



U.S. Policy Responses to Zimbabwe's Illusory Reforms

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Dr. Todd J. Moss
Senior Fellow, Center for Global Development
Executive Director, Energy for Growth Hub
Nonresident Scholar, Rice University and the Colorado School of Mines
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Thank you Chairman Flake, Ranking Member Booker, and other members of the Subcommittee. I appreciate being invited to testify again before the Subcommittee on recent events in Zimbabwe and how the United States can more effectively promote democracy, good governance, and economic recovery in this deeply troubled country.

I would first like to express gratitude to Senator Flake for your public service and for your leadership in promoting bipartisan solutions, for protecting the rule of law both abroad and here at home, for standing up for American values, and for being an example of dignity and integrity. The Senate will be a less august chamber without you.

After nearly thirty years of working on and in Zimbabwe, I was hopeful, after the long nightmare of misrule by Robert Mugabe, that the July 2018 election was an opportunity to put the country on a positive track. I had the good fortune of visiting Zimbabwe with a delegation of former US diplomats prior to the election to assess conditions. I came away from that trip deeply pessimistic about the prospects for a free, fair, and credible election, unconvinced that economic reforms were real, and skeptical of the intentions of Emmerson Mnangagwa and the ruling ZANU-PF. It all appeared little more than a poorly-disguised charade.

Events since the election have only reinforced that pessimism. We have heard lots of rhetoric on democracy, national reconciliation, and economic reform. We can point to a few token gestures of change. But below the surface, very little, if any, meaningful structural change has occurred. ZANU-PF, the party which has ruled the country for the past 38 years, continues to behave like a military junta in denial about the serious challenges it faces.

First, the election. It was clear to independent domestic and international observers months prior to the election that the Zimbabwe Electoral Commission (ZEC) was far from independent and wholly incapable of delivering a fair poll that would reflect the will of the people. ZANU-PF and their allies in the security services were using intimidation and violence to sway votes. The military was openly and deeply involved in the election; polling showed that nearly half the electorate believed the military would refuse to accept an opposition victory. The ruling party even weaponized food aid for electoral purposes. Despite having months to rectify multiple flaws – including an accurate and

transparent vote register that doomed the 2013 election – almost none of the evident problems were resolved. This lack of good faith fundamentally undermined the credibility of the election. Both the EU mission and the US mission led by IRI and NDI found major shortcomings. IRI/NDI concluded that “incremental improvements... were insufficient to demonstrate the broad confidence in the process needed to convince the populace that citizens are actually free to make political choices through a ballot that is secret and a process that respects the will of the people.” The American mission concluded that the election “did not meet the mark.” The chance for a free, fair, and credible election was missed.

Second, accountability for violence and abuses. Mugabe may be gone, but otherwise the government is largely the same actors from the past. The government repeatedly claims the country should move on and let “bygones be bygones,” yet there has been no genuine attempt to deal with past atrocities. These include the Matabeleland massacres in the 1980s known as Gukurahundi, the violence and murders after the 2008 election, and the more recent disappearance and presumed assassination of human rights activists like Itai Dzamara and others. Even the August 1 murder of six civilians in full view of the international press and international election observers has been whitewashed. The government has, incredibly, even tried to blame the opposition for causing the violence when the TV cameras show soldiers shooting civilians in cold blood. This is not a government facing its mistakes or changing its behavior.

Third, the economy. Food, fuel, and even US dollars are all in desperately short supply. The new finance minister is a respected professor and his new budget has some notable reforms, at least on paper. But none of the structural problems in the economy are being tackled. Zimbabwe’s economy cannot be rescued by tweaking fiscal policy at the margins. Fixing Zimbabwe’s economy is not a technical exercise about moving the budget deficit by a percentage point or two or by deploying more accounting gimmicks. The roots of the economic crisis are political. The solutions also must start with political reform.

For these reasons, the United States should be extremely cautious in its re-engagement with the Government of Zimbabwe. It is far too early for the United States or other international creditors to give the government any benefit of the doubt on economic reform or to provide debt relief or new loans. Until the government deals with the dominance of the military in the economy, the ongoing rackets of predatory elites, and the flouting of basic rule of law, Zimbabwe’s economy cannot be fixed. Absent meaningful reform, any aid from the United States or others is throwing good money after bad.

We can see the government’s state of denial in their passive language. The government says people died on August 1. No, civilians were murdered by the military, in plain sight of the world. The government says we are suffering from food and fuel shortages. No, government mismanagement and profiteering elites have destroyed the markets for food and fuel. The government says that hard currency is unavailable. No, the country has no US dollars because they have been lying to the population about what’s really in the bank.

The shallowness of touted reforms are embodied in the shameful treatment of Tendai Biti. Mr. Biti is one of Zimbabwe’s most important legal scholars, a patriot, and the most effective finance minister the country has ever had. He testified here in this very room almost exactly one year ago today. Mr. Biti could not join me today because the government has taken away his passport. Since July’s election, he has escaped three attempted abductions, he was forcibly and illegally repatriated

from Zambia, in direct violation of international law and a Zambian High Court ruling. Now, Mr. Biti and his family face constant harassment and death threats from the security forces, from mysterious groups of thugs, and from a sham court case. If the regime is this brazen in its actions against a known and respected opposition leader with close ties to the US and other donor governments, it only hints at the persecution and suffering of less visible civil society activists.

In this context, the United States must exercise strategic patience. Through patience and speaking truth to power, the US can continue to provide leadership on democracy and human rights. Fortunately, we have a roadmap to guide US policy. The original bipartisan Zimbabwe Democracy and Economic Recovery Act of 2001 (ZDERA) has long been the foundation of US policy and remains relevant as US objectives and conditions on the grounds have not significantly changed since its original passage. The Zimbabwe Democracy and Economic Recovery Amendment of 2018, introduced by the leadership of this Subcommittee and signed by the President, updates the law and sets out very clear conditions for US support. These include concrete, tangible steps toward respect for the rule of law, the opposition, human rights, and the removal of the military from politics. ZDERA provides a roadmap to sustainable economic recovery that does not make the US or other donors complicit in preserving the status quo.

A final word on why sanctions are a red herring. The government constantly complains that economic difficulties are the result of US sanctions rather than their own mismanagement and corruption. It is true that since 2003, the United States has imposed a modest program of targeted bilateral sanctions on those who have undermined democracy. There are currently 141 specific people and entities on the list, which is available on the US treasury website. This includes the President, Vice President, and four members of the cabinet. There are no trade sanctions against the country. There are no bans against financial transactions with any Zimbabwean not on the list of 141. The reason the government cannot borrow from international financial institutions is not because of US sanctions but because the government has not paid its bills since 2001 and is now more than \$5 billion in arrears to international creditors (about \$2 billion to the IMF and World Bank and roughly \$3 billion to the US and other Paris Club creditors). Blaming the US is just another example of a government failing to take responsibility for its own actions.

Sadly, the Government of Zimbabwe did not use the opportunity of the 2018 election to get the country back on a democratic path. Until the Government of Zimbabwe has met the ZDERA criteria and unequivocally shown that it is on an irreversible path to true reform, the United States should withhold support for debt relief and new loans. At the same time, we should speak out about what is happening inside the country and implore our allies and friends to do the same. The United States can also be far more aggressive in our support for Zimbabwe's beleaguered civil society and human rights defenders who, quite literally, are putting their lives on the line. The least we can do is to stand with them, amplify their voices, and help strengthen their resolve. They have proven worthy of our support. The Government of Zimbabwe has not.