by veterans of the war against white Rhodesian rule and included rural subsistence farmers and unemployed youths. There is substantial evidence that members of the state's Central Intelligence Organisation (CIO) and the army were involved in planning and carrying out the operations. The new occupiers employed violence and intimidation, beating hundreds of farm workers for allegedly working against the referendum and threatening the farm owners. At least 31 people were killed, hundreds had their homes burned down, and many more were beaten and tortured.

The president declared the farm occupations "peaceful demonstrations" and ordered the police not to take action. The farm invasions have been a key element in the cynical strategy by the President and his cronies to strengthen their electoral prospects by manipulating widespread desire for genuine land reform. The government-sanctioned land occupations had two primary goals: staunching the flow of funds from white commercial farmers to the opposition MDC and regaining an enthusiastic following among rural Zimbabweans by reviving anti-white, nationalist rhetoric from the 1960s. The particular objective is to shore up Zanu-PF's political base in the rural Shona heartlands, where the issue plays favorably.

The invasions of the farms spread across the country until more than 1,800 properties were affected. The war veterans increased the level of violent intimidation and prevented many farmers from planting crops. On 15 April 2000, a white farmer, David Stevens, was killed. Although Stevens' killers were positively identified by several witnesses as war veterans, and continued to circulate freely in their communities, police did not make any arrests. To date, seven white farmers and ten black farm workers have been killed, some in apparently well organised "hit jobs". Despite many leads, few arrests have been made.

The government and police have ignored several court orders, from the High and Supreme Courts, to stop the illegal occupations. Mugabe has repeatedly stated that neither he nor his government is going to heed any court order. The land seizures became the major campaign issue for the Zanu-PF party in the June 2000 parliamentary elections.

More than a year after the first farm invasions, hardly a single commercial farm has not been negatively affected by the occupations. The war veterans and other occupiers have been placed above the law and are not prosecuted for violence perpetrated against white farmers and their workers, widespread theft of cattle and other property, or destruction of property. In contrast, police have been quick to press charges against white farmers who try to move the occupiers off their farms. Ongoing intimidation by the squatters continues seriously to disrupt agricultural activities.

Mugabe has vowed that his government will not pay for the land, but he has said compensation will be made for permanent improvements, such as roads, dams and barns. The government said it will pay one-quarter of the assessed value of the improvements immediately and the remainder over five years. With the subjective determination of the value of the farms, the delayed payment, and Zimbabwe's current rate of inflation of 60%, payments for the farms are likely to be just a fraction of their market value. Given the poor state of Zimbabwe's economy, it is not clear that the Government will be able to honor even this meager commitment. The president has also raised the possibility that white farmers will not be paid at all. In January 2001, Mugabe said the courts have no authority to order his government to pay white farmers, land is a political issue, and his government will choose what to pay white farmers for it.

The commercial farming sector, a mainstay of the economy, has been badly affected. Output from tobacco, wheat and maize, as well as numerous other crops, is expected to be down by at least 30 percent for the 2000-2001 season.

In October 2000, cabinet ministers launched the "fast track" land resettlement programme in which poor blacks, chosen by Zanu-PF committees, would go onto farms seized by government. The "fast track" resettlement has been slapdash and virtually unplanned. Families chosen for resettlement—who must be Zanu-PF supporters—are dropped at farms and left to redevelop the properties on their own. Some have been provided with seeds and fertilizer but most have not. State tractors have tilled some resettled farms, but many more have not been ploughed. None of the resettled farmers have received training in how to successfully develop their new plots. Many farms do not have adequate access to water, none to schools and clinics. Without such important support, many resettled farmers have abandoned

the new land within months. None of the resettled farmers has been given title or even a legal document stating their rights. They remain on the farms by the grace of Zanu-PF.

The issue of land ownership is indeed an historic one of justice. In the late 1990s, 4,500 white-owned commercial farms occupied 70 percent of Zimbabwe's most fertile areas. By contrast, up to eight million small farmers were tilling inferior soils in the Communal Areas. Furthermore, British—and to a lesser extent American—diplomats did make vague and non-specific promises of support for land redistribution at the Lancaster House negotiations on Independence. These understandings helped ensure success of the talks then but remain a point of serious contention today.

The question is not whether land should be redistributed, but how. There is general agreement that Zimbabwe needs thorough and far-reaching land redistribution and re-development of rural areas. A conference of international donors in September 1998 proposed a gradual redistribution with participation by all sectors of society. Above all it would have been transparent, peaceful, and lawful. Its primary purpose would have been to improve the standards of living of Zimbabwe's subsistence farmers while maintaining the country's agricultural production. Small, viable farms would be created that would produce for the local market and for export. International donors would have provided the funds needed to train new farmers and to develop land.

But such a carefully planned land reform did not suit the government's need for a quick fix to regain rural support and intimidate suspected opposition supporters. Consequently, Mugabe instituted the chaotic "fast track" seizures and resettlement in order to appear to be the champion of rural Zimbabweans who was willing to stand up to the country's former white oppressors.

The result is a loss of agricultural production that is a devastating blow to the already weakened economy. Its negative effects will be felt for years to come. Commercial farming was Zimbabwe's largest employer, providing jobs to more than 600,000 people. As a result of the farm invasions, the commercial farming sector applied in January 2001 to lay off more than 300,000 workers. Furthermore, Zimbabwe will have to import up to 500,000 metric tons of maize to fulfil its annual 2.1 million metric ton domestic requirement. Although the shortages are not expected until mid-January 2002, prices began to rise in June 2001, due to fears of future shortages. The maize imports are expected to cost from US\$30 million to US\$70 million, depending on international prices.

For short-term political gains, the ruling party has threatened the very existence of a vitally important economic sector and promoted the breakdown of the rule of law. The instability and violence on the white-owned farms has been a major factor in Zimbabwe's spiralling crisis.

WAR VETERANS AS SHOCK TROOPS:

The empowerment of a rogue group of war veterans in 2000 came as a major surprise to the vast majority of Zimbabweans. During the first two decades of independence, the government generally ignored the war veterans. Many took advantage of the new opportunities in Zimbabwe, sought education and found jobs. Some, however, remained uneducated and unemployed. In 1997 the late Chenjerai "Hitler" Hunzvi led the Zimbabwe Liberation War Veterans Association to prominence. The war vets, as they are commonly called in Zimbabwe, demanded state compensation for their role in the liberation struggle. After violent demonstrations and considerable pressure on President Mugabe, they were awarded ZW\$50,000 each as a lump sum gratuity and a monthly pension of ZW\$2,000.

These unbudgeted payments of approximately ZW\$5 billion were severely criticised by most Zimbabweans as economically irrational, if not suicidal. When the payments were made in November 1997, the Zimbabwe dollar dropped dramatically versus the U.S. dollar, and the budget deficit rose significantly. But by paying, Zanu-PF effectively ensured that it would be able to make use of a sub-group of the war vets (and many hoodlums masquerading as war vets) for its own purposes whenever the need arose. In the face of escalating unemployment and the rising cost of living, the war vets who had remained unskilled had little choice but to support the regime that was providing them an income.

The association claims 40,000 members, but active members are estimated to be about 5,000 to 10,000. The war veterans have bolstered their numbers with unemployed youths and Zanu-PF supporters. In many cases they have been paid for their activities in the farm invasions and intimidation of rural voters. The war veterans have received support from members of the state Central Intelligence Organisation (CIO) and the army, according to several reports in Zimbabwean newspapers.

Whereas the Youth and Women's Leagues had always been in the forefront of Zanu-PF's earlier election campaigns, in 2000 it was mainly the war vets who took charge. Mugabe could no longer trust the youth and the women in his party, especially after the public rejection of the draft constitution in the February 2000 referendum. Indeed, there is ample evidence to indicate that most of the active youths that had been the backbone of Zanu-PF election campaigns had defected to the MDC. The majority of these young people were aggrieved by their unemployed status.

One of the key elements of the land invasions and of Zimbabwe's crisis as a whole is the leading role played by the war veterans as the Zanu-PF's extra-legal enforcers. In addition to leading the farm invasions and carrying out violence, including murder, on the farms, the war veterans have performed numerous other acts of violence against opponents and critics of the government. On 1 April 2000, about 300 war veterans attacked a peaceful, legal march in downtown Harare with clubs, stones and iron bars. Police stood by as the war veterans singled out whites. One marcher was beaten unconscious and several others required hospitalisation. The war veterans came from and returned to the Zanu-PF headquarters. No one was arrested.

During the campaign for the June 2000 parliamentary elections, the war veterans led gangs that terrorized people in the rural areas. Thousands were beaten and at least 31 supporters of the opposition MDC were killed. Police took little if any action. In some cases, the war veterans actually operated from police stations. War veterans set up illegal roadblocks on main thoroughfares and forcibly prevented opposition supporters from campaigning. They also took over border posts and schools, which they accused of being run by opposition supporters.

After the parliamentary elections, the war veterans continued to play a prominent role in supporting the ruling party. In December 2000, 300 invaded the Supreme Court, charging that the country's highest court was upholding white interests. The group announced that, if the justices did not resign, they would be attacked in their homes. Also in December, in the central city of Masvingo, war veterans besieged the Zanu-PF provincial offices and forced the elected officials to vacate the premises because they had been critical of the president. The war veterans then imposed new officials loyal to Mugabe, and they in turn chose all the party members who would attend the Zanu-PF congress in Harare that month. In January 2001 war veterans chased municipal workers in Victoria Falls away from their offices for allegedly being disloyal to the Harare government.

On 16 and 19 January several hundred veterans besieged a privately owned newspaper, the *Daily News*, to protest its critical coverage of Mugabe and of Zimbabwe's involvement in the Congo war. The war veterans broke windows, beat up reporters and roughed up passing whites as police stood by. During the same week war veterans in rural areas seized and burned copies of the *Daily News* and other privately owned papers, which, they said, were banned in those areas.

War veterans' leader Hunzvi, who died in June 2001, made numerous incitements to violence and threatened countless Zimbabweans. He said his war veterans would take Zimbabwe back to war if the MDC were to win the parliamentary elections. During the election campaign, 30 war veterans used his office in Budiriro Township to detain, beat and torture scores of local residents. The Copenhagen-based International Centre for Rehabilitation of Torture Victims examined nine victims of political violence in a January 2001 by-election in Bikita and confirmed that they had been tortured. Six of the victims identified Hunzvi as one of their torturers. In late 2000, Hunzvi was present when a reporter for *The Standard* newspaper, Chengegai Zvauya, was dragged away from a meeting of war veterans and beaten for two hours. Hunzvi threw a petrol bomb at a small group of MDC supporters in January 2001, according to four MDC members of parliament who were present, and ordered 60 war veterans to "burn the vehicles and beat the people". He was acquitted by a High Court judge of having embezzled Z\$45 million from the war veterans' business, Zexcom, and of defrauding the state of millions of dollars by filling out false claims of disabilities caused by the war.

Deputies in the war veterans' organization have also incited or committed violence. The most prominent is Joseph Chinotimba, who is on the payroll of the municipality of Harare as a city security guard but spent all of 2000 agitating against white farmers and MDC supporters. Though he is awaiting trial for shooting and seriously injuring a neighbour who supports the MDC and rarely reports for work, he was promoted recently by the Harare City Council.

Zanu-PF deployed the war vets in two by-elections after the June 2000 elections. Two thousand vets moved into those constituencies, utilizing intimidation and targeted violence. As a result, Zanu-PF won both these elections. The MDC had previously won the Bikita West constituency, so the result suggested that concentrated

intimidation by the war vets could undermine the electoral route as a viable option for democratic change.

In April and May 2001, the war veterans, led by Chinotimba, escalated their strategy by systematically attacking urban factories and businesses. The veterans invaded scores of factories, abducted top managers, both black and white, and took them to Zanu-PF provincial headquarters for beatings. The war vets used the excuse that they were settling old labour disputes. This urban campaign's real objectives, however, were three-fold: to intimidate businesses suspected of supporting the MDC; to generate support among aggrieved urban workers, who overwhelmingly support the opposition; and to raise funds for the war vets and their activities.

Hunzvi's death has led to jockeying for his job. Chinotimba is a favorite of the President, as is Andrew Ndlovu, who last year threatened war if Zanu-PF lost to the MDC. Loyalty to Mugabe will be the primary qualification.

The war veterans have become an indispensable tool for the continued rule of Mugabe and Zanu-PF. Many, both inside and outside Zanu-PF, believe they are simply being used by Mugabe and will be disposed of when they are of no further use. But the prominence of the war veterans at the Zanu-PF congress in December 2000 and in the by-election campaigns in Marondera East and Bikita West shows that Mugabe is much too reliant upon them to sideline them. In addition, war veterans are being promoted into senior positions in the police—in many cases over longer-serving, better-qualified colleagues—casting doubts on the government's intention to restore the rule of law in the near term. In October 2000, Mugabe pardoned those who had committed acts of political violence in the run-up to that year's parliamentary elections. In December, Mugabe made the war veterans an auxiliary force of the army. The war veterans have been placed above the law so they can inflict violence with impunity on any sector of society that opposes the President and his agenda. They have become a political/military/criminal force that their sponsors may wish they had never unleashed.

RULE OF LAW AND THE COURTS:

Zimbabwe's courts have succeeded against significant odds in maintaining their independence. They have issued many rulings that have unequivocally declared government policies illegal. The High Court ordered the police to move illegal squatters off the farms, as did the Supreme Court. However, the government ignored the court orders. Mugabe and some cabinet ministers have publicly criticised the justices of the Supreme Court as "relics of the Rhodesian era". In particular, they have singled out white judges on the Supreme and High courts with bitter invective.

War veterans invaded the Supreme Court, and both Supreme Court and High Court judges have received death threats. On 2 February, Justice Minister Patrick Chinamasa announced that Supreme Court Chief Justice Anthony Gubbay would take early retirement. Gubbay did not comment but legal sources say that Chinamasa told him the government could not guarantee his safety if he continued as Chief Justice. On February 9, Chinamasa told Supreme Court Justice Nick McNally that if he did not take early retirement, the government could not guarantee his safety. McNally refused to give into the thinly veiled threat. The state-owned Herald newspaper reported on 10 February that the government would seek to remove all five Supreme Court justices. Information Minister Moyo said the government would also seek to remove five High Court judges. High Court Judges James Devittie and Eshmael Chatikobo unexpectedly submitted their resignations in May, in disgust at the Government's ongoing intimidation. The campaign is an unprecedented assault on the judiciary and shows how openly the government will work to silence anyone who opposes it.

A major reason the government wants control over the courts is to reduce the threat posed by cases in which the MDC has challenged the June 2000 victories of the ruling party in 37 constituencies on grounds of gross violence and intimidation during the campaign. By mid-May 2001 the High Court had upheld the victories of three Zanu-PF candidates and had nullified the victories of three others. One contest ruled invalid was in the Buhera North constituency where MDC leader Morgan Tsvangirai was defeated. That race was marked by considerable violence, including the firebombing murders of two of Mr. Tsvangirai's campaigners by men in a truck with "Zanu-PF Manicaland Province" written on the side. The two identified as the perpetrators are CIO agents and have not been arrested for the murders.

Invalidation of the results in 20 constituencies—and MDC victories in the subsequent by-elections—would give MDC a parliamentary majority.

On May 1, 2001, the International Bar Association issued a report that condemned the government for policies which caused a breakdown of the rule of law. The lengthy and detailed report was issued following the visit of several leading

lawyers to Zimbabwe. The Commonwealth Lawyers Association issued a similarly critical report in March 2001 which concluded: "It is obvious that Zimbabwe today poses the greatest challenge to Commonwealth political values."

THE SADC FACTOR:

The Congo conflict and internal problems in Zimbabwe both have undermined Southern African Development Community (SADC) cohesiveness and its attempts to develop a more progressive agenda. These problems have exacerbated the dispute over the direction of the SADC Organ on Politics, Security, and Defence. Rifts over the response slowed SADC's economic integration efforts, while the escalating crisis in Zimbabwe has furthered other divisions within the organisation.

Zimbabwe is important in the SADC region for various reasons. Its good road and rail networks provide efficient and reliable transit between South Africa and Zambia, the Congo, Malawi and Tanzania. Zimbabwe exports considerable amounts of mineral, agricultural and manufactured products to countries in the SADC region. It also imports substantially from the region, especially from South Africa and Namibia. State collapse in Zimbabwe could therefore have serious negative implications for the region as a whole. Indeed, the prevailing political instability may have adversely impacted the value of the South African currency and the Johannesburg Stock Exchange. The consequences of a total collapse for South African businesses could be catastrophic. At the least, further, political instability would almost certainly mean that SADC countries that share borders with Zimbabwe would face a serious refugee problem.

Although Mugabe receives only nominal support from President Thabo Mbeki of South Africa, he retains the support of other presidents, such as Nujoma of Namibia and Chiluba of Zambia. As recently as June 12, a SADC ministerial meeting publicly supported the Zimbabwean government calling its fast track land reform program a major contribution to regional stability. The ministers called on the UK to honor its land commitments from the Lancaster House Agreement. Nevertheless, the region is alarmed by the deteriorating situation in Zimbabwe. Mugabe has ignored the quiet diplomacy of Mbeki and other regional leaders.

South Africa is, of course, the key country within SADC. It fears the economic impacts of increased deterioration in Zimbabwe and worst-case scenarios involving mass refugee flows and violence. South Africa has significant leverage including the ability to cut off significant amounts of power, water and imports. But it does not want to provoke a collapse and be responsible for more serious human rights violations that might result. Pretoria wants to manage the situation to prevent an explosion and is reaching out both to elements in Zanu-PF and in the MDC to explore possible "soft landings" for the Mugabe government.

Mugabe believes he can afford to call South Africa's bluff for various reasons. He is aware of South Africa's own internal problems and its hesitance to apply serious pressure. Mbeki in the past would have faced resistance from South African business had he seriously considered imposing limited sanctions against Zimbabwe, but this could be changing as increasing numbers of business leaders are urging Pretoria to "do something" about Zimbabwe since investment flows are being negatively affected. The South African private sector was spooked by the Zimbabwean government's recent attacks on business interests, and this may have stiffened Mbeki's resolve to push more assertively for free and fair elections and the restoration of the rule of law.

Virtually all the cards being played by Mugabe to further his own political and economic interests could pose serious problems for South Africa. The race card, for example, could heighten racial tensions in South Africa. The land issue has not been resolved in South Africa, and many there praise Mugabe for how he is dealing with the issue. Nevertheless, Mbeki must demonstrate leadership if there is to be hope for real, peaceful change.

Senator FEINGOLD. Thank you.

I appreciate your testimony and the very specific ideas, including a lot of items that we can look at seriously.

Senator Frist will not be able to come to the hearing. He is tied up with his Patient's Bill of Rights and I certainly understand and hope you will understand. I had the same situation when campaign finance reform was up, for 2 weeks, I basically could not leave the floor. You have to tend to that and he is one of the key players on this.

But I know he certainly has been incredibly involved with this issue and of all the issues relating to Africa that we worked together on, we have worked together very well on this one in particular. We will continue to do so. So I know that he regrets that he cannot be here.

What I would like to do now is ask a couple of questions for anyone of you who would like to answer, and then I will have some specific ones for each of you.

What can the United States do to shore up the rule of law and democratic institutions in Zimbabwe? Mr. Prendergast has already given some ideas. You can supplement if you wish, but if the others would like to add more, please go ahead.

Professor ROTBERG. Mr. Chairman, I think it is very critical, as I said, in the written and the oral testimony, that we make it very clear where we stand on this question.

To do so would embolden not only the opposition and civil society within the country, but would also embolden those in ZANU-PF who know what is happening is wrong, but are unable to speak out are unable to act. So it is important for us to say, as we have done, as the Secretary of the State has done, to speak strongly and over and over that the rule of law is a sine qua non for all civilized and proper countries, and that the United States simply will not deal with the leaders of Zimbabwe until such time as the rule of law is observed, and other things as well.

My slight difference—with my old friend John Prendergast—is that the carrots and sticks are important, but they are important now, not at a later point. We are approaching serious societal breakdown.

And I am not completely sure that there will be an election. That is why it is important to make it clear that there must be an election.

The judiciary is a way to start, of course. That is one part of this picture. So is the press. But I do not think that we have the luxury of much time.

Senator FEINGOLD. OK. Would you like to comment on that?

Mr. SOROKOBI. Yes. I believe, based on what I have seen in Zimbabwe and what I have been reading in the reports that have come so far in the past couple of years, it seems that the rule of law in Zimbabwe will only survive if the current government is no longer in charge of the country's affairs.

It is essential for the government to survive that there is a breakdown in the rule of law. That is its survival technique.

I do not believe that a government that depends on chaos to survive will be responsible in reestablishing order in the country. It is clear that most of the actions by the Zimbabwean Government in recent years have been motivated by certain advantages that civil society wants—or that the opposition parties want based on the laws of the country.

So it is essential for them that it change these laws. And I do not believe that such a government would be willing to restore the laws that are actually pushing it out of business, so to speak.

Senator FEINGOLD. Did you want to add something?

Mr. PRENDERGAST. Just one thing. I do think that there is, to build on what Bob is saying, that we can make these kinds of

statements that we have already made unilaterally, that Secretary Powell made in southern Africa, we need to do that multilaterally.

I think we need to work very, very diligently to ensure that the Commonwealth, the European Union, and the SADC, the Southern African Development Community, together are putting out that same message—rule of law, stop state-sponsored violence. And that our actions are also coordinated.

That does not mean we all have to do the same thing. There can be good cops and bad cops. But you have to have very, very close and coordinated strategizing to ensure that those things are done at the right times.

Senator FEINGOLD. My sense is that is extremely important at this time as well. Let me ask any of you if you see any parallels between recent events in Zimbabwe and what happened in Matabeleland in the eighties.

For example, I recall that journalist reporting on abuses were harassed at that time as well. Are the situations similar, or are they really different?

Mr. SOROKOBI. I believe they are quite similar actually. Only they are worse today, the realities in Zimbabwe.

But the problem is not only that the ruling party is trying to stay in power. The other side of the problem is that the ruling party believes that it has a natural legitimacy to rule Zimbabwe. It is a highly emotional idea.

And it will be very difficult even when the ZANU-PF is no longer in government to prevent it from continuing to do what it is doing now.

So the situation in Matabeleland was within the ZANU-PF, and, at the time, its sister party. And that was an issue that they could easily overcome.

The problem today is that they are dealing with an opposing force, with completely different ideologies, completely different ways to look at the world. And I do not believe that just putting the ZANU-PF out of power is the final solution for what is happening in Zimbabwe now. There will be a need for a system to keep it not just out of power but in check too.

Senator FEINGOLD. Fair enough. I wanted to ask one more question of the group. To what degree is Zimbabwe experiencing a brain drain, if you will, during this difficult crisis? Do you think all the various talented people that have left the country will return once the crisis has abated?

Professor Rotberg.

Professor ROTBERG. It is very hard to get them to go back. I think there is still time, but the brain drain has been going on since the 1980's.

There was a man in the audience Friday at Harvard when Morgan Tsvangirai and I spoke, who had been out of Zimbabwe for 27 years he was a medical person teaching at one of the Boston Hospitals. He was there with his seven children to show the children the future President of his country.

So I said, "are you ready to go home?" He said only under certain circumstances and those circumstances have to come about.

There has been a very serious brain drain and the teaching staff in Botswana and South Africa has been supplemented greatly by Zimbabweans in recent years.

But the corrosive quality of this exodus is enormous and it is going on as we speak. There has been an exodus from the hospitals, because there are no medical supplies, because of the foreign exchange shortages and general mismanagement. From the teaching system, there has been a further exodus—there is no one teaching out in the rural areas and there are no supplies for the schools.

So Zimbabwe, as you said in your opening remarks, Mr. Chairman, is shrinking in every dimension.

Senator FEINGOLD. Yes.

Mr. PRENDERGAST. Just to build on this last point: The implications for responding to the HIV/AIDS crisis are profound because of this very point.

Senator FEINGOLD. Yes.

Mr. PRENDERGAST. This accelerated brain drain particularly out of the medical profession needs to be countered in the context of our response and again to go back to salaries and underwriting costs for people so that they do not leave because they are not being paid and because they are the front lines of the response either in prevention or treatment. And if we cannot keep them there, then there is no hope for all kinds of research and for any kind of a positive impact.

Senator FEINGOLD. Thank you. Let me ask Professor Rotberg, and you may have already addressed this, but I just want to get you on the record on this. Do you think the elites within the Government of Zimbabwe are still profiting from Zimbabwe's presence in the Democratic Republic of the Congo?

Professor ROTBERG. Absolutely. All evidence that we have is that a small section of the elite has been profiting steadily from Congo and from opportunities associated with the fact that 11,000 troops are still in the Congo. So that it is not only diamonds, cobalt, and other minerals in the Congo, but it is also the opportunities associated with doing something which is gray at best.

And that has been going on. It has been going on for a long time and the asset freeze is, which as suggested earlier, better now than later. This is critical.

I think it is generally known where these assets are. So the freeze is something which should be done now rather than later.

But corruption is also within the country, as well as outside. There is almost nothing that is not tainted now.

The government has gone in the last 3 years from some corruption to pervasive corruption, and they are in their last thrashing period so they are grabbing everything that can go.

Senator FEINGOLD. Thank you, Professor.

[Pause.]

Senator FEINGOLD. Again for Professor Rotberg, once the immediate crisis has passed again, trying to look into the future—

Professor ROTBERG. Right.

Senator FEINGOLD [continuing]. What can be done to increase transparency in government and fight the corruption that has helped drive the country into its current economic crisis?

Professor ROTBERG. My impression is that civil society in Zimbabwe is robust despite the battering that it has received. It is also, as I said, the best educated population in Africa per capita.

And all that, plus the fact that they have experienced 21 years of increasingly desperate and difficult rule, means that there is a great desire to strengthen the rule of law to make sure corruption is nailed early rather than late. There is an intolerance on the part of civil society for corruption. The free press is strong without a free broadcast media. This would be assisted also.

But the important thing is that under a changed regime, the free press would grow. Because of the bombing on January 28, the press runs of the Daily News are limited and they really do not go beyond the major cities, if that.

So the willingness to be accountable is there, and I think there would be a presumption of positive willingness to be transparent in the future. And what is called for in the Zimbabwe Democracy and Recovery Act and what could follow that would assist in making clear that transparency is a condition for further assistance.

This may sound fanciful to you, Mr. Chairman, but it would be nice if we could begin talking about a mini-Marshall Plan for a reformed Zimbabwe. It would not take much. It is a country which could recover quickly, unlike other countries in Africa, and people are poised to do so once the Mugabe regime is off their backs.

Senator FEINGOLD. Well, I appreciate that suggestion, because the spirit of our legislation is to look to a good future for Zimbabwe and in some ways it has some very positive elements to it, that if things go well could lead to a very beneficial relationship.

Professor ROTBERG. One more point, if I may?

Senator FEINGOLD. Yes, Professor.

Professor ROTBERG. The judicial system has been amazingly robust and that is why jawboning now is helpful. It is also a precursor of what could happen under a new regime, that is the rule of law.

The chances of rule of law being adhered to are very, very, very high.

Senator FEINGOLD. Thank you. And in the context of where you mentioned how much information is really available to people, I would like to turn to Mr. Sorokobi, who is an expert in this, and ask, do average Zimbabweans have access to any information about the military activities in the Democratic Republic of the Congo or about how much it costs Zimbabwe? Do people know those sorts of things?

Mr. SOROKOBI. No. No. And there is a real effort to suppress any sort of news reporting on that. One of the best documented cases of press freedom abuse we had in Zimbabwe recently was the torture of two journalists with a weekly paper based in Harare, called the "Zimbabwe Standard."

These two journalists, Ray Choto and Mark Chavunduka, had written a story about a possible mutiny in the Zimbabwean military, which was more or less linked to the fact that soldiers were reluctant to go to the Congo. They were unwilling to go and fight there because they did not believe that the struggle or whatever battles they were fighting in the Congo was in the interests of the

country; rather they thought it was in the interest of the leaders personally.

So based on that piece of news that these two journalists wrote, they were arrested and they were tortured by Zimbabwean military. And they were later prosecuted for criminal defamation.

Fortunately, the government lost the case against them. And when the Supreme Court ruled that this law upon which the government was prosecuting these two journalists was unconstitutional, it is really when the tension between the Supreme Court and the government peaked.

So there is a real effort on the part of the government to control what is being said in the country. They have been passing several laws in the past 12 months, which further and further restrict what can be said.

Now, the tactic is quite clear and rather brutal, is to throw journalists out of the country. That is the easiest, simplest way to deal with them, is to just have them leave.

The Zimbabwean Government believes that it can deal with the native Zimbabwean journalists on their own terms. The only contingent of journalists that they really fear are the foreign correspondents, whom they cannot harm in the way they can harm Zimbabwean journalists.

And so right now, the tactic that the government is using is to force all foreign correspondents out of the country. And they have been very successful. The laws have been passed. Parliament approved it. President Mugabe ratified them and they are being used.

Within the past couple of days, some five journalists were pushed out of the country. There are now about six foreign correspondents left in Zimbabwe.

Their work permits are going to expire within the next few months. They will have to leave the country. The Zimbabwean—the native media in Zimbabwe itself are trying to provide the citizens with information, but they do have some severe operational problems.

As our colleague mentioned earlier, the printing presses of the country's only private newspaper were bombed a few months ago in January. It is a miracle that this newspaper is still publishing on a daily basis. It will take very little to put that newspaper completely out of business.

Senator FEINGOLD. To what extent are Zimbabwean journalists starting to engage in some kind of self-censorship out of fear for their safety or their families? Is that a problem at all?

Mr. SOROKOBI. Well, it is a problem for the newspapers that do not have the financial backbone to resist this kind of pressure.

The Daily News, among others including The Standard and The Independent, have been pretty good so far at resisting this. But I believe that the government media is where the real problem is.

The private press will continue to advocate the issues that they have taken up since the beginning of this crisis, but the government media is where the real problem is.

The government controls the broadcasting industry, as I said earlier. The broadcasting industry is the only one that reaches all corners of Zimbabwe. The government runs four radio stations in local languages and just one in English. They run two television pro-

grams, one for the Harare surroundings and one that reaches all corners of the country.

The private press only talks to an elite, so to speak, of Zimbabwean, people who can afford to spend a lot of money every day to buy the newspapers.

The average Zimbabwean citizen, the average Zimbabwean voter does not know anything that the private press is doing except what the government media are telling them. So there is a real problem in access to information. People are severely misinformed.

And the government media has been used to attack the private press repeatedly, to the point that the media monitoring project of Zimbabwe, which is the watchdog for the local media, has many times reprimanded the ZBC for spending too much time denigrating the private media.

And this is part of the government strategy, is to discredit the private media. And because of structural and operational problems that the private media runs into on the ground, they do make a considerable level of mistakes in the quality of the information that they provide, which on the other hand, justifies the government crackdown on them.

So it is essential that any help that is brought to the private media in Zimbabwe not only comes in terms of improving the laws or bringing in money, so they can run the printing press; it is important that the journalists can get adequate training. It is very, very important.

I think more than anything, it is important that those journalists are qualified to do the job. But because of unemployment, people that do not necessarily qualify as journalists are working as journalists, making mistakes that are justifying the government crackdown on the private media.

Senator FEINGOLD. Yes. I think I know the answer to this one, given your other answers, but do Zimbabweans even know of court rulings that defy the government's wishes? Do they learn about that?

Mr. SOROKOBI. That is the point. The government, whenever there was a ruling that favored the media against government interests—

Senator FEINGOLD. I see.

Mr. SOROKOBI [continuing]. The government media, again, which is the only one that reaches all corners of the country, would present the Supreme Court ruling as a white-sponsored ruling—

Senator FEINGOLD. I see.

Mr. SOROKOBI [continuing]. Just to flare up emotions.

Senator FEINGOLD. Thank you.

Finally, Mr. Prendergast, we have talked about the Zimbabwean Democracy Act being introduced in the Senate and we believe that companion legislation will be introduced in the House. Well, how do you feel about the timing of the legislation in terms of its future and what should be done with it in the coming months?

Mr. PRENDERGAST. I think moving it as quickly as possible to provide a legal basis for action and a demonstration of the will of the U.S. Congress in solidarity with the people of Zimbabwe is just crucial.

There are legal bases for EU action in the Cotonou Agreement. There are legal bases for Commonwealth action in the Harare principles. And they can draw on these things.

Similarly, the Zimbabwe Democracy Act could provide that kind of a legal basis to move beyond where we are now.

Now, there is a down side and I do not know if my colleagues want to talk about that, but the government has warned, as you probably know better than anyone, that this would provide them—or they would use this as a pretext for imposing harsher measures to be determined. And they have been fairly specific about that with respect to this legislation.

So I think in this case, as in with the case of so many other things that we have talked about where we go beyond current policy, a dialog is required with people on the ground, both the opposition parties as well as the civil society groups to say, “What do you think?”

Ask that very same question to some of the people you just spoke with yesterday and others who are representatives of this pro-democracy movement in Zimbabwe, and there are different views and different voices in there.

I do not know if you—either one of you want to comment on it, because it is—

Senator FEINGOLD. But my understanding is that—

Mr. PRENDERGAST. Yes.

Senator FEINGOLD [continuing]. You do not see passage and signing of this law perhaps in this calendar year as inconsistent with your hopes for what we would do vis-a-vis the elections next year?

Mr. PRENDERGAST. No.

Senator FEINGOLD. Do you want to comment on that?

Professor ROTBERG. Yes. I would hope that you would get passage much more speedily than that because—

Senator FEINGOLD. So would I. But I am just trying to get a sense of whether there is a consensus—

Professor ROTBERG. Yes, because—but because my impression last month in Zimbabwe with great respect, but the passage of this bill will be much more significant there than it will ever be here.

Senator FEINGOLD. Well, that is taken in good spirit, and that is why my first hearing as chairman of this subcommittee was on this very subject and on this bill.

Professor ROTBERG. The government is actually petrified that it will pass. The ministers of the government have told me that this is the thing they are most worried about.

Civil society, I think, is all for it. John Prendergast is right to say there could be a backlash, but as I have said over and over again, it is long past time for constructive engagement.

It is long past time for worrying about that, because this government is not going to react to good discussion. This government is only going to react when it is forced to react.

Senator FEINGOLD. Thank you. Finally, Mr. Prendergast, will the self-styled war veterans who have perpetuated so-much of the recent violence accept the results of a free and fair election in the event that ZANU-PF is not victorious? Can Mr. Mugabe control them?

Mr. PRENDERGAST. We are talking about a rogue element that has been created within the war veterans association by the ZANU-PF government that has been hived off and used as shock troops in carrying out so many of the most vile tactics of the government over the last year in undermining the rule of law.

Therefore, an independent decision by them is not a factor. It is how the government will use them in response to trends that go against government's fortunes in advance of the elections or during the elections.

And therefore, the vast majority of the war veterans are law-abiding citizens, want to contribute to their country, certainly had and have grievances with respect to how they were treated in the post-independence period up to the present.

But it is a very small group, relatively speaking, of these people who are doing this. And it is effectively a paramilitary force of the government.

Senator FEINGOLD. Thank you.

I want to thank all of you for your leadership on this issue and your insights and your willingness to answer all of the different questions.

Let me just say in conclusion that this hearing and this legislation is obviously not about favoring one party or another, or trying to, in any way, affect the legitimate judgment of the people of Zimbabwe about their future.

What it is about, as you have all indicated, is restoring the rule of law in a country that we have often had a good relationship with and a country with regard to which we have very high hopes for the future. It is a critical nation in that region of Africa and therefore in the whole world.

In order for the rule of law to be established again, the elections have to be free and fair. But I have heard the warnings.

That does not mean that we start concerning ourselves with the election on the week of the election or 2 days before the election. And for an election to work in any country, you must have freedom of the press. You must have the ability of the people to know what is going on, who the candidates are, what their positions are.

And as Mr. Sorokobi has so well indicated, for that to work, the judiciary has to be independent and respected. So these are the kinds of things that motivate our legislation.

And I very much thank you for your participation today. That concludes the hearing.

[Whereupon, at 3:22 p.m., the hearing was adjourned.]

