



ZIMBABWE

CAPITAL: Harare

POPULATION: 12.5 million

GNI PER CAPITA (ATLAS): \$340

SCORES	2006	2010
ACCOUNTABILITY AND PUBLIC VOICE:	1.06	1.33
CIVIL LIBERTIES:	2.33	2.21
RULE OF LAW:	1.30	1.06
ANTICORRUPTION AND TRANSPARENCY:	0.90	1.04

(scores are based on a scale of 0 to 7, with 0 representing weakest and 7 representing strongest performance)

Robert Lloyd

INTRODUCTION

President Robert Mugabe has led Zimbabwe since formal independence from Britain in 1980, overseeing a gradual drift toward authoritarianism and a dramatic economic breakdown. Electoral abuses led to mass protests and strikes by the growing opposition, and the seizure of white-owned farms beginning in 2000 crippled the agricultural sector. Political and economic developments between 2005 and 2009 have left the country poised between total collapse and the first steps toward recovery, a turning point that was not yet apparent in 2005. At that time, Mugabe's Zimbabwe African National Union–Patriotic Front (ZANU-PF) party was still exhibiting surprising resilience in the face of intense political opposition and economic crisis, and increased its majority in the 2005 parliamentary elections. The opposition Movement for Democratic Change (MDC) party, led by former trade union leader Morgan Tsvangirai, was sputtering and splintering. International opposition to Mugabe's rule had led to sanctions from the United States, the European Union (EU), and the Commonwealth, but these did not seriously threaten the regime. The International Monetary Fund (IMF) declined to expel Zimbabwe despite its failure to repay loans, and South Africa, a key trading partner and political patron, remained generally supportive despite its concerns about the country's political deterioration.

It was ultimately Zimbabwe's accelerating economic collapse that undermined ZANU-PF rule. The seizure of white-owned commercial farms, while

Robert B. Lloyd is a professor of International Relations at Pepperdine University in Malibu, California. His primary research interests are international conflict management, international negotiation, and Africa.

politically popular, led to a fall in export revenue and soaring unemployment. The loss of IMF loans further weakened government finances. These setbacks made it more difficult for the leadership to maintain its patronage system, undermining domestic support for the regime. As a result, the leadership came to rely more and more on political violence to maintain control. The country has witnessed an increasing degree of conflict since 2005, sorely testing Mugabe's political tenacity and hardening the resolve of his foreign and domestic opponents.

The signs of economic morbidity have been unmistakable in recent years. Zimbabwe's growth rate was negative, with an average annual contraction of 5 percent, throughout the 2005–2009 period. Inflation soared as the government printed money without restraint, destroying the value of Zimbabwe's currency by 2007. The water treatment and health care systems collapsed, leading to an outbreak of cholera in 2008, and the education system faltered as teachers were paid in worthless money and parents were unable to pay school fees. Zimbabweans began leaving the country in large numbers.

In the midst of this economic crisis, presidential and parliamentary elections were held in March 2008. The polls were surprisingly peaceful, and the MDC scored a major upset over the ZANU-PF, gaining a majority of seats in the House of Assembly. The results of the presidential election, however, were delayed for several weeks. During this time, the authorities and their supporters launched a campaign of severe political violence against the opposition. Official results ultimately triggered a presidential runoff in June, as Tsvangirai was found to have finished ahead of Mugabe, but with only a plurality of the votes cast. However, the enormous increase in election-related violence led Tsvangirai to withdraw, and Mugabe won the uncontested second round ballot.

Zimbabwe was thus faced with a dubiously reelected president, an opposition-controlled legislature, and a collapsing economy. Under mounting international pressure, Mugabe and the MDC agreed to a power-sharing deal in September 2008, paving the way for Tsvangirai to take up the newly created post of prime minister in February 2009. As of mid-2009, it remains unclear whether the agreement is a transitional arrangement to facilitate Mugabe's exit, a method for Mugabe to co-opt Tsvangirai, or the manifestation of some new equilibrium in a deeply fractured political system.

ACCOUNTABILITY AND PUBLIC VOICE 1.33

FREE AND FAIR ELECTORAL LAWS AND ELECTIONS	1.75
EFFECTIVE AND ACCOUNTABLE GOVERNMENT	2.00
CIVIC ENGAGEMENT AND CIVIC MONITORING	1.00
MEDIA INDEPENDENCE AND FREEDOM OF EXPRESSION	0.57

Zimbabwe has a bicameral Parliament and a semipresidential system. In October 2007, a constitutional amendment increased the lower chamber, the House of Assembly, to 210 members elected directly by district.¹ The size of the Senate,

created in 2005, was increased from 66 to 93, with 60 senators elected directly and 33 appointed by the president. The appointed senators include 10 provincial governors, 18 from the Council of Chiefs, and 5 directly appointed by the president. While elections are scheduled regularly, Mugabe and the ZANU-PF have held power throughout the 29 years since independence. In the March 29, 2008 elections, the MDC finally ended Zimbabwe's status as a *de facto* single-party state by breaking ZANU-PF hegemony in Parliament. The MDC had split into two factions, with the main grouping led by Tsvangirai and a rival group led by Arthur Mutambara, but the two agreed to cooperate after the elections, giving the MDC 110 seats in the 210-seat House of Assembly. ZANU-PF has 99 seats in the chamber, and there is one independent.²

The March 2008 elections were relatively peaceful compared with previous contests, and the MDC was able to campaign freely throughout the country.³ The elections were monitored by independent electoral authorities, but the government decided which groups would be invited to observe. Poll monitors from the United States, EU member states, and other countries deemed critical of Mugabe were excluded, while invitations were extended to those from countries in Africa, Asia, and Latin America.⁴ Mugabe asserts, with some evidence, that the United States and European countries fund the MDC and favor it over the ZANU-PF.⁵ Raising the tension, the Zimbabwe Electoral Commission (ZEC) delayed for a month the official presidential results, citing the complexity of conducting simultaneous elections for Parliament, the presidency, and local governments, as well as the need for recounts and verification. It is unclear whether the delay was due to ZEC disorganization or, as some charged, an attempt to alter results in Mugabe's favor. The ZEC, whose chairperson and commissioners are appointed by the president, retained its traditional subservience to the ZANU-PF throughout the election period. Although the ZEC had allegedly undergone restructuring in order to increase its autonomy, its strong ties to the ZANU-PF were evidenced by its partisan composition, its inability to make key decisions without the input of government and security sector officials, and its failure to reject the ZANU-PF's post-election demands for a recount. Indeed, the ZEC itself admitted its subjugation to the ZANU-PF and the government ministries.⁶

The results that were ultimately released showed Tsvangirai winning with 47.9 percent of the vote, followed by Mugabe with 43.2 percent. Since no candidate secured an outright majority, a runoff election was called. During the period between the two rounds of voting, a campaign of state-sponsored violence targeted opposition party members and civil society,⁷ and Tsvangirai decided to withdraw from the June 27 runoff due to concerns about the safety of his supporters. This allowed Mugabe to run uncontested, and he secured a sixth term with 90.2 percent of the vote.

The government claims to comply with democratic guidelines established by the Southern African Development Community (SADC), a regional grouping of states. Public funding is given to opposition political parties. Nevertheless, it

is clear that there are not equal campaigning opportunities for all parties. The Public Order and Security Act (POSA) requires government permission for opposition parties to campaign, and makes it a criminal offense to publicly issue an abusive or false statement that undermines the authority of the president, essentially criminalizing political speech. The dominance of state-owned media makes it difficult for opposition parties to receive favorable coverage during the campaign period. The MDC argued that during the 2008 election season, the government banned MDC rallies and key foreign observers, killed independent election monitors, used food aid as a political tool, threatened MDC candidates, and rigged the first-round presidential vote.⁸ These allegations were generally supported by governments and organizations in Europe and North America.

Shortly after the September 2008 power-sharing agreement was signed, Mugabe said in a speech that he would never surrender power.⁹ The deal left him in control over key ministries responsible for the military and agriculture, among other portfolios. Still, it represented an increasing opportunity for rotation of power among parties that represent quite different interests and policies. Tsvangirai, as prime minister under the agreement, appointed ministers to oversee important matters including finance, health, and constitutional affairs. Moreover, in August 2008, Lovemore Moyo of the MDC was elected speaker of the House of Assembly, marking the first time an opposition party gained control of the chamber. The judiciary has retained some independence, but Mugabe has clearly eroded its autonomy over time, leaving it largely unable to fulfill its role as a check on executive power.

The civil service has generally been seen as a means to reward political supporters, with ZANU-PF loyalists receiving preference in employment opportunities. However, the economic collapse of recent years has led many civil servants to stop showing up for work in the face of nearly worthless salaries and adverse working conditions. These problems have further undermined the recruitment and retention of qualified individuals.

Civic groups are allowed to comment on pending legislation, and parliamentary debates give citizens an opportunity to learn of proposed legal changes. Nevertheless, the government places tight legal constraints on nongovernmental organizations (NGOs). Both the POSA and the Access to Information and Protection of Privacy Act (AIPPA) impose limits on activists' ability to speak, associate, and assemble. A specific law banning foreign funding of civic associations that deal with "governance issues" was passed but not signed by Mugabe. Separately, the Private Voluntary Organizations Act of 1996 requires government registration of all NGOs that provide welfare services or treatment. The government appoints the NGO Council, which decides whether an NGO may register. In 2007, the government cancelled all NGO licenses, claiming that some groups were "agents of imperialism" that supported the opposition.¹⁰ An official with an umbrella group for civic and humanitarian organizations stated that violence associated with the 2008 elections meant that humanitarian food

relief distributed through local groups had become politicized and dangerous. This hampered emergency food assistance for a country in economic free-fall.¹¹

The government exercises direct control over print and broadcast media. The state-owned Zimbabwe Broadcasting Corporation (ZBC) controls all domestic radio and television stations, and the *Herald*, a state-owned daily, is pro-Mugabe in its reporting. A number of independent radio stations broadcast into Zimbabwe from outside the country, but the government has routinely sought to jam such transmissions.¹²

All journalists and media houses must be accredited by the government's Media Information Commission (MIC) or face fines and imprisonment. Independent media are severely restricted, and many journalists have had their accreditation withdrawn. The state shows no sign of rescinding libel, security, and other laws that impose excessive fines and imprisonment on those who scrutinize government officials and policy. Both the POSA and the AIPPA criminalize false reporting, and the POSA additionally criminalizes statements that "incite or promote public disorder or public violence." In addition, the 2004 Criminal Law (Codification and Reform) Act imposes prison sentences of up to 20 years for journalists who publish false information deemed to be prejudicial to the state. During the 2008 election crisis, the government extensively employed these laws to detain and prosecute critical journalists and anti-government activists alike. In April 2008, Davison Maruziva, the editor of the *Standard*, was charged with publishing information deemed prejudicial to the state, an act banned by the Criminal Law, after the newspaper featured a government-critical opinion piece.¹³ In May 2008, media defense lawyer Harrison Nkomo was charged with insulting the president, a criminal offense under the same law, although the case was ultimately dropped.¹⁴ These legal threats contribute to self-censorship in the media.

Outlets viewed as opposing the government are often intimidated and shut down. The *Daily News*, a critical privately owned daily, was banned by the MIC in 2003, while the British Broadcasting Corporation (BBC) and the U.S.-based television network CNN had been forced to end their presence in Zimbabwe in 2001 and 2002, respectively, due to government disapproval of their reporting, although all three of these bans were lifted in July 2009. In January 2009, the MIC—which is due to be replaced sometime in the next year by a new Zimbabwe Media Commission under a 2008 amendment to the AIPPA—began imposing substantial accreditation fees on independent media during a time of economic crisis. The Zimbabwe Union of Journalists argued that the fees amounted to censorship.¹⁵

The government does not protect journalists from extralegal intimidation, arbitrary arrest and detention, or physical violence, nor does it ensure fair and expeditious investigation and prosecution of such abuses. In fact, the government uses the security apparatus to enforce restrictive legislation aimed at the media.¹⁶ In 2008, Reporters Without Borders ranked Zimbabwe at 151 out of 173 states in its annual assessment of press freedom.¹⁷

The government does not directly censor specific stories. It does, however, intimidate members of the print media believed to support the opposition. Reporters are often detained, threatened, or deported. In May 2009, for example, two editors of the *Zimbabwe Independent* newspaper were arrested for publishing an article alleging government involvement in the abduction of MDC supporters and human rights activist Jestina Mukoko.¹⁸ In addition to direct pressure by the authorities, local newspaper companies face severe financial strains linked to the high inflation rate.

The Interception of Communications Act, signed in August 2007, allows security and financial authorities access to mail, telephone, and internet communications without a court order.¹⁹ The government stated that the new law was justified on national security grounds and was similar to communication interception programs in other countries, such as the United States and South Africa. However, because the internet is an important tool used by Zimbabwean individuals and media to circumvent government restrictions, civil society groups strongly opposed the legislation.²⁰ In 2008, several journalists at state-owned media outlets who were allegedly disloyal to the ZANU-PF were fired after their e-mail was intercepted under government orders.²¹ It is not evident that websites are being blocked, but denial-of-service attacks have been reported.

Given the Mugabe government's control over media, Article 19 of the September 2008 power-sharing agreement emphasizes the importance of an "open media environment" and encourages the development of Zimbabwean-based radio broadcasting that is "balanced and fair" to all political parties.²² The Zimbabwe Media Commission offers the promise of press liberalization, but its success remains a merely notional prospect.

CIVIL LIBERTIES

2.21

PROTECTION FROM STATE TERROR, UNJUSTIFIED IMPRISONMENT, AND TORTURE	0.88
GENDER EQUITY	2.67
RIGHTS OF ETHNIC, RELIGIOUS, AND OTHER DISTINCT GROUPS	2.50
FREEDOM OF CONSCIENCE AND BELIEF	4.00
FREEDOM OF ASSOCIATION AND ASSEMBLY	1.00

Zimbabwe's constitution is a much-amended document that was established in the run-up to independence in 1980. It specifically guarantees protection from torture and arbitrary search or entry, among other rights. However, later amendments subordinate these rights to "the interests of defense, public safety, public order, and public morality." In addition, "state of emergency" laws that further limit civil liberties in these areas were passed prior to independence and have been retained and employed by the government to suppress dissent. These laws and practices appear to contradict Zimbabwe's obligations under

the International Covenant on Civil and Political Rights, to which it acceded in 1991.

There have been widespread reports of violence by agents of the state, often targeting real or suspected supporters of the MDC, including schoolteachers who have traditionally manned polling stations.²³ A spike in violence coincided with the 2008 election period, during which at least 163 people, most of them MDC activists, were killed, and 5,000 were beaten.²⁴ In some cases, MDC supporters were reportedly kidnapped by progovernment militias, tortured, forced to denounce the MDC, and pressed for the names of additional MDC supporters.²⁵ There have been no prosecutions for these abuses.

MDC cabinet nominee Roy Bennett, jailed between February and March 2009 on charges including terrorism, has described conditions behind bars as hellish. Inmates are beaten on a daily basis and not properly clothed. In 2009, the South African documentary *Hell Hole* depicted living conditions in Zimbabwean prisons, stating that inmates face starvation and disease linked to overcrowding and poor sanitation. The NGO Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender has reported that Zimbabwean prisons hold twice their intended capacity.²⁶ A high-level prison official subsequently admitted to shortcomings in caring for prisoners.²⁷

There are no effective protections against arbitrary arrest of political opponents or long-term detention without trial. The 2004 Criminal Procedure and Evidence Act extends the initial detention of those arrested for corruption or violating security laws from 48 hours, the legally permissible detention period for other crimes, to 21 days. Jestina Mukoko, director of the Zimbabwe Peace Project, and 17 other activists (including some MDC members) were held for three months beginning in December 2008 to face charges of terrorism. Mukoko claims that she was tortured during her detention,²⁸ and she was ordered back to jail in May 2009.²⁹ The POSA makes it easier for the government to charge political opponents due to its limits on speech, association, and assembly.

During the contentious election period in 2008, ZANU-PF youth militia detained individuals accused of supporting the MDC, taking them to various locations and making them prove their loyalty to the government by singing revolutionary songs.³⁰ The police have not intervened when they observe attacks by the youth militia.³¹ In addition, in February 2009 it was reported that the government detained about 30 MDC supporters on charges of receiving military training in neighboring Botswana—a charge strongly denied by the Botswana government. The activists said they were abducted in Zimbabwe by state security agents and that their confessions were obtained by torture.³²

No allegations of widespread trafficking of women and children have been reported by the government, human rights organizations, or international organizations. It has been difficult for government agencies and NGOs to determine the scale of human trafficking in Zimbabwe and southern Africa.³³ However,

there have been reports of women being transported to South Africa to work as prostitutes, partly in anticipation of the high demand likely to be generated by the 2010 World Cup.³⁴

Constitutional protections notwithstanding, citizens lack effective means of petition and redress when their rights are violated by the government. Although the 2008 power-sharing agreement provides for the release of political detainees, the attorney general's office has delayed this move. An Ombudsman's office is mandated to investigate the actions of government officials upon receiving a public complaint, but is legally precluded from investigating allegations of abuses by security forces. Chapter III (11) of the Zimbabwean constitution guarantees the fundamental rights and freedoms of the individual, "whatever his race, tribe, place of origin, colour, creed, or sex." Values regarding the status and role of women in Zimbabwe vary. Traditional African views on gender relations are not always compatible with national laws and international standards, leading to enforcement problems. While the government has banned some traditional practices, others, such as *lobola* (bride price) and polygamy, remain legal.³⁵ The economic crisis has led some families to use *lobola*, a traditional way of cementing ties between families, to extract money from in-laws.³⁶

Women participate in politics without legal restriction. Thirty percent of ZANU-PF candidates must be women. They hold seats in Parliament as well as senior posts in national and local government. The ZANU-PF allots a fixed quota of party positions to women, including posts on its powerful Central Committee. Following the 2008 elections, 14.29 percent of House of Assembly seats and 30.33 percent of Senate seats were held by women.

The government of Zimbabwe in 2008 signed the SADC's Protocol on Gender and Development, which seeks to eliminate discrimination and achieve gender equality for women. Moreover, Article 5 of the 2008 power-sharing agreement contained a specific clause "recognizing the need for women's access and control over land in their own right as equal citizens."³⁷ Zimbabwe has also ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).³⁸ However, given the country's level of political strife, economic crisis, high unemployment rate (perhaps 90 percent in the formal sector), and prevalence of subsistence agriculture, little information is available on gender-related employment discrimination. Violence against women is widespread, and groups such as the Women's Coalition of Zimbabwe have alleged that many women were gang-raped by ZANU-PF militiamen, particularly during the violence after the first round of presidential voting in 2008. They have called for the new unity government to investigate these cases.³⁹

Zimbabwe's official language is English, but some 20 languages are spoken in the country. The majority of the population belongs to the Shona ethnolinguistic group. The Ndebele form the largest minority group, living mostly in the southwestern region of Matabeleland, which includes Bulawayo, Zimbabwe's second city. In practice, many Zimbabweans are fluent in two or more languages. There is no indication of legal discrimination against speakers

of minority languages, although Mugabe is a Shona speaker and many Ndebeles in the southwest argue that the government discriminates against them politically and economically. Shortly after independence in 1980, tensions between the Shona and Ndebele groups sparked a bloody, low-level civil war. Mugabe cited this conflict as a reason to detain (mostly Ndebele) people without charge; the detainees were at times executed. More recently, support for the MDC has been relatively strong among Ndebele speakers in Matebeleland, making it difficult to separate ethnic discrimination from attempts to quell general opposition to Mugabe's rule. All major ethnic groups are represented in the government, although most belong to the Shona majority. White Zimbabweans, a much smaller group, have been marginalized by the government and are subject to a distinct set of abuses (see Rule of Law).

The constitution provides for freedom of religion, and the government generally upholds the rights of nonbelievers and adherents of the country's various faiths. Religious instruction is permitted at all educational levels, religious broadcasting is allowed on state-owned television, and religious advertising is accepted in the government-controlled press. Although the majority of Zimbabweans are Christians, around a quarter of the population follows traditional African religious practices. The Witchcraft Suppression Act provides criminal penalties for those who practice witchcraft, but a 2006 amendment narrowed its scope to those intending to cause harm to an individual.⁴⁰

Government suspicions that some churches support the MDC have led to repression by the authorities in recent years. The government has used the POSA to ban public religious gatherings, and in one high-profile case, it has supported a politically loyal Anglican cleric, Nolbert Kunonga, since he was dismissed as bishop of Harare by the Anglican hierarchy in late 2007. Police prevented supporters of his replacement, Sebastian Bakare, from holding services in Anglican churches in the capital, in some instances beating and intimidating parishioners. After the new unity government was formed in early 2009, Bakare and his supporters began reasserting their right to use church facilities.⁴¹

The constitution guarantees freedom of assembly and association. However, several clauses subordinate these rights to the interests of safety, order, and morality, and they are further limited in practice by the POSA and government restrictions on opposition political activities. Political parties must inform the government beforehand if there will be a meeting of more than three people, severely hindering their ability to organize. The 2008 election period, particularly after the first round, featured significant state violence against opposition supporters, although the government generally did not use excessive force to break up party meetings in previous years if they complied with POSA regulations. Protest rights are limited by the POSA, which requires that demonstrators notify police seven days in advance of any planned public gathering. Police frequently deny or fail to respond to these requests, although a January 2008 amendment to the POSA grants citizens the right to appeal to the magistrates' court if the police prohibit a demonstration from taking place.⁴² Throughout

2007 and 2008, protests were violently repressed and demonstrators were beaten and arbitrarily detained by riot police as political tensions intensified during the run-up to the March 2008 elections.

The Labor Relations Act allows private sector workers to form and operate unions, which must register with the Ministry of Public Services, Labor, and Social Welfare. An umbrella organization, the Zimbabwe Congress of Trade Unions (ZCTU), includes roughly 30 individual unions. The government views the ZCTU as an MDC ally and has targeted it with harassment, intimidation, and violence. A rival, pro-Mugabe union, the Zimbabwe Federation of Trade Unions (ZFTU), was organized to undermine the ZCTU. This politically discriminatory treatment applies to civic groups more broadly, with white farmers, religious organizations, and teachers facing hostility due to perceived opposition sympathies. While Zimbabweans are not compelled by the state to belong to an association, there are widespread reports that ZANU-PF membership brings preferential access to food supplies.

RULE OF LAW

1.06

INDEPENDENT JUDICIARY	1.20
PRIMACY OF RULE OF LAW IN CIVIL AND CRIMINAL MATTERS	2.20
ACCOUNTABILITY OF SECURITY FORCES AND MILITARY TO CIVILIAN AUTHORITIES	0.50
PROTECTION OF PROPERTY RIGHTS	0.33

The constitution provides for an independent judiciary, and senior judges must have legal training, be experienced with Roman-Dutch law, and be fluent in English. However, the charter authorizes the president to directly appoint judges to the Supreme Court and the High Court without legislative approval, and President Mugabe has gradually increased his control over the judiciary. The chief justice of the Supreme Court, Anthony Gabbay, resigned in June 2001 after the government stated that it could not guarantee his security. Some months beforehand, progovernment “war veterans” had invaded the Supreme Court building. In a more recent sign of politicization, Justice Maphios Cheda gave a speech in 2006 in which he reportedly criticized lawyers who supported human rights cases in the country, claiming that they did not offer similar support to the victims of white-minority rule during the liberation struggle.⁴³ Judges have also experienced financial distress due to the economic crisis, making them more vulnerable to bribery. There are allegations that judges have obtained tracts of land seized from white farmers by the government.⁴⁴

Despite active interference, the judiciary nevertheless retains some independence from the executive, handing down a number of decisions over the past several years that ran counter to the government’s position. For example, in March 2009 Chief Justice Godfrey Chidyausiku ordered the release of MDC official Roy Bennett from jail. This was significant because the chief justice is

seen as allied with Mugabe, and Bennett had been nominated to serve as deputy agriculture minister in the new power-sharing government.⁴⁵

The political, economic, and social crisis that has engulfed Zimbabwe has hindered the proper functioning of the justice system. The constitution guarantees the presumption of innocence for criminal defendants, but fair trials are unlikely given the severe shortage of resources and judicial personnel, and particularly improbable when the case relates to the ongoing political struggle.

Citizens' right to independent counsel is often denied, and while indigent defendants may request legal assistance, it is rarely granted unless the charges are serious felonies.⁴⁶ In theory, prosecutors are free from political direction and control, but the breakdown in the rule of law, combined with executive assaults on the independence of the judiciary, make it possible for the political leadership to control prosecutors. The ZANU-PF has influenced prosecutors to keep MDC supporters in jail for extended periods of time. On May 20, 2008, Deputy Attorney General Johannes Tomana allegedly ordered all public prosecutors to oppose bail for those accused of committing political violence. In addition, the government has frequently deployed ZANU-PF-friendly magistrates and prosecutors to deal with political cases involving MDC supporters in order to ensure a favorable outcome.⁴⁷

The military is under civilian control in the sense that it acts on the orders of the president, who retains exclusive control over the armed forces. Senior security officials owe their positions to Mugabe and have received land and other benefits for their loyalty. The national police, however, now fall under the jurisdiction of the Home Affairs Ministry, which is jointly controlled by the MDC and the ZANU-PF. The legislative branch does not engage in oversight of the security forces, which actively interfere in the political process to support Mugabe's continued rule. The harassment, torture, detention, and killing of civilians by the police and military have not been strongly condemned by Mugabe or the ZANU-PF, and allegations of human rights violations by these forces are not investigated.⁴⁸ During the 2008 election period, the head of the military stated that he would not support any president other than Mugabe. This preference was illustrated by the army's violent action against MDC supporters.⁴⁹ Political control over the security forces, and possible amnesty for past abuses, are critical questions facing the new power-sharing government.

Corruption is also rife within the military. The discovery of diamonds in Chiadzwa in 2006 eventually led to a violent military deployment to evict illegal miners.⁵⁰ Members of the military began mining the diamonds in late 2008, with forced labor from nearby residents.⁵¹ Human Rights Watch has reported that military units are rotated through the area in order to maximize the number of officers who profit from the operations.⁵²

Zimbabwean law allows for the private ownership of property, but the government often fails to respect property rights. Since 2000 the government has maintained a policy of uncompensated land seizures, primarily of commercial farms owned by white Zimbabweans. These farms have also been subject to

illegal squatting and invasions by ZANU-PF partisans. The MDC alleges that ZANU-PF leaders have acquired multiple farms seized from white owners, in contravention of Mugabe's "one person, one farm" policy.⁵³ Separately, in 2005 the government launched Operation Murambatsvina (Operation Clear the Filth), a slum clearance campaign that destroyed tens of thousands of shanty dwellings and street stalls in the major cities of Harare and Bulawayo, leaving about 700,000 people homeless and appearing to target areas where MDC support was strong.⁵⁴

The September 2008 power-sharing agreement between the MDC and ZANU-PF devoted an entire section (Article 5) to the "Land Question." It stated that the land seizures were "irreversible," but noted that all Zimbabweans were eligible to receive land. The apparent legitimization of the land expropriation and the ambiguity in the text suggest that property rights will remain insecure in Zimbabwe.⁵⁵

ANTICORRUPTION AND TRANSPARENCY 1.04

ENVIRONMENT TO PROTECT AGAINST CORRUPTION	1.00
PROCEDURES AND SYSTEMS TO ENFORCE ANTICORRUPTION LAWS	1.00
EXISTENCE OF ANTICORRUPTION NORMS, STANDARDS, AND PROTECTIONS	1.00
GOVERNMENTAL TRANSPARENCY	1.17

Government policies under Mugabe and the ZANU-PF have fostered corruption, destroyed the value of the currency, and undermined the economy. At independence, the government sought to create a black middle class, purchasing private companies as a way to boost black employment prospects. It also retained the old regime's economic regulations, which shielded the country from imports through price controls, tariffs, and licensing. These mechanisms present profitable rent-seeking opportunities for government officials and ruling party members. The seizure of white-owned commercial farms starting in 2000 provided the government with additional resources to distribute as patronage, but it also led to drastically reduced agricultural production, failing banks, and soaring unemployment.

International donors warn that Zimbabwe is now facing a serious shortfall of grain, although 2008 estimates that up to half the population would need food aid were decreased somewhat, to 2.8 million people, by the World Food Program following favorable climatic conditions as well as economic and agricultural liberalization policies implemented in the first half of 2009. In the face of extreme hyperinflation, which by December 2008 was reported to have reached an astronomical 6.5 quindecillion novemdecillion percent,⁵⁶ government supporters' access to foreign currency at favorable rates of exchange has provided opportunities for personal enrichment.⁵⁷ However, the Zimbabwean dollar was ultimately rendered worthless; foreign currencies were formally

allowed beginning in January 2009, and officials said in April that the old currency was suspended indefinitely.⁵⁸ In March 2009, the IMF sent a team to investigate the country's economic situation and set conditions for renewed lending.⁵⁹ In September, it granted the country a US\$500 million loan to boost its foreign currency reserves.⁶⁰

Mugabe heads a multifaceted enterprise of businesses, government, and patronage. His party owns a wide range of companies, allowing party elites to share in its profits. A BBC report in February 2009 alleged that Joyce Mujuru, one of the country's two vice presidents, took part in a deal to sell gold from the Democratic Republic of the Congo in Europe, evading international sanctions imposed for alleged human rights abuses.⁶¹ The government does not disclose many financial details, such as assets declarations, that would make its operations more transparent and prevent conflicts of interest on the part of public officials.

The government does not currently have an effective legislative or administrative process that promotes integrity and punishes corruption. The result is extremely high—and increasing—levels of graft. Transparency International ranked Zimbabwe 166 out of 180 countries in its 2008 Corruption Perceptions Index. It received a score of 1.8, with 10 being the best, down from 2.1 in 2007.⁶² In 2005 it had managed a 2.6.⁶³

Prior to the power-sharing agreement in September 2008, *Africa Confidential*, a British-based newsletter on politics in Africa, reported that senior officials of the ZANU-PF government were transferring funds, sometimes illegally, to more secure foreign locations in order to avoid international sanctions and possible auditing by a new government that included the MDC.⁶⁴

Investigative and auditing bodies such as the offices of the comptroller and the auditor general do exist, but they are hampered by political pressure, and the details of the investigative process are not always transparent. An audit of Champion Farmers, a program designed to provide farmers with agricultural supplies, uncovered evidence of corruption in January 2009. The military official in charge of the program stated that government officials had resold the supplies for profit and that this would be reported to Parliament.⁶⁵ However, there were no subsequent reports of formal indictments or prosecutions of those accused.

As a testament to the government's opacity and disorganization, the IMF notes that Zimbabwe has been in continuous arrears on outstanding loans since 2001, and is the only country not eligible for its poverty reduction and growth program.⁶⁶

The MDC's takeover of the House of Assembly in 2008, and its control of the Finance Ministry under the new government in 2009, have raised the prospects of accountability for executive corruption. On March 27, Parliament created a committee to establish an independent anticorruption commission that would report directly to lawmakers.⁶⁷ Graft allegations are given wide attention in the state-owned news media, but only when those accused are not key Mugabe allies. The lack of government transparency and the absence of

a robust independent media sector make it difficult to fully assess corruption among public officials. Although there are anticorruption laws and mechanisms in place, the legal and political environment is not supportive of investigators.

The dire economic situation has made the operation of educational institutions more difficult. In recent years, Zimbabweans were increasingly unable to afford school fees, and the government could not pay teacher salaries. By late 2008, grade school enrollment had fallen to less than 20 percent as the economy crashed and political violence rose.⁶⁸ In 2009 the new unity government obtained assistance from the UN Children's Fund (UNICEF) that enabled a salary increase for teachers, and pay is now in U.S. dollars.⁶⁹ This has stabilized the educational system and reduced opportunities for corruption.

Every fall, as required by the constitution, the government presents Parliament with budget details for the next year. However, it has been accused of omitting key assumptions on future inflation, growth, and interest rates. No independent parliamentary auditing body exists to analyze the executive's budget figures. Moreover, the Defense Procurement Act permits the government to withhold important financial records and budget details from the legislature. The AIPPA can also restrict access to information held by public bodies. A proposal advanced after the new unity government was installed would replace the restrictive AIPPA with new legislation aimed at liberalizing the media (the Media Practitioners Act) and fostering freedom of information (the Freedom of Information Act), but as of late June 2009 the acts were still under consideration.⁷⁰

The Procurement Act outlaws collusion among government contractors and providers of goods or services. The president can, however, waive the law's restrictions at his discretion, and the procurement process has been the focus of a number of corruption allegations. Zimbabwe is not a signatory to the World Trade Organization's Agreement on Government Procurement. Foreign firms and governments, including that of the United States, have complained of a lack of transparency and fairness in the process.

Since the March 2002 elections, the European Union, the Commonwealth, and the United States have maintained sanctions on Zimbabwe for fraud and voter intimidation. Zimbabwe receives no foreign assistance from these states and organizations aside from emergency food aid. The Zimbabwean government has denied repeated accusations that it politicizes food aid by giving preference to ZANU-PF supporters.⁷¹ Following the 2008 agreement, Tsvangirai and the MDC have launched renewed efforts to procure foreign assistance and foreign direct investment.

RECOMMENDATIONS

- The Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA) must be amended to bring them into compliance with constitutional guarantees of freedom of speech and freedom of association.

- The government must strengthen the independence of the judiciary by establishing an impartial appointment process and ensuring judges' personal and financial security.
- Legal recourse must be provided for the loss of property. This should include an audit of land confiscated since 2000 to permit compensation, as called for in the September 2008 power-sharing agreement.
- The government must cease using "war veterans," youth militias, and security forces to intimidate, assault, and detain civilians. Such abuses should be fully investigated and pursued to conviction.
- The House of Assembly should create an independent accounting and investigative body with the capacity to evaluate executive budgets and expenditures and issue reports to lawmakers and the public.

NOTES

For URLs and endnote hyperlinks, please visit the *Countries at the Crossroads* homepage at <http://freedomhouse.org/template.cfm?page=139&edition=8>.

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