Crisis in Zimbabwe

I. Background

Since 2000, state security forces in Zimbabwe have committed acts of violence against thousands of civilians, targeting primarily political opponents and aid workers. Human rights violations have included imprisonment, enforced disappearance, murder, torture, and rape. In addition, President Robert Mugabe’s national policies led to a severe economic collapse and grave failure of the national health system. Failed monetary policies, currency devaluations, corruption, and a land seizure policy that devastated Zimbabwe’s once thriving agricultural sector, led to an economic crash that left 80% of the population unemployed and hyper-inflation at approximately 231 million percent. In particular, the land seizure policy transferred thriving farmland from competent farmers to Mugabe supporters, simultaneously displacing over one million civilians and allowing the farms to fail. This also resulted in a resource crisis, leaving much of the country without welfare, food, or the ability to afford healthcare. A widespread emigration of medical personnel from the country, failure of sanitation infrastructure, and near universal poverty fueled an increase in mortality and disease.

The cholera epidemic, which began in August 2007, left approximately 4,000 dead and 90,000 gravely ill with limited access to medical care or humanitarian aid, and with a threat of spreading in the region. Human Rights Watch identified the crisis’ “simple cause:” “the ruling ZANU-PF leadership's diversion of resources away from basic public health towards...
sustaining its illegitimate rule, personal enrichment and oppressing its MDC opponents.

II. 2008 Post-Election Violence

Prior to the run-off presidential election in June, the security services and ZANU-PF militia unleashed a campaign of intimidation, torture and murder against opposition activists, journalists, polling agents, public servants, civic leaders and ordinary citizens suspected of voting for the opposition party, Movement for Democratic Change (MDC). The violence came to a climax when, after losing the March 2008 presidential election, President Mugabe carried out widespread state-sponsored violence and terror. Human rights violations, including torture, beatings, mutilations, and rape were perpetrated against leaders and supporters of the opposition. Even after Mugabe won the sham June runoff election, routine and arbitrary arrest and detentions and enforced disappearances continued, as the ZANU-PF used “repression to back its dubious claim to power.”

III. Responses to the Crisis

a) Response from Civil Society Civil society groups immediately and strongly condemned the violence, and some began discussing whether the cries threatened to reach the RtoP threshold. On 21 April 2008, a coalition of 105 representatives from civil society, including human rights activists, faith groups, and students in Africa wrote a communiqué, which included a discussion of the applicability of RtoP, and called for a concerned and effective response by the international community to guarantee effective aid delivery and livelihoods to the Zimbabwean people. Activists within Zimbabwe also denounced Mugabe’s rule, at great personal risk, and disseminated information on how pronounced the crisis was.

In early December 2008, the Elders, a group of renowned older human rights activists composed of former UN Secretary General Kofi Annan, human rights activist and wife of Nelson Mandela, Graca Machel, and former U.S. President Jimmy Carter, organized a fact-finding mission to Zimbabwe to commission a report that was to be presented to the UN Security Council. The group, however, had their visas denied by Zimbabwean authorities, preventing civil society and the international community from
investigating or interfering with the mass human rights abuses and systematic repression in the country.

Reports from civil society organizations, such as Human Rights Watch and International Crisis Group, showed that, even two years later, the situation in Zimbabwe remained dangerous. Human Rights Watch, in its report, *Zimbabwe: One Year On, Reform a Failure*, stated that the ZANU-PF continued to carry out violent campaigns against opposition members and had made no real progress towards political transition. The organization condemned the political violence and called for the government to establish the electoral framework necessary for free and fair elections. International Crisis Group echoed this statement and in its report, *Zimbabwe: Political and Security Challenge to the Transition*, called on South Africa and other states involved in monitoring the GPA to pressure the parties to abide by the agreement.

b) The Regional Response

Regional response to the crisis was minimal and inadequate. Across the continent, Heads of State and governments condemned Mugabe’s regime and called for him to step down in order to end the suffering in Zimbabwe. However, the African Union (AU) did not question Mugabe's right to assume Zimbabwe's seat at the AU summit in Egypt from June 30 to July 1, 2008 and Tanzanian president, Jakaya Kikwete, who chaired the summit, referred to the elections as “historic.” The AU condemned the post-election violence, albeit not in a timely way, and deferred the situation to the South African Development Community (SADC).

SADC’s response to the crisis was widely criticized, as civil society groups and leaders within SADC denounced its lack of reaction and involvement. SADC’s strategy consisted of quiet diplomacy, including mediation efforts led by South African President Thabo Mbeki.

c) The International Community

The UN monitored the deterioration of the country, but failed to undertake measures that effectively addressed the mass human rights violations and violence. On 16 April 2008, the President of the European Union (EU) issued a declaration on behalf of the EU that expressed its deep concern about reports of violent incidents and the deteriorating human rights situation in the country. Furthermore, on 26 January 2009, the President extended sanctions on Mugabe and his top aides for their ongoing failure to address the most basic economic and social needs of its people.
Since the crisis, the international community has continued to denounce human rights violations. The Friends of Zimbabwe, the group composed of the UN, World Bank, African Development Bank, and several countries including the U.S., issued a statement on December 10, 2010 that expressed its "serious concerns...relating to the protection of fundamental rights, the rule of law, governance and respect for agreements."

Furthermore, the Friends of Zimbabwe called on the government to implement reforms necessary to hold free and fair presidential elections.

IV. Invoking RtoP in Zimbabwe: The Debate

While the severity of the crimes surrounding the 2008 elections was uncontested, there was debate among scholars and supporters of the RtoP norm as to whether the crimes committed by Mugabe against opponents and human rights activists were crimes against humanity that met the RtoP threshold. Similarly, there were questions as to whether wider socio-political issues, including the policy recklessness involved in Mugabe’s destruction of the economy and health system, constituted RtoP crimes. Some doubted whether invoking RtoP at the time would have had a significant impact considering the limited political will of regional and foreign states to commit to any significant preventive or reactive measure. Nonetheless, calls for more effective sanctions, diplomatic pressure, and a stronger role for SADC and South Africa pointed to the need to prevent crimes in Zimbabwe from continuing or escalating. A recommendation that came out of the April 2008 regional NGO roundtable on RtoP organized by WFM-IGP in South Africa was that further analysis was necessary on how RtoP relates to the human rights violations in Zimbabwe and the nature of the crimes surrounding the elections.

V. Political Compromise and Post-Conflict Zimbabwe

In September 2008, President Mugabe and both heads of the MDC factions, Morgan Tsvangirai and Arthur Mutambara, signed the Global Political Agreement (GPA). South African President Thabo Mbeki became the guarantor of this agreement, which came into effect in February 2009 and established a unity government in which Mugabe remained as President and Tsvangirai assumed the position of Prime Minister. The situation in Zimbabwe remained dangerous despite the signing of the GPA. The country experienced an increase in access to schools and hospitals however the rule of law suffered as ZANU-PF continued to inflict violence against MDC supporters and other political opponents. Many political reforms under the GPA were not implemented, including the adoption of a new constitution and the holding of presidential elections. Civil liberties and the freedom of the media also continued to be subject to discriminatory policies.

Although Zimbabwe must continue to work to address poverty, healthcare, development, and civil liberties, these broader grievances are beyond the scope of RtoP. Political reforms will be necessary to ensure a stable government structure exists with the capacity to prevent further human rights abuses.

Zimbabwe: One Year On, Reform a Failure
, Human Rights Watch (February 2010)

Zimbabwe: Political and Security Challenges to the Transition
, International Crisis Group (March 2010)